1. **Overview**

   **Title of Book:** The Jackson Hole Conspiracy 1895  
   **Author:** Jermy BentonWight  
   **Subject:** Jackson  
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2. **Evaluation**

   **Evaluator’s Name(s):** Kent Erickson  
   **Date of Evaluation:** October 2014  
   **Key Words:** Bear River Massacre, Sand Creek Massacre, South Pass, Star Valley, Wyoming; Fort Bridger Treaty 1868, Bannocks, Eastern Shoshone  
   **Included Names:** General Patrick E. Connors, Col. John M. Chivington, Brigham Young, Charles G. Heiner, John Pierce, Gov. William A. Richards,

3. **Synopsis:**

   This book chronicles one of the disagreements between the white men and the American Indians toward the end of the nineteenth century. The information is organized in the following chapters:
   1. The Peace Commission  
   2. The Saints  
   3. The Sinners  
   4. The Indians  
   5. The United States Army  
   6. The General  
   7. The Indian Agency  
   8. The Courts
4. **Other**

*Maps*

* Each section has footnotes.

*An account written by Jermy Wight dated October 17, 2002, on this subject is in the Star Valley Historical Society Office in Afton. It gives more details of the events and the government hearing. It has documentation and may be helpful for those who would like more detailed information. (Folder #173)*

*Jermy Wight also submitted an account dated October 17, 2002, that doesn't have the documentation. Some footnotes are included. It is much shorter and tells of the event. (Folder #174)*
The Jackson Hole Conspiracy
1895

By Jermy Benton Wight

THE COVER

The “Buffalo Soldiers” is a watercolor of a Cavalry Color Guard in full dress uniform of about the 1895 period. The artist, Paul A. Rossi, is considered an authority on western art and frontier military history. He was the director of the Gilcrease Institute of American History and Art in Tulsa from 1964 to 1972. He is the author of The American Scene for some years. A Native Coloradan with a ranching and cattle-raising background and an art degree from Denver University. Paul and his wife Florence now live in Rogers, Arkansas, devoting his full time to painting, writing, consulting, lecturing and some sculpting.
ACKNOWLEDGEMENTS

I marvel at the cooperation of so many people in collecting resource material for this book. There are so many individuals to thank. First there is Paul A. Rossi who graciously consented to the use of his watercolor painting of “The Buffalo Soldiers” for this cover. Paul now live in Rogers, Arkansas, still active and thriving. I mention this only because Linda Hein Reference Assistant of the Nebraska State Historical Society was able to track and find Paul A. Rossi by the internet after thirty plus years. Linda then proceeded to loan me her own personal copy of the “Buffalo Soldiers” for use on this book cover. So thank you Linda Hein. I also need to thank Chad Wall, Assistant Curator, Reference Services, Nebraska State Historical Society, Lincoln, Nebraska for his help in locating material and photographs from their collection.

Tom R. Buecker, the Curator of the Fort Robinson Museum at Crawford, Nebraska was able to put his fingers on the Ninth U.S. Cavalry Regiment background. He made great suggestions on the use of his materials and went the second mile to help me. What can I say but: Thank You Tom.

There are not words enough to express my appreciation to so many Wyoming State Archives employees at Cheyenne, Wyoming who have been so willing to search out biographical information of key players and their photographs. Special appreciation goes to Suzi Taylor, Reference Archivist and Holly E. Geist, Reference Historian. And, as well to Meg Martin, Librarian at the Wyoming Supreme Court Library and for the legal documents used in Appendix B of this book. I can also not forget Shannon Bowen, Assistant Archivist of the American Heritage Center, University of Wyoming. Just hearing her pleasant voice on the telephone always made my day.

I don’t want to forget Brian McGee, researcher from the Jackson Hole Historical Society and Museum who diligently searched and searched their records for material valuable to the book. And to Judy Myers of Pinedale, Wyoming in caring for the wounded Indian Nemuts. While I am
still in Wyoming I need to mention Lloyd Heiner, of Bedford, Wyoming, the grandson of Charles Gottfried Heiner who appears in Chapter Two of my book. As well I need to mention Dennis Lancaster, Attorney at Law, Afton, Wyoming who's grandmother Lena Moser was born on the flight to safety and then lived to a grand old age.

Linn Murdoch, Anthropology Collections Manager, Idaho State University, Pocatello, Idaho spent many weary hours searching for a photograph of Chief Taggee of the Bannock tribe. Linn, be advised I learned later from the Shoshone-Bannock Tribes that Taggee was never photographed.

Which brings me to Fort Hall Indian Reservation in Idaho. I had met Louise Edmo Dixey a few years ago. In 1971-1972 she was Miss Shoshone-Bannock Queen and also Miss Indian American and a confessed historian of the Bannock Tribes. She had a wealth of information and was quite willing to share. She also introduced me to her sister Lori Edmo-Stuppah, the editor of the Sho-Ban News, a weekly publication of the Shoshone-Bannock Tribes. Lori most graciously provided me with photographs I could not have obtained otherwise. I owe a debt of gratitude to these sisters.

Finally, I must not forget my daughter Margaret G. Staley who lives in Cheyenne, Wyoming for her many hours of research on the internet and libraries in search of material I needed. Locally there are people I need to acknowledge. First Carrie LeFevre of Grover, Wyoming, secretary, typist and confidant I needed to find the reality in this writing. I would often ask her; Does that paragraph make sense to you? And she would tell me. And to my editor Kathy Barge of Bedford, Wyoming who applied her editing experience to this book so as I would not look the fool in my writings. Lastly to Kirk Smith of Timbermill Printing, of Auburn, Wyoming who digitized this book and printed it, for which I compensated him for his work and thanked him.

To all these people who made this publication possible I dedicate this book with heartfelt gratitude.

Jermy B. Wight
Bedford, Wyoming
INTRODUCTION

Undoubtedly the white settlers would sooner or later come into disagreement with the Native Americans over subsistence hunting in the national forests. In 1868 when the treaty was first negotiated, little thought was given to the rapidly expanding western migration of the white men. By treaty, the Indians had been given a right to hunt on federal lands. Such a right has monetary value, and to arbitrarily deny that right under guise of “Eminent Domain” without just compensation seems most incredible.

By the end of the nineteenth century the white man had subdued the American Indians. As they took over the Indian lands, treaties were made and then broken. The Native Americans were continuously denied their rights that had been granted by the treaty. This is but one incident where the Indian people were denied subsistence hunting on the public lands. This was a small incident, long suppressed, but not without consequences. This was not our finest hour.

This is a tale of one such incident wherein the citizens of Jackson Hole, Wyoming conspired with the Governor of Wyoming to deny the Native Americans their treaty hunting right by enforcing the game laws of the state. In doing so lives were needlessly lost and suffering was inflicted upon the innocent. Before the incident or war was over the Cavalry was called into the fray to protect the citizenry. The lawsuit that followed reached the Supreme Court of the land for arbitration. The adjudication of the court was a surprise.

This tale starts in the summer of 1868. Read on . . . . . .
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CHAPTER ONE

THE PEACE COMMISSION

The Civil War (1861 - 1865) caused great upheaval along the western migration route. It has been rumored southern sympathizers, to further the rebel cause, encouraged the western Indian people to hostility. This has never been satisfactorily proven. A casual factor was the withdrawing of regular army troops from the frontier to fight in the Great War. These professional soldiers, through years of experience gained the knowledge of how to cope with the American Indians.

The federal units were replaced, but not simultaneously, by states' militia. From South Pass to the west, this duty was assigned to the California-Nevada Volunteers under the command of General Patrick Edward Connors with headquarters at Fort Douglas, near Salt Lake City, Utah.

General Connors led a winter assault on December 11, 1862 against a peaceful Shoshone encampment along the Bear River north of Preston, Idaho. In this engagement hundreds of Native Americans were slaughtered. General Connors was lauded as a hero. Ironically, Connors had attacked villagers who were not the perpetrators of the crimes that Connors had sought to avenge.

A similar incident, probably encouraged by Connors' success, occurred in eastern Colorado along Sand Creek. This is recorded in history as the Sand Creek Massacre. Colonel John M. Chivington, a former Methodist minister, and commander of the military district of Colorado led an attack on the peaceful Cheyenne village of Chief Black Kettle. Colonel Chivington's militia did on that cold December 8, 1864, kill 123 Indians, mostly women and children. Chivington, too, was lauded a hero.

From South Pass eastward to Fort Laramie, the task of securing the route fell to the Eleventh Ohio Volunteers under the command of Colonel William O. Collins. The City of Fort Collins, Colorado was named for Colonel Collins. Coincidentally, Casper, Wyoming was named for his son,
Caspar W. Collins, who was killed by Indians on July 26, 1865, near the Platte River bridge adjacent to the city of Casper.\(^4\)

For a short time following the close of the Civil War, the frontier was left unguarded. The US Congress debated the national policy concerning the hostile Indians. The options were divided between extermination or humanitarianism. Having just come from a costly war, the Congress concluded the latter course of action to be most prudent. It was rationalized as economically cheaper to sustain the native people than to fight them.\(^5\)

The Congress of these United States voted to create a Peace Commission in 1867.\(^6\) The membership of the Peace Commission was to include both the humanitarians and the military hard-liners. And, just in case negotiations failed, four regiments were authorized for “the purpose of conquering the desired peace.”\(^7\)

Foremost among the Commissioners who favored extermination was Lieutenant General William Tecumseh Sherman. General Sherman was one of General Grant’s most trusted corps commanders during the Civil War. Sherman proved himself fighting along the Mississippi river and particularly at Vicksburg, Mississippi. He later led “Sherman’s march to the sea” across Georgia that devastated the South and crushed the rebel’s ability to logistically support the war. The General made the most famous quote that still echoes today. “WAR... IS ALL HELL.”\(^8\)

Concerning Indians, General Sherman also said, “The more you kill this year, the less will have to be killed in the next war. They all have to
be killed or be maintained as a species of paupers." In 1869 when Grant became president, General Sherman was promoted to General of the Army, the highest military position in the nation. Talk about your friends in high places.

Another military hard-liner was Major General Alfred H. Terry. If this name sounds familiar, you may recognize it from the Battle of the Little Big Horn in 1876. Terry was the commander of the Montana division in the battle with Colonel George Armstrong Custer and the Seventh Cavalry under his command. General Terry did not order Custer into the fight, but Terry arrived at the battlefield too late to assist Custer.

As a matter of interest, both Generals Sherman and Terry earlier congratulated Colonel Custer and the Seventh Cavalry for their splendid victory in attacking and killing Cheyenne on the Washita River, 1868.

On the other side of the issue were Commissioners like unto Samuel
Indian signers of the Treaty of 1868 at Fort Bridger, Wyoming. Chief Washakie is clearly in the center with the other representatives unidentified. Photograph courtesy of Louise Edmo-Dixey, Fort Hall, Idaho.

Tappan. Tappan was an abolitionist during the Civil War that became an ardent supporter of Indian causes. He was an original member of this Presidential Peace Commission as were N.G. Taylor U.S. Commissioner of Indian Affairs, Generals William Tecumseh Sherman, John B. Sanborn, Alfred H. Terry, and Christopher Columbus Auguer. All were present at Fort Bridger on July 3, 1868 and signed the treaty with the Shoshone-Bannock bands.

In fairness to the Commissioners, even with their biases and their polarization, they negotiated in good faith. There didn't appear to be any vindictiveness or hidden agenda. The commission, respecting the mandate of the Congress, produced a good treaty that July of 1868 at Fort Bridger.

There were some communications failures. The treaty was completed in the English language and the tribal leaders were unskilled in that tongue. Often things were lost in translation. An example, which later was part of the controversy, was that the hunting to the Native Americans included harvesting of fish as well as animals.
The Peace Commission

This treaty, to a large extent, reflects the white man's concept of what the Indian ought to be. It seems the Peace Commissioners wanted to create the Indians in their own image. The commission's vision was to turn the aborigine from their culture of thousands of years into an American-like (US) agrarian community similarly to rural America at this time. They wanted to Americanize the native people. The treaty made no provisions to integrate these people in to the greater society, which seems strange and a pertinent question arises, how could role models possibly be provided? The issue was never addressed.

Yet the treaty is not the issue here. It was the failure of the US Government to timely, if ever, distribute the goods and services spelled out in the treaty that led to the downfall of the proposed life-system.

The treaty process began that spring of 1868 with the ritual of the Peace Commission, on behalf of a grateful nation, giving gifts and annuities to the Indians assembled. These things included cheap and rudimentary items such as pots and pans, items of clothing, tobacco, beads, novelty items, etc. Such gifts did impress the attendees and supposedly made them more likely to cooperate.

Patiently both sides, the Indians and the Commissioners, heard the other out. The essence of the expectations was expressed by Taggee of the Bannocks, that the Bannock Tribe wanted a distinct and separate reservation from the Eastern Shoshonis. The Shoshone Tribe insisted on the land east of the Wind River range, which came to be known as the Shoshone Reservation, a place the Bannocks didn't want to call home. The Bannock leaders signed the treaty and felt they had been promised a Bannock Reservation by Article 2 of the Treaty, solely unto themselves. It didn't quite happen like that as will be explained later.

Notice closely, an Indian gentleman signed the treaty with the name of Mr. Ninny Bitse or Ninabitse. To the uninitiated, Ninna Bitse is the name of a mythological dwarf or little people. A better English word might be Gnome. Native American folklore is replete with stories of the 'Little People' with magical powers. Most of the mischievous things they did were mean-spirited. Parents often would scare children with such tales.

The signature appears to be a practical joke. Indians are known to have a sense of humor. They may have thought this would be a good prank to pull on the Commissioners. The Commissioners would never have known the difference and Indians would've been chuckling under their breath. We will never know for sure.

A facsimile of the Treaty of July 3, 1868 follows. Particular reference
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however is directed to Article 4 that states: “They shall have the right to hunt on the unoccupied lands of the United States so long as game may be found thereon, and so long as peace subsists among the whites and Indians on the borders of the hunting districts.” This is the crux of this story.

TREATY WITH THE EASTERN BAND SHOSHONI AND BANNOCK
JULY 3, 1868

Articles of a treaty made and concluded at Fort Bridger, Utah Territory, on the third day of July, in the year of our Lord one thousand eight hundred and sixty-eight; by and between the undersigned commissioners on the part of the United States, and the undersigned chiefs and headmen of and representing the Shoshone (eastern band) and Bannock tribes of Indians, they being duly authorized to act in the premises:

Article 1. From this day forward peace between the parties to this treaty shall forever continue. The Government of the United States desires peace, and its honor is hereby pledged to keep it. The Indians desire peace, and they hereby pledge their honor to maintain it.

If bad men among the whites, or among other people subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs, at Washington City, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also reimburse the injured person for the loss sustained.

If bad men among the Indians shall commit a wrong or depredation upon the person or property of any one, white, black, or Indian, subject to the authority of the United States, and at peace therewith, the Indians herein named solemnly agree that they will, on proof made to their agent and notice by him, deliver up the wrong-doer to the United States, to be tried and punished according to the laws; and in case they wilfully refuse so to do, the person injured shall be reimbursed for his loss from the annuities or other moneys due or to become due to them under this or other treaties made with the United States. And the President, on advising with the Commissioner of Indian Affairs, shall prescribe such rules and regulations for ascertaining damages under the provisions of this article as in his judgment may be proper. But no such damages shall be adjusted and paid until thoroughly examined and passed upon by the
The Peace Commission

Commissioner of Indian Affairs, and no one sustaining loss while violating or because of his violating the provisions of this treaty or the laws of the United States, shall be reimbursed therefor.

Article 2. It is agreed that whenever the Bannocks desire a reservation to be set apart for their use, or whenever the President of the United States shall deem it advisable for them to be put upon a reservation, he shall cause a suitable one to be selected for them in their present country, which shall embrace reasonable portions of the "Port Neuf" and "Kansas Prairie". Mr. A.S.H. White, Secretary of the Peace commission misspelled CAMAS Prairie, as Kansas Prairie. This caused consternation later as the US Government official could see no claim of land in the State of Kansas by Indians of Idaho. The bulbs of the camas plants of Camas Prairie was a food resource to the Indian Tribes. countries, and that, when the reservation is declared, the United States will secure to the Bannacks the same rights and privileges therein, and make the same and like expenditures therein for their benefit, except the agency-house and residence of agent, in proportion to their numbers, as herein provided from the Shoshone reservation. The United States further agrees that the following district of country, to wit: Commencing at the mouth of Owl Creek and running due south to the crest of the divide between the Sweetwater and Popo Agie River; thence along the crest of said divide and the summit of Wind River Mountains to the longitude of North Fork of Wind River; thence due north to mouth of said North Fork and up its channel to a point twenty miles above its mouth; thence in a straight line to head-waters of Owl Creek and along middle of channel of Owl Creek to place of beginning, shall be and the same is set apart for the absolute and undisturbed use and occupation of the Shoshonee Indians herein named, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit amongst them; and the United States now solemnly agrees that no person except those herein designated and authorized to do so, and except such officers, agents, and employees of the Government in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article for the use of said Indians, and henceforth they will and do hereby relinquish all title, claims, or rights in and to any portions of the territory of the United States, except such as is embraced within the limits aforesaid.
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Article 3. The United States agrees, at its own proper expense, to construct at a suitable point of the Shoshonee reservation a warehouse or storeroom for the use of the agent in storing goods belonging to the Indians, to cost not exceeding two thousand dollars; an agency building for the residence for the physician, to cost not more than two thousand dollars; and five other buildings, for a carpenter, farmer, blacksmith, miller, and engineer, each to cost not exceeding two thousand dollars; also a school-house or mission building so soon as a sufficient number of children can be induced by the agent to attend school, which shall not cost exceeding twenty-five hundred dollars.

Article 4. The Indians herein named agree, when the agency house and other buildings shall be constructed on their reservations named, they will make said reservations their permanent home, and they will make no permanent settlement elsewhere; but they shall have the right to hunt on the unoccupied lands of the United States so long as game may be found therein, and so long as peace subsists among the whites and Indians on the border of the hunting districts.

Article 5. The United States agrees that the agent for said Indians shall in the future make his home at the agency building on the Shoshonee reservation, but shall direct and supervise affairs on the Bannack reservation; and shall keep an office open at all times for the purpose of prompt and diligent inquiry into such matter of complaint by and against the Indians as may be presented for investigation under the provisions of their treaty stipulations, as also for the faithful discharge of other duties enjoined by law. In all cases of depredation on person or property he shall cause the evidence to be taken in writing and forwarded, together with his finding, to the commissioner of Indian Affairs, whose decision shall be binding on the parties to this treaty.

Article 6. If any individual belonging to said tribes of Indians, or legally incorporated with them, being the head of a family, shall desire to commence farming, he shall have the privilege to select, in the presence and with the assistance of the agent then in charge, a tract of land within the reservation of his tribe, not exceeding three hundred and twenty acres in extent, which tract so selected, certified, and recorded in the "land-book," as herein directed, shall cease to be held in common, but the same may be occupied and held in the exclusive possession of the
The Peace Commission

person selecting it, and of his family, so long as he or they may continue to cultivate it.

Any person over eighteen years of age, not being the head of a family, may in like manner select and cause to be certified to him or her, for purposes of cultivation, a quantity of land not exceeding eighty acres in extent, and thereupon be entitled to the exclusive possession of the same as above described. For each tract of land so selected a certificate, containing a description thereof, and the name of the person selecting it, with a certificate endorsed thereon that the same has been recorded, shall be delivered to the party entitled to it by the agent, after the same shall have been recorded by him in a book to be kept in his office subject to inspection, which said book shall be known as the “Shoshonee (eastern band) and Bannack land-book.”

The President may at any time order a survey of these reservations, and when so surveyed Congress shall provide for protecting the rights of the Indian settlers in these improvements, and may fix the character of the title held by each. The United States may pass such laws on the subject of alienation and descent of property as between Indians, and on all subjects connected with the government of the Indians on said reservations, and the internal police thereof, as may be thought proper.

Article 7. In order to insure the civilization of the tribes entering into this treaty, the necessity of education is admitted, especially of such of them as are or may be settled on said agricultural reservations, and they therefore pledge themselves to compel their children, male and female, between the ages of six and sixteen years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with; and the United States agrees that for every thirty children between said ages who can be induced or compelled to attend school, a house shall be provided and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians and faithfully discharge his or her duties as a teacher. The provisions of this article to continue for twenty years.

Article 8. When the head of a family or lodge shall have selected lands and received his certificate as above directed and the agent shall be satisfied that he intends in good faith to commence cultivating the soil for a living, he shall be entitled to receive seeds and agricultural implements for the first year, in value one hundred dollars and for each succeeding
year he shall continue to farm, for a period of three years more, he shall be entitled to receive seeds and implements as aforesaid in value twenty-five dollars per annum.

And it is further stipulated that such persons as commence farming shall receive instructions from the farmers herein provided for, and whenever more than one hundred persons on either reservations shall enter upon the cultivation of the soil, a second blacksmith shall be provided, with such iron, steel, and other material or other annuities provided.

Article 9. In lieu of all sums of money or other annuities provided to be paid to the Indians herein named, under any and all treaties heretofore made with them, the United States agrees to deliver at the agency house on the reservation herein provided for, on the first day of September of each year, for thirty years, the following articles, to wit:

For each male person over fourteen years of age, a suit of good substantial woollen clothing, consisting of coat, hat, pantaloons, flannel shirt, and a pair of woollen socks; for each female over twelve years of age, a flannel skirt, or the goods necessary to make it, a pair of woollen hose, twelve yards of calico; and twelve yards of cotton domestics.

For the boys and girls under the ages named, such flannel and cotton goods as may be needed to make each a suit as aforesaid, together with a pair of woollen hose for each.

And in order that the Commissioner of Indian Affairs may be able to estimate properly for the articles herein named, it shall be the duty of the agent each year to forward to him a full and exact census of the Indians, on which the estimate from year to year can be based; and in addition to the clothing herein named, the sum of ten dollars shall be annually appropriated for each Indian roaming and twenty dollars for each Indian engaged in agriculture, for a period of ten years, to be used by the Secretary of the Interior in the Purchase of such articles as from time to time the condition and necessities of the Indians may indicate to be proper. And if at any time within the ten years it shall appear that the amount of money needed for clothing under this article can be appropriated to better uses for the tribes herein named, Congress may by law change the appropriation to other purposes; but in no event shall the amount of the appropriation be withdrawn or discontinued for the period named. And the President shall annually detail an officer of the Army to be present
The Peace Commission

and attest the delivery of all the goods herein named to the Indians, and he shall inspect and report on the quantity and quality of the goods and manner of their delivery.

Article 10. The United States hereby agrees to furnish annually to the Indians the Physician, teachers, carpenter, miller, engineer, farmer, and blacksmith, as herein contemplated, and that such appropriations shall be made from time to time, on the estimates of the Secretary of the Interior, as will be sufficient to employ such persons.

Article 11. No treaty for the cession of any portion of the reservations herein described which may be held in common shall be of any force or validity as against the said Indians, unless executed and signed by at least a majority of all the adult male Indians occupying or interested in the same; and no cession by the tribe shall be understood or construed in such manner as to deprive without his consent, and individual member of the tribe of his right to any tract of land selected by him, as provided in Article 6 of this survey.

Article 12. It is agreed that the sum of five hundred dollars annually, for three years from the date when they commence to cultivate a farm, shall be expended in presents to the ten persons of said tribe who, in the judgment of the agent, may grow the most valuable crops for the respective year.

Article 13. It is further agreed that until such time as the agency-buildings are established on the Shoshonee reservation, their agent shall reside at Fort Bridger, UT., and their annuities shall be delivered to them at the same place in June of each year.

List of names and seals

N. G. Taylor, [seal]
W. T. Sherman, [seal]
   Lieutenant-General,
Wm. S. Harney, [seal]
John B. Sanborn, [seal]
S. F. Tappan, [seal]
C. C. Augur,
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Brevet Major-General,
U.S. Army,
Commissioners. [seal]

Alfred H. Terry,
Brigadier-General and
Brevet Major-General,
U.S. Army [seal]

Attest:
A. S. H. White, Secretary

Shoshones:
Wash-a-kie, his x mark.
Wau-ny-pitz, his x mark.
Toop-se-po-wot, his x mark.
Nark-kok, his x mark.
Taboonshe-ya, his x mark.
Bazeel, his x mark.
Pan-to-she-ga, his x mark.
Ninny-Bitse, his x mark.

Bannacks:
Taggee, his x mark.
Tay-to-ba, his x mark.
We-rat-se-won-a-gen, his x mark.
Coo-sha-gan, his x mark.
Pan-sook-a-motse, his x mark.
A-wit-etse, his x mark.

Witnesses:
Henry A. Morrow, Lieutenant-Colonel Thirty-sixth Infantry and Brevet Colonel U.S. Army, Commanding Fort Bridger,
Luther Manpa, United States Indian Agent,
W. A. Carter,
J. Van Allen Carter, Interpreter.
The Peace Commission

This treaty was ratified by the United States Senate on February 24, 1869, 15 STAT 673 pursuant to the authority granted the Senate by Article 2 of the United States Constitution. This ratification validated the legal status of this Fort Bridger Treaty of July 3, 1868.

Footnotes

1 Alex Service, The Life and Letters of Caspar Collins, (Published by the City of Casper, Wyoming, Casper Wyoming, 2000) page 3.


5 Capps, The Indians, page 181.


7 Ibid, page 181.


11 Louise Edmo Dixey, Treaties impacting the Fort Hall Reservation, (A Slide Presentation, August 9, 2006 at Fort Hall.) Slide Four.

12 Mr. A.S.H. White, Secretary of the Peace commission misspelled CAMAS Prairie, as Kansas Prairie. This caused consternation later as the US Government official could see no claim of land in the State of Kansas by Indians of Idaho. The bulbs of the camas plants of Camas Prairie was a food resource to the Indian Tribes.
CHAPTER TWO

THE SAINTS

Star Valley is a pristine alpine valley lying along the Salt River, on the Wyoming-Idaho border, between two mountain ranges just south of the Snake River. Although it is situated along the old emigrant trail (Lander Cut-Off), the pioneers shunned the area in favor of lands further west. They had concluded, and rightfully so, Star Valley was too cold and the snow too deep!

“In 1878, August, Elders Brigham Young Jun., accompanied by his wife Kate, (Apostle) Moses Thatcher, and William B. Preston of the Cache Valley, Utah, Stake Presidency, visited Upper Salt River Valley; they stopped their teams on the west bank of Salt River at a point about five miles northwest of Afton ... Brigham Young Jun. dedicated the valley by prayer as a gathering place for the saints. The company had arrived in the valley in the morning of the day on which they held their dedicatory meeting, which was August 29, 1878, and they left almost immediately afterwards. These visitors found the valley entirely uninhabited – not even a trapper being there to greet them.”

The first settlers arrived in the summer of 1879. Eleven years later in 1890, Kennington concluded from the Church of Jesus Christ of Latter-day Saints Church records, 2269 Saints had established themselves as permanent residents in the Valley. The preponderance of the peoples were of the LDS faith. Thus the title of this chapter, “THE SAINTS.”

The goodly Saints of Star Valley were never afraid of the Native Americans. Nor should they have ever been. Since the Fort Bridger Treaty of 1868 the nearest Indians had been confined pretty much to either the Shoshone-Bannock Reservation near Pocatello, Idaho or the Shoshoni Reservation at Fort Brown, near Lander, Wyoming.

Whenever the tribesmen desired to leave the reservation they received passes from the Indian Agent of their respective reservation.
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These passes written in English stated the names of the Indian, the purpose for which they were abroad and the length of time they were expected to be gone from the reservation. This document was duly signed by the Bureau of Indian Affairs Agent.

In the days before the Fort Bridger Treaty the Natives led a nomadic gathering and hunting existence, traveling within a radius of only a few hundred miles in a predictable manner. Winters were spent in small bands at lower elevation in the most hospitable terrain available. These winter camps were most often along the bottoms of the Snake River, the Bear River of Idaho or Cache Valley of Utah.

The tribes of Bannock and Shoshoni were entwined through marriage so that the winter encampments would often include members of both tribes. The determination of the size of the winter village often depended upon the available feed for their many horses.

As spring came the bands of Indians would by some predetermined communications join with the other bands into a larger force to replenish their larder. Larger numbers of people were needed to drive the wild herds into killing areas and to process the kills. This was also a time of great rejoicing for the passing of winter and it was a time of courting.

In the later spring or early summer when all the meat was jerked and dried and the courting was over, the many bands split into family clans and continued their circuitous migration with a promise to once again assemble for the fall hunt. In the summer, family clans would go their sundred ways. A few would go to family reunions east of the mountains and in Montana; others would visit their friends the Nez Perce, the Crows or the Flatheads and trade for obsidian or flint. Still others might go to the camas prairie to dig roots of the camas plants.

Still others might go to the valley of the salt to replenish their salt supply to harvest the bark of the red willow for tobacco used in ceremonial rites, or gather berries to be dried and pounded in the jerky to make a pemmican.

In those early years the prairie chicken abounded in the Salt River valley. Being easy to capture they were a good source of food. The Indians called the prairie chicken Seed-Kee-Dee imitating the clucking sound of the birds. The bird’s Latin name is Tympanuchus Cupido; a name the Indians couldn’t pronounce, much less spell.

For whatever reason they came to the Salt River valley, they left ere the winter storms began.

In the cool days of autumn, as if by magic, the Indians reassembled
in a large mobile force for the fall hunt and prepared their winter supply of food until driven from the high country by the winter snows. Thus they would complete their annual migration back to the hospitality of the wintering grounds. And there, to once again dream of the spring hunt and another interlude of romance.

The Treaty of 1868 at Fort Bridger attempted to change this cycle of life. The purpose of the treaty was plain enough. It was to take this group of hunters and gatherers into an agrarian society of farmers and ranchers. This would not happen overnight.

At the risk of repetition, the good saints of Star Valley were not afraid of Indians. Nor, should they have been. No noble redmen lived within the mountains that formed the valley. There were occasional visits of family clans during that period of time since the settlers arrived in '79 and this unsettling incident of 1895.

For the most part the Indians would camp along the streams and come to the towns and homesteads to trade their Indian-made leather and beadwork. Most of the Indians were too proud to beg, especially the Bannock and Shoshone peoples.

The Saints of the Valley and for that matter all the saints of the west were counseled by their leader Brigham Young that it was far better to feed and clothe the Indians than to fight them. Governor Young expresses the following to the Utah Territorial Legislature in 1852 concerning the interpersonal relationship with the Indians.

"We exhort you to feed and clothe them so far as lies in your power; never turn them away hungry from your door; teach them the art of husbandry; bear with them in all patience and long suffering, and never consider their lives as an equivalent for petty stealing; remember that it is a part of their existence, practiced by them from generation to generation, and success in which paved the way to renown and influence amongst them. Induce them from those ideas and notions by your superior wisdom and genial influence and intercourse with them . . . . Finally brethren, be just and quiet, firm and mild, patient and benevolent, generous and watchful in all your intercourse with them; learn their language so that you can explain matters to them and pay them the full and just reward for their labor, and treat them in all respects as you would like to be treated."6

This was the policy the Saints had followed for nigh onto fifty years. The Saints of Star Valley had little to give, but were quite willing to share what they had. Relationships with the Indians had always been amicable.7

The negative aspects of the settlers' complaint was that the Indians
lacked respect for individual property rights. The complaint was that items left unattended would disappear when the Indians visited. Rightly or wrongly, the Indians obtained a reputation for petty theft.

The settlers were always strapped for ready cash, yet the Indians excelled in making leather gloves and gauntlets. These were desirable items. Much of the exchange was done through barter. Generally speaking
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each party to the process felt they had out-bested the other. It was a win-win situation.

Among the children of the Indians and whites there was no social bias when they played together. This was especially so among the boys who pursued the fine art of wrestling, hunting and trapping and make-believe play. It is even suspected they played cowboys and Indians.

The Indians also served another purpose. In the early days the settlers would use the Indians as the “Boogie Man.” They would tell the little children, to keep them in line, that the boogie man (Indians) would get them if they didn’t watch out.

In those warm summer days of July 1895 God was in His heaven: peace abound; and everything was right with the world. There was no need for the Saints to fear the Indians until one day a stranger came riding from out of Jackson Hole with a tale of fear and intrepidation.

The stranger, supposedly on good authority said, “A white man had killed an Indian at that place and, that the Indians, over forty strong, were on the warpath to kill settlers in Star Valley.” Thus alerted, the people of the valley at once packed some of their belongings and left for Afton and other secure sites. From other sources the tale was further embellished that the Indians would kill them all and burn their houses.

Two men of the Bedford Area were designated scouts to detect the hostiles should they enter the valley through this area. Quince Kimball went up Strawberry Creek Canyon and George Weaver scouted the Willow Creek drainage. Charles G. Heiner remained stationed at his Bedford homestead and George Adams was posted at his ranch in Turnerville as back-up.

Charles Gottfried Heiner wrote in his journal he was born July 7, 1864 at Leonieler, Germany and immigrated alone to New York City at the age of fourteen. When he was twenty he enlisted in the Sixteenth Infantry, US Army on a five year contract. At the end of his term of service he was discharged at Fort Duchesne, Utah. Charles Heiner came to Star Valley and homesteaded at Bedford. On June 3, 1895 he married Barbara Harrer. At the time of this incident he was only recently married. He and Barbara raised five children. He was a successful carpenter and builder and spent three terms in the state legislature. He died at age 85 on April 7, 1948.

Quince Kimball brought the first news from Strawberry Canyon. He observed a band of Indians on their way down Strawberry Creek and returned quite excited, encouraging all to flee. This advice was promptly followed.
Mrs. John U. Moser of Bedford, in her final month of pregnancy attempted to flee to Afton. She stopped a mile south of Grover, Wyoming at the home of John Miles and gave birth to a baby girl. They named the baby Lena Moser. When Lena grew up she married Alf Walton of Thayne.

Alf and Lena Walton lived most of their married life in Thayne, Wyoming. Alf was called "Dad" by all that knew him. He was the proprietor of the local drinking establishment appropriately call Dad's Bar and Steakhouse. Although Alf and Lena have been gone for years, Dad's Bar continues in uninterrupted service at 287 North Main Street in Thayne, Wyoming. Many of Lena's descendants still live in Star Valley and remember Grandmother Lena's birthdate: August 5, 1895.

Charles Gottfried Heiner was actually the first person in physical contact with the Indians. On the sixth of August 1895 he rode toward George Adam's ranch in Turnerville. He sought to spend the night with George and to obtain additional ammunition for his rifle. He was riding along and had passed John Fluckiger's place and was about halfway to the Adams's ranch. This is where we pick up the story in Charles G. Heiner's...
own words.10

“I was down in a hollow basin, quaking asp on all sides of it in patches. All at once a lot of Indians came out of the trees in front and side of me. There were about forty or more of them and they surrounded me at once; And how I was scared - my hair stuck straight up - no one could tell. I did not know what to do, as they surrounded me, and they all packed guns. There were no squaws with them; they came out afterwards.”

“At once I saw that an Indian police was among them, as he wore a U.S. Army Uniform and a police shield on his breast. By that I knew that they were all under arrest and were being taken back to the Indian reservation in Idaho.”

“The police came up to me. He spoke some English.11 Charles G. Heiner was an immigrant and his native language was German, conversed with the Indian police in pidgen English. Is this a great country or what?"
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First he asked what I packed a gun for? I said ‘White people heap scared of Indians.’ He asked what the people were doing. Indian came up with a white horseman on mountain in the canyon. As soon as he saw Indian he turned quick and down the canyon he went to where he come from. He said they saw from top of mountain that a great movement was on by the people as the road was full of horseback and wagons to go to someplace in a hurry, as the roads made all clouds of dust in the air. I said to him that white people said Indians were on the warpath. The police said they were not fighting white men.”

“He asked where I was going? I told him to that cabin. They went with me a ways and then said, ‘You go tell white men that Indians are not fighting white men. Indians alright.’ They left me and they went down Willow Creek and camped there. I got word as soon as I could to the people and the day after they left Afton again for their homes and the Indian scare was over in the Valley.”

In a related incident, Joseph Heap tells the story that he and his brother-in-law Soren Nelson about the last of July or early August of 1895 were hunting over Stewart Pass in the headwaters of Squaw Creek where they had killed an elk. They dressed out the elk and packed it down Squaw Creek and crossed the Grey’s River at Squaw Flat. From there they packed down Grey’s River to the old fort at Joe Giles’s, forded the river and made camp for the night.

About midnight they were awakened by horses crossing the river. There were between one hundred fifty to two hundred armed Indians in the party. Joseph and Soren were frightened until they recognized John Coolie and Jack Meeks who were Indian policeman from Blackfoot, Idaho.

The police explained there had been trouble with the whites in Jackson Hole and they had been sent out to bring their people back to the reservation. Joseph Heap tells the following. "We told them to help themselves to the elk. Each took a piece and hung it on a stick over a fire and ate it. There wasn’t much elk left after, for they sure could eat. When they were through eating, they visited with us for a while and then rolled up their blankets and went to sleep. Their horses were staked all over the flat. They left just as it was breaking light. They told us they were going up McCoy Creek and over to Fort Hall." The irony of this tale is that hunting season for elk was not open in this area of Wyoming in July and August of 1895. Joseph Heap and Soren Nelson shared their illegally obtained meat with the Indians. Subsistence hunting appears to be
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a practice of at least some Saints in 1895. Killing game out of season was the cause of the trouble in Jackson Hole in the first place.

Notes:
1From Star Valley Stake Historical Record, Church Historian’s Office, Salt Lake City, Utah

2Forest W. Kennington, A History of Star Valley 1800 - 1900, (Valley Graphics, Salt Lake City, Utah, 1989.) page 116

3Ibid, pages 190 - 234.

4Fort Bridger Utah Territory Treaty of 1868. Chiefs of the two tribes met with Government Representatives at Fort Bridger and agreed to two reservations. The Eastern Shoshoni at Fort Brown, Wy and the Bannock near Pocatello, Id

5The Bannock Tribe migrated into this area from the southwest during the 1700s. The Shoshoni Tribe migrated into this area about the same time from the east and were from a different ethno genetic group. Surprisingly they were highly compatible.


7Brigham Young, Manuscript History, (May 30, 1852) page 53.

8Forest W. Kennington, History of Star Valley, Formerly Salt River Valley 1800 - 1900 1989, page 27( Valley Graphics, Salt Lake City, Utah)


10Ibid page 83.

11Charles G. Heiner was an immigrant and his native language was German, conversed with the Indian police in pidgen English. Is this a great country or what?

12This was probably Quince Kimball.

13Snake River Echoes, Vol 14 #3 page 82.
CHAPTER THREE

THE SINNERS

Thirty-six year old First Lieutenant Gustave Cheyney Doane of the Second U.S. Cavalry served on the staff of General Alfred H. Terry during the 1876 campaign against the Indians at the battle of the Little Big Horn. General Terry had been an original member of the Peace Commission back in 1868. The lieutenant must have found favor with the general in a bold scheme of building a boat and starting at the headwaters of the Snake River in Yellowstone Park and floating to the Columbia River.

Shortly after Lt. Doane returned to his permanent station at Fort Ellis, Montana, a telegram was received by the commanding officer of the Fort from General Terry authoring Doane’s expedition. The post Commander Major Jas. S. Brisban seemed less than pleased that Lt. Doane had gone over his head for this approval. This would take men and material away from his command.

The Quartermaster at Fort Ellis fabricated a double ender boat to Doane’s specifications. The boat was 22 feet long, 46 inches at the beam and 26 deep.

With a small work detail from the Second US Calvary, Doane started from Fort Ellis near Bozeman, Montana on October 11, 1876. They reached the north edge of Yellowstone Lake on October 23. From there the party went over the continental divide to Heart Lake. Doane left Heart Lake on November 6 and entered the Snake River at the mouth of Heart Lake River.

On December 7 after much difficulty, the expedition reached the open country in the southern part of Jackson Hole. Much to their surprise they found the cabin of John Pierce. John Pierce, a grizzly old veteran, was equally surprised to see them. Mr. Pierce was the only and perhaps the first permanent resident in the valley in 1876.

Doane capsized the boat in the Snake River canyon on December
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11 and entered the following remark in his journal. “All of a sudden the boat touched the ice margin, turning it under, and the next instant was dancing end over end in the swift bold current.” The party exited on foot through the west end of the canyon near Alpine, Wyoming. They then made their way up McCoy Creek to Bailey’s cabin in the Caribou Mining District of Idaho. The expedition was called off at that point by the Post Commander Major Brisban and the men were ordered back to Fort Ellis.

A copy, 44 pages, of the Doane expedition from original manuscript is in the Library, Grand Teton National Park and was published in more detail in a book, Campfire Tales of Jackson Hole in 1960 and 1990 by the Grand Teton Natural History Association, Moose Wyoming.

In the same reference, the story is told of three men being murdered while sluicing for gold in the Snake River north of Moose, Wyoming at a place called Deadman’s Bar in 1886, and of two horse thieves being shot by a posse at Cunningham’s cabin on Spread Creek in 1893. Thus from
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this auspicious beginning Chapter Three is given the ominous title of “The Sinners.”

In 1895 Uinta County, Wyoming was approximately 50 miles wide and 225 miles long. The county extended along the entire western Wyoming border with Utah and Idaho. The county seat was at Evanston in the very south west corner of the state along the Union Pacific Rail Line.

Jackson Hole was named for David E. Jackson, an early fur trader and trapper and contemporary of Jim Bridger. Jackson Hole was in the furthest reaches of Uinta County’s jurisdiction. Even now with the best of highways, it is at least 180 miles distance from the Uinta County seat. Interaction with authorities to say the least was limited. One might say the Jacksonians lived on the fringe of society.

It had a bad reputation as a sanctuary for renegades. Horse thieves moved their used merchandise through Jackson Hole to all points of the compass. It was an unwritten rule that you never asked a man his business nor did he inquire after yours.

Wyoming Governor William A. Richards felt a need to defend the citizens of Jackson Hole. He explained it in an interview on July 30, 1895 with the Cheyenne newspaper as follows: “The Governor said that about twelve years ago the first settlement was made in Jackson’s Hole, the first settlers being engaged in stock raising to which the country was well adapted. It underwent the usual experience of a frontier settlement. Some disreputable characters came in there and the place was given a bad name, but during this period there was no trouble with the Indians. There was an affiliation between the two races, some of the white men taking squaws for their wives, and all being disregardful of the laws they were of mutual assistances. Later a better class of citizens came in, post offices were established, farms opened and the disreputable class was driven out.”

Jackson Hole is bound on the north by Yellowstone National Park. The Park was established as a National Park in 1872. From the beginning the civil authority of the Office of the Superintendent of the Park was unable to protect this national treasure from poachers, prospectors and those who would do harm to the park. In 1885 the First U.S. Cavalry arrived to fulfill this mission. The Army stayed in Yellowstone Park until 1915.

By 1895 soldier station outposts were established along the southern boundry of the park. To the west at Bechler River; to the east at Bridger Lake along the Yellowstone River; and in the center along the Snake river at the point where the Grassy Lakes road intersects with the Marysville.
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Road. This is approximately where the Flagg Ranch in now located. This network of outposts successfully constituted a formidable barrier against the unlawful use of the park by those living in Jackson Hole.

The United States Post Office in 1895 was located at Marysvale. It was named after Mary White, Postmistress. The post office was located in her ranch home which she shared with her husband, Fred E. White. The ranch was situated about one mile south of the Gros Ventre River on the present-day elk refuge. In those days Flat Creek was name the Little Gros Ventre. The two should not be confused. Later the post office was moved to a ranch on Cache Creek and the location name changed to Jackson.

The entrances to the valley by wagon road were limited. There were two approaches; one through Teton Pass west of Wilson, Wyoming. It was a hazardous descent along a narrow winding road. Or, go around the Tetons to the north and east of Ashton, Idaho over the Grassy Lakes Road. However, horse trails abound through most of the drainages of Jackson Hole. Desperate men could easily egress the valley on the slightest provocation.

By the 1890's homesteaders were entering Jackson Hole to establish farms and ranches. Most were members of the Church of Jesus Christ of Latter-day Saints or Mormons. Among these families were the Wilsons' for whom the town of Wilson, Wyoming was named. Sylvester Wilson was called and served as Bishop of the local group until his death the summer of 1895 of a heart attack. It was speculated that the true cause of death was the stress brought on by the Jackson Hole War of 1895.

This beautiful Snake River mountain valley, east of the Tetons did not lend itself to farming. The climate was too harsh, the growing season too short and the top soil too rocky for the normal crops of grains, beets and potatoes. It was, however, great summer pasture for livestock. The problem was to put up enough hay to sustain the animals throughout the deep snows of a long winter.

The chief money crop was and still is the exploitation of the visitors, often referred to as "Dudes." Thus began the hey-day of the western dude ranch. The men of Jackson Hole either owned such a ranch or worked for one. In the short summer season enough money could be made to sustain them year round.

Foremost among the dude activities was the sport of hunting. The dudes came to hunt trophy game in one of the last wildlife sanctuaries of the west. Elk and moose and bear and heads and horns and hides were highly prized. Bunches of elk were known to be captured and taken east to stock game farms of the rich.
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A byproduct was the elk ivory. Members of the Benevolent Order of Elks paid a premium for these elk tusks to adorn their uniforms. Hide buyers would purchase the hides. Game had been plentiful and little consideration was given to the meat. Most certainly the outfitter had no refrigeration or means of preserving it in the field. Nor did the dudes have the ability to take the meat back east.

Those good days could not last forever. Wyoming became a state in 1890 and with statehood came the restrictions imposed by the Game and Fish regulations. The Game and Fish Commission had not yet sufficient funding to hire enough Game Wardens to fully enforce the laws. Thus bound by state laws and restricted from Yellowstone Park on the north, the outfitter knew change was coming.

This concern was greatly debated in Jackson Hole during the election of 1894. The consensus was that the Indians who enjoyed treaty hunting rights in the area would have to go. After all, the Indians could hunt at any time of the year without limits. And besides they were from Idaho, out of state, except those Indians from the Shoshone Reservation near Lander. They rationalized that the Indian reservations were in prime hunting lands and the Indians had no need for Jackson Hole lands. Finally the outfitters concluded the Indians would destroy their game and thus ruin their vocation and hunting industry.

The Fort Bridger Treaty of July 3, 1868, Article 4 contains the following language.

“Article 4. The Indians herein named agree, when the agency house and other building shall be constructed on their reservations named, they will make no permanent settlement elsewhere; but they shall have the right to hunt on the unoccupied lands of the United States so long as the game may be found thereon, and so long as peace subsists among the whites and Indians on the borders of the hunting districts.”

Thus the Native Americans, secure in their belief of the purity of the intent of the U.S. Senate, naively felt they had a legal right to hunt on public lands.

Thus a plot began to hatch that fall of 1894. Frank H. Rhoades, recent newcomer, was elected Justice of the Peace. Mr. Rhoades came west for his health and was a tutor for some of the children of the ranchers. An educated man, he seemed a natural for a Justice of the Peace. Mr. William Manning was elected Constable. They both ran unopposed. Approximately forty people voted so the constituency was not very large. Diener estimates the total population of Jackson Hole in 1895 to be 65 people. These two men
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were the only constituted law enforcement officers in Jackson Hole. The people of Jackson Hole collectively decided the Game and Fish Commission was unable to enforce the game laws. These laws would be enforced by the regularly elected Constable and Justice of the Peace as they interpreted the law to be. This was not accomplished in a vacuum. Justice Rhoades contacted Wyoming Governor William A. Richards and received assurance the Governor's Office would protect them in their actions. Thus began the great conspiracy.

For a year prior to 1895, the Commissioner of Indian Affairs received complaints by whites in regards to Indians off their reservations hunting and wantonly killing game in the Jackson Hole area. The Commissioner of Indian Affairs instructed the Indian Agent of the Shoshone Reservation to report the facts. Contrary to the complaintants, the agent reported the whites were killing game merely for the pleasure of hunting.

In view of the many complaints on May 22, 1894 of the Commissioner instructed Indian Agents to call a council of Indians to warn them of the consequences of the wanton destruction of game. It appears to be the consensus of the Indians and the Office of the Commissioner that they were not wantonly killing game and the Treaty of 1868 assured them of the prior rights of subsistence hunting on the unoccupied lands of the United States. Perhaps they took the matter too lightly.

The stage was now set for the encounters in the summer of 1895. There are discrepancies of the dates of the encounters and the accuracies in the reports of the participants. It is believed the encounters happened in the following sequence: About the 7th of June 1895 three Indians were arrested in the Hoback Drainage. One of the Indians, named George, was brought before Justice Rhoades on the charge of violating Wyoming game laws. He was promptly fined $15 which he didn't have. It was said the fine was paid by a squawman who lived in the Valley. It was supposed this was John Carnes whose Bannock wife was named Millie. George's green elk hides were confiscated and then the Indians were released to return to the reservation.

The second encounter was around June 24 of that year. Constable Manning and his posse arrested nine more Indians in the Hoback area. They, too, were brought before Judge Rhoades and six of them were likewise fined. They, like George before them, had no money. The benefactor squawman was not able to redeem the culprits and so the Indians remained under guard and protection of the white man. The Indians enjoyed the hospitality and the repast afforded them. It didn't take long for the whites
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to tire of this and the incarcerated Indians were given access to their horses and allowed to escape.

The third encounter occurred shortly thereafter. In the field about June 30, Constable Manning and three special deputies accosted a larger Bannock hunting party in the Hoback area who would not submit willingly to arrest. Constable Manning withdrew as gracefully as possible and returned to Marysvale and complained of the Indians' disrespect for the law.

Stephen N. Leek in the 1930's wrote that the settlers had to arrest this bunch of Indians. To let the matter drop they would become the laughing-stock of the Indians, who, we knew, would then become intolerable.®

On July 9 or 10 the posse of Manning and 26 deputies set out to arrest these Indians. The posse’s strategy was to travel up Cache Creek and circle south back into the Hoback drainage from the east to surprise who they felt would expect them from the west. This was much like General Custer’s idea at the Little Bighorn, so the Indians wouldn’t get away.

In a place called Batde Mountain on the night of July 13, Constable Manning and his 26 Deputies® surrounded the Indian camp and at daylight they arrested the Indians. These were not the same Indians Constable Manning had encountered on June 30. The Indians gave no resistance and were quickly disarmed.

The Indian camp was packed up on horses and quickly started toward Marysvale. The Indian men were in the lead with an armed guard behind and between each Indian man. The captured group consisted of nine men, thirteen women and five children. The women, children and pack horses were at the rear of the train. Ben Senowin, Bannock, said in deposition he was the leader of this clan. He stated they were not fully aware of any charges against them and felt the lives of his people were in danger.

That afternoon in a place called Granite Creek, the party entered the timber. In accordance with Senowin’s sworn statement to the BIA authorities, several white men placed cartridges in the chamber of their rifles. Senowin fearing his people were about to be shot called on his people to run and escape.

Constable William Manning's story is slightly different. When the group stopped to eat at noon he felt the Indians were plotting to escape. In the afternoon when they entered the timber, Manning instructed his posse to load their rifles with a round in the chamber. And, if the Indians tried to escape, the posse was further instructed to shoot the horses first. No horses were hit in the fray. When the bolts slammed forward the Indians
scattered and the posse fired their weapons.

When the dust and smoke settled an unarmed, elderly, half-blind Indian named Se-We-A-Gat was dead, having been shot in the back. Se-We-A-Gat is called Timeha by Manning. It is one and the same person. His body was discovered two weeks later about 200 yards off the trail. A twenty-year-old Indian youth named Nemuts was shot twice, once in the arm and once in the abdomen. Thus gut-shot, he made his way to the Daniel Faler Ranch in three days on foot, a distance of about fifteen miles. The Falers gave Nemuts such medical attention and nourishment as they could, and on the 17th day he was picked up by the Indian Scouts of Fort Hall and taken to the reservation. One infant of about six months of age was brushed from his mother's back by a branch and was never found and presumed to have died of exposure. One little Indian boy riding double behind his mother fell from the horse and was captured. Ben Senowin gathered his group of escapees together and spent the night huddled in the forest. Early the next morning they returned to the scene and found the white men had left with Senowin's horses and equipment. The Indians counted their losses as Se-We-A-Gat, Nemuts and the two little boys, not knowing that Nemuts had escaped and the one little boy was captured. Senowin's group started for Fort Hall and on the way met a party of Indians on the trail. The Party gave Senowin's group food and helped them return to the reservation at Fort Hall. Constable Manning and his 26 deputies returned triumphantly, but rather sheepishly, to Marysvale with their prisoner: a scared little, dark-eyed, shy boy of three or four. The little boy was cared for by Mrs. Martha Nelson, wife of Martin Nelson, posse member, of Marysvale until the Indians came over from the Shoshone Reservation and claimed him. This incident appears to be the last foray of Constable Manning. Fear overtook the residents of Jackson Hole. They surely felt when the escapees returned to the reservation and they told their story the tribe would demand revenge and attack the settlers. Rumors abounded, none of which were true. The Utes were assembling in the South Pass area to join the Bannocks; signal fires were seen around the Wind River Mountain tops as the Shoshone Braves were secretly leaving the reservation to join the battle. Governor William A. Richards of Wyoming played his hole card and informed the Commissioner

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of Indian Affairs that it would be prudent to send troops as the situation was rapidly deteriorating.

And it got worse. The Cheyenne Daily Sun-Ledger of Saturday

**SETTLERS MASSACRED**

**AT LEAST SIXTEEN FAMILIES BUTCHERED IN JACKSON’S HOLE BY THE RED DEVILS.**

Smoke of burning settlements seen from the Grand Teton- Reports from all points state the massacre has taken place, but the details are not yet obtainable - Troops may arrive too late.

Evening, July 27, 1895 reported, “Settlers Massacred: At least sixteen families butchered in Jackson Hole by the Red Devils.” This was reported by a reliable source according to this newspaper account. But it never happened. It did, however, scare the pants off the people of Star Valley and that is why the Saints ran for cover!

Notes:

1. The Cheyenne Daily Sun-Leader, Tuesday Evening, July 30, 1895, Cheyenne Wy page 2

2. The Cheyenne Daily Sun-Leader, Monday Evening August 5, 1895, Newspaper, Cheyenne, Wyoming


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5Ibid page 61

6S.N. Leek, Indian Troubles in Jackson’s Hole, 2 pages from the Jackson Hole Historical Society and Museum on or about 1935 as part of a WPA project.


8Nemuts’ story was reported differently by several different writers. They seem to agree he was wounded twice, once in the intestines. However there is no indication he ruptured an intestine, which would have been serious, although any abdomen wound is terribly painful. One writer reported Nemuts was also hit in the hip. Others report it was his arm, which is most likely. Nemuts ended up on foot. He lost his horse. It would indicate that he was out of sight of the posse when he fell, or the posse would have arrested him.

Nemuts knew where he was going. The Daniel Faler Ranch was the closest inhabited place. The Indians knew the Faler’s and had friendly visits there. The Faler’s had at least two sons near Nemuts’ age. The sons were Vint and Arthur. The Faler’s and the Indians shared the Hoback valley. Together they played games, raced horses and swapped ponies.

Nemuts either knew the Faler’s personally or through other Indian friends. He felt he could get help there at Faler’s ranch. He judged and rightly so, that the Falers had a “Good Hearts.” On foot and wounded he could not have crawled, as reported, the fifteen miles to the ranch located southeast of the now Bonderant post office. He did painfully creep there holding his stomach.

Nemuts had some jerky and sustained himself with this food. One writer stated he had it in his wallet. The mountain men of old picked up an old Indian custom of carrying a leather pouch they called a “possibles” bag. In the bag were such items as flint and steel, tobacco, writing paper, jerky, etc. Nemuts must have had such a pouch for his jerky.

The best estimate is that it took three days to reach Faler’s. This would have been July 13, 14 and 15. The Indian Agent at Fort Hall reported to his commissioner on August 3 that all the Indians were back on the reservation. It was reported that Nemuts was injured in the wilderness for seventeen days. The timing, including the two weeks at Faler’s and the three-day ride back to Fort Hall with an Indian Police escort would have been about right. Fort Hall Indians report Nemuts lived out his years on the reservation into old age.

The Daniel Faler’s with their doctoring skills must have been credited with saving Nemuts’ life. The biggest concern would have been infection. The Faler’s being ranchers, and there were no doctors in the Bonderant area, would have experience with treating themselves and their animals. The Faler’s indeed have a “Good Heart.”
CHAPTER FOUR

THE INDIANS

The two tribes of Native Americans involved in the Jackson Hole War of 1895 were the Bannocks and the Eastern Shoshone. It is important to distinguish between the two.

The Native people have lived on the Snake River plains for at least the past ten to twelve thousand years. The effects of climatic change, availability of game, or pressure from hostile neighbors often caused these ancient ones to migrate elsewhere. It is believed the Shoshone were among the earliest of the current tribes to come here. The multiple bands of the Shoshone stretched from the Commanches of Texas and Oklahoma through the Great Plains and across Wyoming, and into the Snake River plains to the western edge of the Great Basin. We know of the Northern Shoshone, Eastern Shoshone, Western Shoshone, the Lemhi Shoshone and others. They are all part of the Uto-Aztecan linguistic stock with origin in Central Mexico.

The Bannocks were of the same linguistic origin but were more closely related to Paiutes and the Northern Utes. They approached this part of the country from the west across the Great Basin, whereas the Shoshone approached from the east. The Shoshone culture was well established by the 1700's when the Bannocks arrived. When the Bannocks did obtain horses they were better able to hunt and adopted the Plains Indians' culture of skin tepees, leather clothing and a high protein meat diet. This is in contrast to the Great Basin culture of grass and reed huts with clothing of bark and sagebrush, with a diet of rabbits, seeds and roots.

The Bannocks called themselves Panakwate. According to Sven Liljeblad, a Swedish linguist who had studied the Indian languages, it meant, "on the water side" or "on the west side." Most native people, in referring to themselves generally followed by a description of either the geography or a local custom such as salmon eaters. This is not unusual even in the English language. This occurs in the U.S. Constitution. "We the people
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of the United States of America.” The founding fathers would not have thought to say, ‘We Americans!’

The true meaning of Panakwate is possible lost in antiquity. However, Frederick W. Lander, in his Emigrant Guide published in the Senate Document of 1859, states at a place near the Little Beaver Creek of the Smith Fork Creek in Wyoming that you are now entering the lands of the Pannack and warned the emigrants to watch out for their livestock or the animals will disappear on the many Indians trails in the timber. He ends by saying, “Treat them kindly or you may have some trouble.”

It appears the Eastern Shoshone and the Bannocks had an unwritten but an understood agreement as to the geographical boundaries of the two tribes. It also seems reasonable the land division was made in accordance to the flow of the water. The Bannock claimed the lands where the water flows west, and the Eastern Shoshone claimed the lands where the water flows east. This, if correct, would agree with Sven Lileblad’s interpretation of Panakwate to mean “on the water side” or “on the west side.” This is only a theory.

A significant difference between the Bannocks and the Eastern Shoshone by the mid-nineteenth century was their respective leadership. Chief Washakie consolidated his authority over his band of the Eastern Shoshone about the time of the beginning of the western migration of the whites. In his wisdom he knew the Indians couldn’t win in a war with the whites and he instituted a non-agressive policy. It is said he never fought or molested white people. Chief Washakie held his power for decades until his death at the beginning of the 20th Century. His leadership gave great credence and respect to the Eastern Shoshone and a consistent Indian government for a long period of time.

The Bannocks had great chiefs but only for short periods of time. They were never as unified as the Eastern Shoshone under Washakie. It was difficult for the whites to deal with the Bannocks because no one person could always speak for the whole of the group.

Superintendent Frederick W. Lander of Pacific Wagon Road fame spoke highly of the Eastern Shoshone tribe and brought many gifts to and tributes for Washakie including, among other things, a full dress military uniform. Of the Bannocks he held only contempt.

As follows, “after passing the Shoshones or eastern Shoshone I entered the country of the Pannacks, a very dangerous, cruel and vindictive race.” Lander qualified this later by saying, “I do not think the
Chief Washakie, Chief of the Eastern Shoshone Tribe and signer of the 1868 Treaty. From the collection of the Photographs of the Wyoming State Archives, Department of State Parks and Cultural Resources.
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term "Treacherous" as usually applied to Indian Tribes is always just."⁴ He indicated the Pannack were very up front. Lander in trying to negotiate safe passage for the emigrants who would follow the new road, cited the Pannack as saying to him that if the emigrants would shoot a member of their tribe they would kill them (the emigrants) when they can.⁵

Lander described the holdings of the Pannacks as follows, "The Pannacks hold the whole country from Blackfoot Creek towards Fort Boise and extend north to the northern snakes or sheepeaters."⁶ Actually the range of the Bannock was much greater. Louise Edmo Dixey in her slide presentation said the following;

"The Bannock Trail, once used by Bannocks and other Native Americans to access the buffalo plains east of the Park from the Snake River plains in Idaho, was extensively used from approximately 1840 to 1876. A lengthy portion of the trail extends through the Tower District from the Blacktail Plateau (closely) paralleling or actually covered by the existing road) to where it crosses the Yellowstone River at the Bannock Ford upstream from Tower Creek. From the river, the trail’s main fork ascends the Lamar River splitting at Soda Butte Creek. From there, one fork ascends the creek before leaving the park. Traces of the trail can still be plainly seen in various locations, particularly on the Blacktail Plateau and at the Lamar-Soda Butte confluence."

The spelling of the word 'Pannack' as used by Lander was in vogue in 1858. Ten years later in 1868, at the Fort Bridger Peace Treaty, this term had been corrupted to read Bannock. This has nothing to do with the Scottish national food called 'Bannock Bread,' which is a dough mixed with oatmeal and fried on a griddle.

The Eastern Shoshone and the Bannock were close friends. They lived in the proximity with one another, intermarried and hunted together. Their friendship extends through today. The leaders of the two tribes were called together in May of 1868 at Fort Bridger, Utah Territory by the United States Peace Commission. Chief Washakie was the head representative of the Shoshoni Band and Chief Taggee headed the Bannock Tribe.

During the negotiations, Taggee was encouraged to settle on the Wind River Reservation with the Eastern Shoshone. But he insisted on separate lands near Fort Hall. In his remarks, he said they like the Shoshoni and enjoyed hunting with them but he really didn’t want to live on their reservation. In the end he won out.

On July 3, 1868 a joint peace treaty of thirteen articles was signed.
The Indians

and the two tribes returned to their respective reservations. The two tribes remain compatible to this day.

Over the years the United States Government settled several bands of Shoshone and Bannock peoples at the Fort Hall Reservation. These include the Boise and Bruneau Bands from Southern and Western Idaho, as well as the original Bannock Band, who lived in the vicinity of Fort Hall in 1868-9. The Lemhi Shoshone Band was relocated to the Fort Hall Reservation in 1905.

Many people of the Northwest Bands, Eastern Shoshone Band and other Indians have migrated to the Fort Hall Reservation. All the various people over the span of generations have intermarried and are now part of the Shoshone Bannock Tribes. The governing Council is referred to as the Sho-Ban Council.

In a slide presentation on August 9, 2006, Ms. Louise Edmo Dixey, researched and compiled the following: At Treaty time (1868) the “Reservation” consisted of 1.8 million acres of land, but land cessions and a survey error greatly reduced the acreage. An 1888 Congressional Act originated the City of Pocatello when 418,560 acres of treaty reserved lands were opened for settlement by waters.

The Reservation land now consists of 544,000 acres of land, 96 percent of which is individually and tribally owned. There are approximately 4700 enrolled members of the tribes.

The second paragraph of Article 1 is pertinent to the War of 1895. Quote, “If bad men among the whites, or among other people subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will upon proof made to the agent and forwarded to the Commissioner of Indian Affairs, at Washington City, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also re-emburse the injured person for the loss sustained.” This is a nice thought but yet another promise unfulfilled.

The census as of June 30, 1895 as shown on the report of the Fort Hall agency indicated of the Bannocks there were 227 males and 206 females for a total of 433 members of the tribe. A startling figure is there were only 6 births during the preceding year. 14 tribal members had died in the same period. Their reproduction rate could not sustain the tribe. Of the Shoshones living at Fort Hall there were 1,007 Indians of which 503 were male and 504 females. There had been 14 births and 17 deaths during
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the year. Each of the two tribes were much alike. Each had its subtle differences. Each is entitled to and deserve our respect for these differences.

According to Ms. Dixey, The United States Government made a total of 11 treaties with the leaders of the Shoshone-Bannock Tribes. Of these 11 treaties only the Treaty of July 3, 1868 was officially ratified by the US Senate as required under the United States Constitution. The Treaty of July 3, 1868 is printed in its entirety in Chapter One.

Notes:

^ Sven Lileblad was quoted in the Slide Presentation of Louise E. Dixey referenced earlier.


^ Ibid. The Executive Document.

^ Ibid.

^ Ibid.

^ Ibid.

^ Slide Presentation, August 9, 2006, at Fort Hall by Louise Edmo Dixey.
CHAPTER FIVE

THE UNITED STATES ARMY

It is a little known fact units of the Ninth United States Cavalry Regiment were stationed in Star Valley during the so-called "Jackson Hole War of 1895." The Ninth was one of only two Black Cavalry Regiments authorized by the US Congress following the Civil War. The Ninth United States Cavalry Regiment was authorized by Congress on July 28, 1866 along with its sister regiment, the Tenth Cavalry Regiment and four regiments of Black Infantry.¹

Black soldiers had served in the Civil War in volunteer and militia units of the Union Army. In fact approximately 180,000 blacks served of which 33,380 died in the service of their country. But these new units were the first black units of the regular army. It was the specific intent of Congress that the units be commanded by white officers. This legislated segregation existed for 86 years (1952) until after World War II.² Senior career white officers were reluctant to accept assignments to black units, considering such a move to be a detrimental career move. It was said Colonel George Armstrong Custer refused an assignment to the Ninth Cavalry in favor of an assignment to the Seventh Cavalry.³

Colonel Edward Hatch, who commanded the Second Iowa Cavalry with distinction during the Civil War, became the first Commanding Officer of the Ninth Cavalry. Colonel Hatch remained with the Ninth for twenty-three years until his untimely death at Fort Robinson, Nebraska on April 11, 1889.

Colonel Hatch set up headquarters at Greenville, Louisiana in August 1868 and began training his regiment. Hatch had obstacles to overcome from the beginning. The southerners were not receptive to having union soldiers in blue uniforms posted among them, and doubly so, if they were black soldiers. Perhaps worst of all was the Quartermaster Corps who provided the Ninth with old and worn out horses and equipment and poor
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...ations. The recruiting stations weren't much better. They would send men to the Black Regiments who were mentally and physically unfit for soldiering.4

In the spring of 1867, the Ninth Cavalry Regiment was ordered to Texas with his Headquarters and ten companies to Fort Stockton near San Antonio and two Companies to Brownsville on the Rio Grande. For eighteen years, the Ninth distinguished itself in the Indian Wars of the Southwest. As these battles subsided and the Indians were subdued the Ninth Cavalry Regiment was ordered to the northern plains in 1885.5

In 1890-1 the Ninth became embroiled with the tribes of the northern plains when the Sioux were provoked by the Prophet Wovoka, a Paiute from Nevada. As a Shaman, Wovoka had a vision that in the spring the ghosts would return bringing with them the bison. The Sioux left the reservation in droves to go to holy sites to perform the Ghost Dance. The US Government became concerned and ordered the army units, including the Ninth Cavalry, under General Miles to return the Indians to their reservations. This military action culminated in the slaughter at Wounded Knee.6

By summer of 1895 the Indian uprisings were drawing to a close. There was little need for the military. The Ninth was billeted at Fort Robinson in northwestern corner of Nebraska near the town of Crawford. Garrison duty was routine and monotonous. The Ninth had been reduced to ten companies with Companies L and M skeletonized in order to be able to staff the rest of the Regiment.7

Wyoming's leading newspaper, The Cheyenne Daily Eagle Sun-Leader, on July 17, 1895 published the text of Governor William A. Richards telegram request to the Secretary of the Interior for protection of the settlers of Jackson Hole, Uinta County, Wyoming from the Indians.8

Fort Robinson was awash with rumors. Brigadier General John J. Coppinger, Commanding General of the Department of the Platte, Omaha, Nebraska conferred with Colonel James Biddle, CO of the Ninth Cavalry Regiment and his Executive Officer Lieut. Colonel Bernard and with the Commanding Officer of the Eighth Infantry of Fort D.A. Russell alerting them to be ready to institute contingency plans for deployment if called upon to do so. It is hot in western Nebraska in the summer time. An excursion to the mountains would be a welcome trip for the troops.

With the help of the Wyoming congressional representatives, Governor Richards was able to bring political pressure to bear and the
Units of the Ninth U.S. Cavalry Regiment in formation circa 1895. Courtesy of Nebraska State Historical Society RG 1517:93-12.

federal government issued orders to the Department of the Platte to intervene. General Coppinger's directive ordered Troops D, E, H and I of the Ninth Cavalry Regiment into the field. They were designated the First Squadron under the command of Major A.R. Chaffee. The Post Returns of Fort Robinson for July 1895 summaries the action as follows.⁹

"July - In compliance with telegraphic instructions from Hdqts. D.P. of the 24th inst. and Orders #48 cs Post, the 1st Squadron, Major A.R. Chaffee, 9th Cav comdg consisting of Troops DEH & I 9th Cav as follows - Troop “D” Capt J.S. Loud with Lieuts Gardner and Preston 43 Enlisted men and 48 public horses; Troop “E” Capt C.A. Stedman comdg Lieuts Jackson and Hartwick 44 enlisted men and 46 public horses; Troop “H” Capt E.D. Dimmick comdg with Liets Stevens and Hamilton 43 enlisted men and 46 Public horses; Troop “I” Capt F. Guifoyle comdg with Lieuts Parker and Hickok 51 enlisted men and 52 public horses, Hospital Corps 1st Chas. Lynch, Asst Surgeon U.S.A. with Acting Hospital Steward Sinnel and one Pvt of the Hosp. Corps, Mr. C. Gilson with 21 pack mules accompanied
the command. All left by rail at 8:25 am July 25.95 enroute to Market Lake (Roberts), Idaho..."

As noted the unit consists of thirteen officers, 181 enlisted men, one medical officer and two enlisted medical corps men, a civilian mule packer and 188 public horses, twenty-one mules and an undetermined number private horses belonging to the officers.

At 5 pm at the close of business on July 24, General J.J. Coppinger sent the following telegram to the Governor of Wyoming:
The United States Army

"Subject: Sending troops from Fort Robinson to the scene of the trouble.
To: Governor Richards,
Cheyenne Wyoming

Have just ordered four troops of cavalry from Fort Robinson
to scene of trouble. Hope to see you for conference at Cheyenne Friday morning.

Signed/ Coppinger
Brigadier General"10

The Ninth Cavalry Regiment received official orders on the 24th
of July and by 8:25 a.m. on the 25th, the following day, were on trains and
departed from Fort Robinson. This would be classified as rapid deployment.
The basic strategy was to move troops by rail to the nearest railhead in the
troubled area and then with haste ride to the scene of trouble by horse.
The Ninth Regiment’s motto is “WE CAN - WE WILL.” They were the elite
force of their day. There is no question as to their logistical ability to move
when so directed.

Two special trains had been chartered from Receiver Trumball of the
Gulf Railroad at Denver to take the expeditionary force from Fort Robinson
via the Fremont and Elkhorn Rail Line to Orin Junction south of Douglas,
Wyoming at 2 pm and transferred to the Cheyenne-Northern Line. From
there they were to be brought to Union Station in Cheyenne where the
trains would be transferred to the Union Pacific Line. The expedition then
traveled the Union Pacific Line to Ogden, Utah where they would transfer
to the Utah Northern Line and head north to Market Lake, Idaho.11

A mule train pack train from Camp Carlin was to join the Ninth
Cavalry Squadron when it reached Cheyenne and provide transportation
services along with Mr. C. Gilson’s twenty-one pack mules already aboard
the train.12

True to his word, Brigadier General John J. Coppinger arrived in
Cheyenne on Friday morning on Number 1, an express passenger train out
of Omaha. He was met by Governor Richards who boarded the train and
accompanied the General as far as Rock Springs, Wyoming. Major John
Randall, a friend of the Governor and an old army buddy of the General,
was to accompany the General throughout the campaign, also boarded the
train when the train reached Evanston, Wyoming. This appeared to be
a political maneuver of the Governor in order to be able to influence the
General in the field.13
General Coppinger was politically astute. He couldn't have become a Brigadier General in the United States Army and the Commanding General of the Department of the Platte without a great deal of political influence, intelligence and people skills. He had been in the US Army for over thirty years, having been a cavalry in the Civil War and an Indian Fighter in the southwest. He was ideally suited for this assignment.
The United States Army

Meanwhile the troop train bearing the Ninth Cavalry First Squadron from Fort Robinson arrived in Cheyenne late Thursday evening July 25. The Sun-Leader reported this arrival as follows:

"The cavalry troops en route to the scene of the Indian trouble reached Cheyenne at 10:15 last night. The colored soldier boys were received with something like an ovation, citizens cheering the train in its passage through the city to the Union Depot where the immense assemblage joined in the welcome."

"The command was detained here just about an hour transferring to the Union Pacific trains awaiting it, and occupied in watering and feeding the horses, which were loaded on Street's stable cars."

"Here they were joined by the pack train from Camp Carlin, consisting of 62 mules and equipment in charge of a chief packer and nine men."

The troop train was about ten hours ahead of the passenger train carrying General Coppinger and Governor Richards. The Governor got off the train at Rock Springs, Wyoming and the General with his entourage went on to Ogden, Utah. The General, it appears, caught up with the troop train in Ogden as he and the Ninth arrived at Market Lake, Idaho together on Saturday the 27th.

The Sun-Leader dutifully reported his presence there in the Saturday edition on July 27:

"Orders were received this afternoon from Gen. Coppinger at Market Lake calling into the field five companies of the Fort Russell garrison, who at this moment are making active preparations for movement."

"They will start from this city at 8:00 this evening fully equipped for the campaign."

"The troops ordered out are the five white companies of the Eighth Infantry, under the command of Maj. Bisbee."

"The following Officers accompany the troops: Capt. Corliss, Wells, Savage, Whitney and Ray. Lieuts Hubert, Gose and Dr. Godfrey will go as Staff Officers..."

The Ninth Cavalry's RECORD OF EVENTS for July 1895 stated, "Traveled by rail to Market Lake, Idaho arriving July 27.95. Left Market Lake, Idaho July 29.95 and marched to Fish Creek, Jackson Hole, Wyoming arrived July 31.95." This indicates the squadron arrived on Saturday at Market Lake and Sunday was a lay over day. This would have been in deference to the condition of the mules and horses that had been riding in stable cars for three days.
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The evening paper of the Daily Sun-Eagle of Cheyenne for July 29, "The four troops of the Ninth Cavalry under the command of General Coppinger camp last night on Canon (Beaver Canyon) creek twenty miles east of Rexburg and forty-six miles from Market Lake."\textsuperscript{18} It is well within the capability of a cavalry squadron to march 46 miles especially over level terrain and the good access roads leading to Teton Valley.

Five companies of the Eighth Infantry from Fort Russell at Cheyenne under Major Bisbee arrived at Market Lake on the train at Midnight Monday July 29. There they became the operational reserve of the command and would await further orders.\textsuperscript{19}

On Tuesday night, the second day of the march, the Ninth would have been in bivouac in Teton Valley some where between Driggs, Idaho an Moose Creek. It is a little shorter distance but now in timbered terrain and climbing up to Teton Pass, the rate of march would have been slowed. Wyoming Adjutant General F.A. Sitzer, one of Governor Richards' emissaries wired the Governor on the morning of July 31 the troops had just entered Teton Pass en route to Marysvale and all is quiet.\textsuperscript{20}

The last leg of the march would have been about twenty miles over the pass and down the mountain side to Fish Creek in the vicinity of what is now known as Wilson, Wyoming. This is in line with the Unit records of events and the newspaper accounts at a distance of 101 miles.

General Coppinger's command arrived at Marysvale on the morning of Saturday August 3. The Ninth Cavalry having consolidated its position on Fish Creek brought up its wagon train and spent the next two days crossing the Snake River. One baggage wagon turned over in the river and a team was lost.

By Saturday evening August 3 the Ninth had established a field camp about three miles from Marysvale on Little Gros Ventre Creek (Flat Creek) at a place referred to as Government House. The Eighth Infantry was in camp in Teton Valley under the command of Major Bisbee with the exception of Captain Corliss' company which was posted to Swan Valley.

General Coppinger almost immediately sent out two long range reconnaissance patrols of twenty men each with ten days of field rations. One group went east toward the Hoback country while the other went north toward the Cunningham cabin and Yellowstone National Park. No Indians were ever seen.

Finally on the 12th of August, an Indian hunting party consisting of five males, five females and six children from the Lemhi Agency were found
The United States Army

seven miles north from the Army's camp. The Indians professed they had no knowledge of the trouble and immediately started for the reservation.21

General John J. Coppinger began to realize he had been taken. There was no Indian threat in Jackson Hole. He ordered Troops D and I of the Ninth Cavalry to Fort Washakie, Wyoming. General Coppinger departed Jackson Hole on the 12th of August with this contingency and they arrived at Fort Washakie on August 19, a distance of 157 miles.22

En route the General surveyed Union Pass at the head of Gros Ventre Creek and sent an order back detailing a detachment of 40 men of Company F Eighth Infantry to build a military road over the pass. This was to facilitate travel between Jackson Hole and Fort Washakie.

H Troop Ninth Cavalry left Jackson hole on August 22 and marched 88 miles to Salt River near Afton, Wyoming, arriving on August 29. Major A.R. Chaffee and Troop E left the camp on Little Gros Ventre on August 26 and arrived at Willow Creek, Lower Star Valley on the 29th, the same day Troop H arrived in Afton. The entire command under Major Chaffee was now out of Jackson Hole.23

Meanwhile General John J. Coppinger with Troops D and I after a short stop at Fort Washakie left there on or about August 21. They rode their horses to Rawlins, Wyoming in four days, where they caught the train for home arriving August 27. The General to Omaha, Nebraska and the Calvary to Fort Robinson, Nebraska.24

General Coppinger was in Washington D.C. by September 4 conferring with Secretary of the Army, Lamont and Commissioner of Indian Affairs, Browning. The General made the following statement, “I do not consider the Indians to blame for the Jackson Hole affair,” “They are entirely quiet now and have been. In fact they will not say ‘Boo’ to a goose.”25

The General also suggested the Jackson Hole area be annexed into Yellowstone National Park. He suggested this would solve the problem by keeping all parties out of the area. He was advised by Commissioner Browning that this would have to be done by Congress and the State of Wyoming might object to losing area.26

Stationed in Star Valley as of August 29 were troop E, Capt. C.A. Stedman commanding, with Lts. Jackson and Hartwig, 44 enlisted men, 48 public horses and Troop H under Captain E.D. Dimmick with Lts. Stevens and Hamilton, 43 enlisted men and 46 public horses. In addition there was Major Chaffee’s command group and his support personnel. Their
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numbers are unknown.

On September 1, Lt. Hamilton with a detachment of H Troop went out looking for a party of Indians on Strawberry Creek. Lt. Hamilton returned the next day without finding them. On the 3rd Captain Dimmick and Troop H and followed the Indian trail through McDougal Pass to as far as Cottonwood Creek in the Green River Basin. Captain Dimmick and party returned to camp on the 8th having learned the Indians were on pass and traveling to Fort Washakie.

On September 3, a detachment was sent to Montpelier, Idaho to escort the paymaster from there back to camp. They arrived back in camp on the 9th of September. The next day, September 10, the command (all elements) broke camp moving north along the Salt River to about three miles north of Freedom, Wyoming on the right or east bank of the river, a distance of about 17 miles.

On the 11th, Major Chaffee and E Troop escorted the paymaster to the camp of Major Bisbee of the Eighth Infantry located in Teton Valley, Idaho and to Captain Corliss's camp in Swan Valley, Idaho. In the interim the Star Valley camp was moved north east about 2 miles in the vicinity of the area now known as Nordic Ranches subdivision. Major Chaffee and E Troop returned on the 16th with the paymaster. The following day the 17th, a detachment under Lt. Hamilton left with the paymaster for Montpelier, Idaho.

On September 18 the command broke camp and moved along the Salt River to about one mile north of the Thayne, Wyoming Post Office. There they remained encamped for the balance of their stay in Star Valley until October 22.

On September 19, Lt. Hamilton's detachment returned from Montpelier. On the 25th a detachment of Troop E was sent out to investigate the trail up Elk Creek to Jackson Hole. September 26 Lt. Hamilton was sent out with a detachment of H Troop to investigate a party of Indians south of the camp. He returned the same day having found a party of Indians returning to the reservation. Record of events for October remained uneventful.

By now the troops had been in the field about three months. They were still in summer uniform and their equipage and horses were well worn. And, there was the feeling of fall in the air.

Upon written orders of the Department of the Platte, Major A.R. Chaffee left Thayne, Wyoming with his command at 5:45 am October 22, 1895 and marched to Montpelier, a distance of about 60 miles. The squadron
The United States Army

embarked the train at that point and arrived back at Fort Robinson at 7:45 am on October 28, 1895, having been gone from the Fort 96 days. 55 of those days were spent in Star Valley, Wyoming.

The United States Army is and has always been a stickler for reports of activities of subordinate units. In 1895, a monthly submission of “Record of Events” was required by the Ninth Regiment of U.S. Cavalry.

The “Record of Events” of 1895, for the period of deployment, was submitted to the Post Commander by Phillip P. Powell, First Lieutenant, Adjutant, Ninth Regiment of U.S. Calvary. The Commanding Officer of Fort Robinson, Nebraska consolidated the reports of all units assigned to his command and submitted them to the higher authority at the end of the month. A copy of these “Record of Events” can be found at Appendix A.

Notes:
2 Ibid pg 5
3 Ibid pg 8
4 Ibid pg 10
5 Ibid pg 11
6 Ibid pg 258
7 Organizational Returns, Ninth US Cavalry for July 1895.
8 The Cheyenne Daily Eagle Sun Leader, Wednesday July 17, 1895
9 Post Returns of Fort Robinson, NE for July 1895
10 Governor Richards Correspondence File, Wyoming State Archives, Cheyenne, Wy.
12 Ibid Friday July 26,95
13 The Daily Eagle Sun-Leader, July 17, 1895
14 Ibid
15 Market Lake, Idaho changed its name to Roberts, Idaho around the turn of the century. It was a rail siding about thirty miles north of Eagle Rock Station (Idaho Falls) on the north bank of the Snake River and it was the shortest route to Jackson Hole via Teton Valley. Market Lake was an intermittent lake that held water only in the wet season. It is a water fowl sanctuary.
16 Sun-Leader for Saturday July 27, 1895
17 Regimental Returns, (Records of Events, Ninth Cavalry, NARS RG 535, US Adjutant General trs DEHI.)
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19 Ibid

20 The Sun-Leader July 31, 1895

21 The Sun-Leader Aug 12, 1895

22 Ninth Cavalry Record of Events for August 1895.

23 Ibid

24 Sun-Leader Aug 27, 1895

25 Sun-Leader Sept 4, 1895

26 Ibid
CHAPTER SIX

THE GENERAL

The War Department of the United States bore the brunt of this so called war. Fortunately no soldier's lives were lost, but the strain on the department's budget must have been enormous. The cost of keeping just one squadron of cavalry and one battalion of infantry in the field was no cheap undertaking.

Coppinger received his promotion to Brigadier General on April 25, 1895 from Brigadier General John R. Brooks and on the same day assumed command of the Department of the Platte.¹

Brigadier General John Joseph Coppinger, Commanding General of the Department of the Platte was a capable officer and acted rapidly, for those days, to employ the troops to the scene of trouble. What is more remarkable is that he accompanied the troops to the field and was capable of making sound decisions on short notice without consultation and approval of his superiors. The present day army seems to have lost this capability. General Coppinger conducted this operation with much distinction and is much to be admired.

General Coppinger had a thirty-seven year career on active duty in the United States Army. He has a place in military history and deserves a chapter in this book. The following biographical information was obtained from the Arlington National Cemetery website:²

"This gallant soldier first entered the Warwickshire (Ireland) militia, being gazetted Ensign 1857 and lieutenant in 1858. He left Ireland early in life, volunteering with a number of young Irish gentry for the service of the Pope, when he became involved in hostilities with the Italian Liberals. He served creditably as a Captain in the Papal Army, and received the rank of Chevalier³ for his gallantry at the defense of La Roca gateway in September, 1860.

After the triumph of Garibaldian young Coppinger, with many of his Irish comrades, returned to their homes in Ireland, and when the war for
Brigadier General John Joseph Coppinger, Commander General of the Department of the Platte, Omaha, Nebraska. Courtesy of the Nebraska State Historical Society.
The General

the suppression of the Rebellion in the States broke out in 1861 five of them received, through the intercession of Archbishop Hughes, commissions in the Union Army.

Four of the five received staff position which ended in the war, while Coppinger was made a Captain in the 14th Infantry, which permanently connected him with the Army. Captain Coppinger served gallantly through the war, and was severely wounded at the second Battle of Bull Run. He was again wounded in the Battle of Appomattox, where General Lee surrendered 9th April, 1865.

He was also engaged at Chancellorsville, Gettysburg, Mine Run, The Wilderness, Hanover Crossing, Cold Harbor, Newton, Fisher’s Mill, Cedar Creek, Five Forks, and a score or more of minor engagements. He received two brevets for his ‘gallant and meritorious services,’ and in January, 1865, he was placed in command of the 15th New York Cavalry as its Colonel, a position which he held until the regiment was mustered our of service at the end of war. He was soon afterwards ordered to the frontier, where in 1868 he was brevetted colonel for the ‘zeal and energy which he displayed in command of troops operating against hostile Indians.’ Meanwhile he has been promoted to be Major of the 10th Infantry, and for several years past he has served as acting Inspector-General on the staff of General Pope, a position only given to those thoroughly versed in the manual, drill, the equipment and the discipline of the army.

Colonel Coppinger was married on 6th February 1883, in Washington, to Alice Stanwood, eldest daughter of the Honorable James G. Blaine, ex-Senator and Secretary of State. The marriage was attended by President Arthur, who adjourned the regular meeting of the Cabinet that he and his constitutional advisors might attend; and also the Speaker of the House and the whole Diplomatic Corps. General Sherman, with a large number of military officers, and Admiral Worden, with a considerable number of naval officers, were present at this ceremony.

The General was a sober, no nonsense kind of person and a man of few words as shown in his annual report annual report in 1895:

"The only disturbance in the department since the rendition of the last annual report which has necessitated the use of troops for its suppression occurred last month in the part of northwestern Wyoming known as the Jackson’s Hole country. Although a detailed account of the nature of the trouble and of the movements and services of troops in connection therewith will soon be submitted, a resume of the principal facts may not be out of place here.
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"Upon the representations of the governor of Wyoming and of the United States Indian agent at Fort Hall, Idaho, that a conflict was imminent in that country between the settlers there and a large body of Indians, of whom the bulk was reported to be Bannocks from the Fort Hall Reservation, an expedition consisting of a squadron of cavalry and a battalion of infantry, drawn from the posts of Forts Robinson and D. S. Russell, respectively, was sent by rail to Market Lake, Idaho, and thence marched to the scene of the difficulty for the purpose of preventing the threatened collision. The intervention of the troops had been expressly authorized by the War Department. The department commander accompanied the expedition.

"When, on July 31, the troops arrived at Jackson’s Hole the excitement promptly subsided. Upon their approach the most of the Indian hunting parties returned quietly and by the most direct route to the Fort Hall Reservation, not, however, without unwittingly causing some uneasiness to the settlers along the line of march. A number of peaceable hunters from the Lemhi Agency were started back to their reservation on August 11, by a scouting party under Lieutenant-Colonel Randall, Eighth Infantry. The troops are still in the field.

"It appears that the refusal of the Indians to desist from hunting in Jackson’s Hole and the adjacent country, the right to which is given them by a treaty provision paramount to any State law, on the one hand, and that on the other hand, the persistent action of the State and local authorities in arresting and punishing Indians for violating the game laws of Wyoming, aggravated by what I believe to have been the wholly unwarranted shooting, on the 12th of July, of some Indians who, with other male Indian prisoners, were trying to escape from their captors (a constable and a body of deputies) produced a feeling of mutual resentment in the Indians and whites and of general alarm, which gave rise to reports of bloody conflicts extensively published in the press. None of these, except the one of the shooting just mentioned, were afterwards verified."

Two years following the Jackson Hole incident in 1897, the Governor of the State of Idaho attempted the same scare tactic to obtain the participation the federal troops to expel the Indians from lands the settlers desired. This time General Coppinger was not taken in. He had a thorough investigation made and found it to be a ruse. The General denied the Governor’s request.\textsuperscript{6}

Coppinger was promoted to Major General on May 4, 1898 and retired the same year, October 11. The following is an abbreviated summary of J. J. 
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4 A promotion of short duration for recognition of exemplary service, general given in war time.

5 Blaine was the Republican Party’s nominee for the presidency in 1884 and was narrowly defeated by Grover Cleveland.

6 Brigham Madsen, The Northern Shoshones page 138
The General

Coppinger’s military experience as shown on the Arlington Cemetery website:

John Joseph Coppinger of Ireland
Appointed from New York, Captain, 14th United States Infantry, 30 September 1861
Colonel, 15th New York Cavalry, 30 September 1861
Honorably mustered out of the volunteer service, 17 June 1865
Transferred from the 14th United States Infantry to the 23rd United States Infantry, 21 September 1866
Major, 10th United States Infantry, 20 March 1879
Lieutenant Colonel, 18th United States Infantry, 31 October 1883
Colonel, 23rd United States Infantry, 15 January 1891
Brigadier General, 25 April 1895
Major General of United States Volunteers, 4 May 1898
Honorably discharged from the volunteer service, 31 October 1898
Brevetted Major, 12 June 1864, for gallant and meritorious service in the battle of Trevillian Station, Virginia
Brevetted Lieutenant Colonel, 19 October 1864, for gallant and meritorious service at the battle of Cedar Creek, Virginia
Brevetted Colonel, 1 December 1868, for zeal and energy while in command of troops operating against hostile Indians in 1866, 1867, 1868
Retired 11 October 1898

John Joseph Coppinger died on November 5, 1909. His date of birth in Ireland is not recorded. Estimating from his military record he would have been born prior to 1840. He was at least 69 years old when he died on the cold November day in 1909. He was buried at Arlington Virginia in the National Cemetery at site 859. Borrowing a phrase from and with apologies to General Douglas MacArthur; “Old soldiers never die, they just fade away.”

Notes:


2 http://www.arlingtoncemetery.net/jcoppinger.htm

3 Meriam-Webster Dictionary - A member of one of the various orders of knighthood.
CHAPTER SEVEN

THE INDIAN AGENCY

The life of an Indian Agent was not easy. Thomas B. Teter was the sixteenth agent at the Fort Hall Reservation from the time of 1868 Treaty. The average length of tenure was approximately fifteen months.

There are reasons for this: The Indian Agent was a political appointment based on party affiliation. When the President left office these positions became part of the patronage system as were most government jobs. The Indians had little affection for the Bureau of Indian Affairs and took their frustrations out on the Agent. The agent often worked alone without peers. The position was wrought with bureaucratic red tape requiring numerous reports. There was never enough funds from the Federal Government to meet existing needs. And lastly, the Indians were often difficult to work with.

At one time the Agency tried to direct the Indian Police to act as truant officers to go to the homes and get the children back in school. The Native Police balked at this. It was either not in their job description or below their dignity and customs to perform such tasks.

Mr. Teter experienced all of these frustrating ordeals and more. Thomas B. Teter was the Indian Agent at Fort Hall from April 11, 1895, appointed by President Grover Cleveland’s administration. In addition, from the beginning he had a nemesis in one A.W. Fisher.

Mr. A.W. Fisher had built up a vocal constituency among the Native Americans. Mr. Fisher ran a haying operation on the reservation. His friends even petitioned President Cleveland to appoint Mr. Fisher as agent, but to no avail. It seems the shadow of A.W. Fisher continuously haunted Thomas B. Teter.

Several Bannocks were never pleased with Mr. Teter’s performance as their Agent. They ran a negative campaign against him accusing him,
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among other things, of being cowardly and dishonest in his dealings. In January of 1896 a group of twenty Indians lead by Jim Ballard dragged Teter out of his office and prepared a rope to hang him. The Indian Police in true Hollywood fashion, showed up just in the nick of time and saved poor Mr. Teter.\(^2\)

Mr. Teter had been at his post for approximately 90 days when this Indian incident occurred along Granite Creek in Wyoming. He hardly had time to have been oriented to this reservation he would soon be called upon to defend. This agency to his credit did keep good documentation. These writings appear in the Annual Report to Congress.\(^3\) The following narration is based on this Annual Report.

The build-up to the Jackson Hole incident actually began before Mr. Teter assumed his employment at the Fort Hall Agency. Mr. Merideth H. Kidd, U.S. Commissioner of Indian Affairs wrote, “Since my last annual report of complaints by whites in regards to the Indians off their reservations hunting and 'wontingly killing' game, serious trouble has occurred.”\(^4\)

Commissioner Kidd continued, “For more than the year past complaints have been made to this office. These complaints were received from Idaho, Wyoming and Montana. In view of the complaints, the office on May 22, 1894 addressed a letter to Indian Agents in Idaho, Wyoming, Utah and Montana and the Dakotas, instructing them to call together in council with the Indians of their respective agencies and again put before them the instructions contained in Office Circular of November 2, 1889.”\(^5\)

This circular of November 1, 1889 spoke to the wanton waste of game animals, reminding them even though they had treaty rights it did not authorize slaughter of animals merely for their hides or other by-products. The circular provided stiff penalties and loss of privileges for violators.

All the agents addressed that they had complied with the office instructions. Captain P.H. Ray, Eighth U.S. Infantry, acting agent of the Shoshone Agency replied on May 29, 1894, (one week after the Commissioner sent his instruction letter) that he had complied with the directive. He also said to the best of his knowledge, not a single case of wanton destruction of wild animals has occurred nor will he allow it!

Captain Ray then made the following statement: “In connection with this matter I wish to call attention to the fact that the present ration for Indians on this reservation (one-half pound of flour and three-fourths pound of beef, net) is not sufficient to ward off the pangs of hunger, and they must supplement this allowance in some way or suffer. In absence of
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paid employment, which will enable them to purchase food, they will resort to desperate methods before they will go hungry. Unless they received sufficient food on the reservation, no power can prevent them from killing game or cattle."

Complaints, however, continued from officials of Wyoming, Fremont County and many others from the region south of Yellowstone Park until the late fall of that year 1894 at the conclusion of the normal hunting season.

Commissioner Kidd continued his report by saying there were no further complaints until the later part of June 1895 when a letter was received from Governor Richards of Wyoming stating the Indians were still hunting and killing large game. The Governor asked the commissioner to restrict the Indians to their reservations and the Governor included a copy of the State of Wyoming Fish and Game Laws of 1895.

July 18, 1895, Governor Richards telegraphed the Department as follows: "Have just received the following telegram, dated Marysvale, Wyo, July 15, via Market Lake, Idaho, July 16."

"Nine Indians arrested, one killed, others escaped. Many Indians report here; threaten life and property. Settlers are moving families away. Want protection immediately. Actions on your part is absolutely necessary."

"Frank H. Rhodes, Justice of the Peace
Wm. Manning, Constable
And three others."

Commissioner Kidd immediately telegraphed Agent Teter at Fort Hall advising him of the situation and instructed him to proceed at once to the scene of trouble, do what he could to protect the settlers, return all absent Indians to the reservation and advise the Department if troops are necessary. Kidd then telegraphed the acting agent at the Shoshone Agency advising him of the situation and directing him to return all absent Indians to the reservation.

Teter replied the next day by telegram the following: "Will state on the 13th instant, upon receipt information Indians were killing game unlawfully in Wyoming, I sent the entire police force to Wyoming to bring back Indians belonging to this reservation. Captain Indian police sent back policemen, who arrived this day, stating that one Indian killed by settlers. Other sources say several Indians killed. I leave for the scene of trouble at once."

Agent Teter left Fort Hall, Idaho on the 18th of July. His route to the
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scene of trouble is not known. It is suggested he caught a train to Market Lake and from there rode horseback through Teton Pass to Jackson Hole, Wyoming. This at a minimum would have taken three days.

Teter made his assessment and on July 23 he caused a telegram be sent to Commissioner Kidd. "Have investigated trouble between Indians and settlers in Wyoming, and advise troops be sent there immediately to protect the law-biding settlers, lawless element among the settlers being determined to come into conflict with Indians."\(^8\)

Thus prompted to action, the Commissioner, through channels, requested the Secretary of War to send troops to Jackson Hole.\(^9\)

On the 28th Teter sent a message to the Commissioner stating the day before he had met Sheriff Hawley near Rexburg, Idaho, returning from Jackson Hole, where he had been sent to ascertain if settlers had been killed Indians. Hawley states settlers have not been molested by Indians.

It is not so important what the Sheriff had to say but it places Agent Teter near Rexburg, Idaho which is not far from Market Lake on the 27th of July. It appears he was waiting for the troops when they arrived there. He possibly met with Brigadier General Coppinger.

On August 2, 1895 Teter wired Commissioner Kidd that he had just returned from Jackson Hole. Everything was quiet there. He recommended the Commissioner request the U.S. Department of Justice investigate the killing of peaceable Indians with the view of prosecuting guilty parties.

August 3, Agent Teter\(^10\) sent the following telegram to the Office of the Commissioner:

"All Indians absent from the reservation have returned. Had big council. Request me to telegraph you their hearts felt good. Had not harmed a white man, and would start haying, leaving grievances to the justice of the white man."

An interesting point to be made is that by the time General Coppinger and the Ninth U.S. Cavalry reached Jackson Hole there wasn't an Indian within a hundred miles of the scene of trouble. This speaks well of Agent Thomas B. Teter's ability as a leader.

However, Mr. Teter would not rest upon his laurels. There was work to be done. Back in June (1985) the Department had made a decision to develop an irrigation system on the Fort Hall Reservation in order to facilitate farming by the Indians. There was actually a contract drawn up with the Idaho Canal Company to dig a canal. The Department then decided not to have the project done by contract. Rather, however, where practicable, have

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the construction done by Indian labor, under a superintendent employed by the government.\textsuperscript{11}

Teter could see there were dollars available in the Department and made his move on August 14 with a communication to the Commissioner. In his telegram he rationalized the Indians could not sustain themselves if denied access to their normal hunting areas, as they could not grow their own food until water is put on the reservation. His solution was to enter into the contract for the “Big Ditch” and thus give the tribal member a job and source of income to buy food. In the same breath Teter asked for an increase in rations or employment.

The commissioner toyed with the agent. He replied he too, wanted the work on the Idaho Canal to begin. He made no promises and changed the subject. He said he would increase the rations, when needed, if the Indians would not leave the reservation and go hunting this fall. Commissioner Kidd then put the monkey on Teter’s back by asking what additional rations were needed and when.

Teter replied he had 1440 Indians on the reservation to feed. They presently receive a weekly allowance of:

2880 pounds of Flour (two pounds per person)
4800 pounds of Beef (gross) or 2300 pounds (net)
150 pounds of Sugar
75 pounds of Coffee

He recommended the following increased weekly ration, almost double the existing allotment:

5040 pounds of Flour (Three and a half pounds per person.)
14,400 pounds of Beef (gross) or 5 pounds per person (net)
480 pounds of Sugar (one-third pound per person)
240 pounds of Coffee (one-sixth pounds per person)

The commissioner, in a weak moment did not haggle, but telegraphed back on August 31, “Issue rations as requested in your letter of August 20th.”\textsuperscript{12} He did, however, take ten days to form his reply. By now Agent Thomas B. Teter was batting one thousand percent.

August 19, 1895 - Teter informed the central office the Indians were sullen and very much dissatisfied, having recently had several brawls with whites. He stated it was possible an outbreak is liable to occur and request the soldiers be stationed on the Fort Hall Reservation until the Indians quiet down.\textsuperscript{13}

At the request of the Department of the Interior the War Department
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directed Brigadier General Coppinger to station a small military force at
Fort Hall. This was a unit from the Eighth U.S. Infantry. Among those
assigned was Captain P.K. Ray, the acting Indian Agent of the Shoshone
Reservation. He had been recalled to his parent regiment and sent to the
field with his soldiers of the Eighth Infantry.

Captain Ray was also assigned the additional duty as a Summary
Court Officer. This was a duty assigned to officers to try their unit soldiers
who commit a minor offense and stay on duty. Major military offenses were
tried in a General Courts Martial tribunal. The Summary Court Officer had
notary powers and took sworn statements from Ben Senowin and the male
members of the hunting party who were shot at by Constable Manning’s
posse.

These affidavits were attested and sworn on September 1, 1895.
This was six weeks after the incident on July 15. Nemuts seem to have
recovered well from his wounds and ordeal in the wilderness, at least well
enough to sign his name or give his mark. The following testimony of
Senowin, Nemuts and the others is as follows:

COUNTY OF BINGHAM, State of Idaho, ss:
Personally appeared before me Ben Senowin, a Bannock Indian, who, being duly sworn,
deposeth and says: That he is the head of a clan, and that on or about July 15, 1895,
while hunting on unoccupied Government lands east of Jackson’s Hole, in the county of
Uinta, State of Wyoming, under a pass from the U.S. Indian agent at Fort Hall Agency,
and provisions of article 4 of the treaty with the Shoshones (Eastern band) and Bannock
Indians, dated July 3, 1808, and ratified February 16, 1869, in company with Nemuts,
Wa-ha-she-go, Ya-pa-ajo, Poo-dat, Pah-goh-zite, Mah-mont, Se-we-a gat, Boo-wah-go,
thirteen women and five children, all Bannock Indians, were, while in camp, feloniously
assaulted and by force or arms attacked by a party of twenty-seven white men, and
having been made under threat of death to give up all of their arms, consisting of seven
rifles and ammunition were marched thirty miles, more or less, in the direction of the
white settlement; that during the afternoon of the aforesaid date, while passing through
a belt of timber, the deponent saw several of the white men placing cartridges in their
rifles and believing his own life and the lives of the members of his part to be in danger,
called upon his people to run and escape, whereupon the white men, without just cause
or provocation, commenced to fire with rifles loaded with ball cartridges upon him, the
deponent, and his people; that he, the deponent, saw one Indian named Se-we-a-gat
fall dead, killed by said fire, and one Nemuts wounded, and that one infant was lost while
they were escaping and has not since been found; and deponent further saith himself
and his party were by force of arms and said party of white man and by threats of instant
death feloniously deprived and robbed of the following articles of personal property, to
wit: Seven rifles, twenty saddles, twenty blankets, one horse, nine packs of meat, and
nine tepees, more or less; and deponent further saith that neither he or any of his people
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were told why or by what authority they were assaulted; that he is not aware that wither he or any of his party had committed any offense against the laws of any State or the United States; or that he or any of his party ever attempted or offered any violence, or had made any threats against the life or property of any white man; that the white man never gave him or his party any hearing, or asked him or his party any questions through an interpreter or otherwise; that neither he or any of his party were ever called upon to answer or plead in any court of justice or make answer to any charge whatsoever.

BEN (his x mark) SENOWIN,

Witness:

RAVANEL MACBETH.
Sworn and subscribed to before me this 1st day of September, 1895.

P. H. Ray,
Captain, Eighth Infantry, Summary Court Officer.

CAMP UNITED STATES TROOPS,
Fort Hall Agency, Idaho.

COUNTY OF BINGHAM. State of Idaho, ss.

Personally appeared before me Nemuts, Boo-wah-go, Ya-pa-ojo, Mah-mont, Wa-ha-she-go, Poo-dat, and Pah-goh-zite, Bannock Indians, who, being duly sworn, deposeoth and say that they have heard the interpreter read to them the foregoing affidavit of Ben Senowin; that they were there present and know of their own knowledge the statement set forth is true to the best of their knowledge and belief.

NEMUTS (his x mark).
BOO WAH GO (his x mark).
YA PA OJO (his x mark).
MAH MONT (his x mark).
WA HA SHE GO (his x mark).
POO DAT (his x mark).
PAH GOH ZITE (his x mark).

Witnesses:

RAVANEL MACBETH
TOMMY COSGROVE.

Sworn and subscribed to before me this 1st day of September, 1895.

P. H. RAY,
Captain, Eighth Infantry, Summary Court Officer.

CAMP UNITED STATES TROOPS,
Fort Hall Agency, Idaho.

Witness:

Dan'I T. Wells,
Captain, Eighth Infantry.
These affidavits were submitted to the Commissioner of Indian Affairs in Washington City of September 3 as requested, along with other affidavits to be used as evidence by the U.S. Attorney General.

Based on the sworn testimony of Ben Senowin, Agent Teter had one more request of the Department: That was to send a group of Indians to Jackson’s Hole to recover the items enumerated in Ben Senowin’s testimony as being taken to Jackson’s Hole by Constable Manning on July 15.

Brigadier General Coppinger was consulted by the Department and he agreed, “These Bannocks have an undoubted right to seek their property illegally held by white men in Jackson Hole.” He cautioned the Indians must be accompanied by a military escort and by a trusted and experienced employee of the Bureau of Indian Affairs.

Department permission was granted on September 14 for a party of not to exceed eight Bannock Indians and proper escort to proceed to Jackson Hole and recover the cited property.

Thomas B. Teter became a prolific writer and sent several letters and telegrams to the Commissioner concerning the Jackson Hole incident. Much of these communications were superfluous and redundant. But, they did have a theme that the Indians were innocent and right and justice was sought. Hopefully these communications kept the issue on the front burner so as the U.S. Attorney General would not file them away, and ultimately the matter would end up in the court system. It did, but not like Mr. Teter wanted it.

Agent Teter was an advocate for the Bannock Indians. But he never pleased them nor was he appreciated by them. The specter of A.W. Fisher loomed in the shadows. The adversary group continued to campaign against Agent Teter. Their chance came in January 1897 when a delegation of Indians were in Washington concerning the approval of the Pocatello cession. They insisted they would not agree until Teter was removed as their agent.

The commissioner sent Inspector J. George Wright to make a thorough investigation of the Fort Hall Agency. Inspector Wright discovered several discrepancies against Thomas B. Teter and Chief Clerk Ravenel McBeth. Inspector Wright reported he had lost all confidence in both Teter and his chief clerk. In his opinion both should be removed.15

Thomas B. Teter was discharged February 24, 1897 and replaced by Lieutenant Francis C. Irwin as acting Agent of Fort Hall, Idaho.16 Teter
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served for twenty months, which is just about average for an agent at Fort Hall.

If there is any consolation for Mr. Teter, it is that Mr. Fisher did not receive the appointment as the Indian Agent.

Endnotes:

1 Newspaper Article from the Idaho States, (Boise, Idaho, April 1895.)
4 Ibid page 60
5 Ibid page 61
6 Ibid page 62
7 Ibid page 63
8 Ibid page 64
9 Ibid
10 Ibid page 65
11 Ibid page 27
12 Ibid page 71
13 Ibid page 77
14 Ibid page 78
15 Brigham Madsen, The Northern Shoshone page 136
16 Ibid
CHAPTER EIGHT

THE COURTS

Both sides were adamant that they were in the right. It would take the courts to settle the aggrevances. The situation had been polarized with the State of Wyoming, including Jackson Hole, against the rest of the world with public opinion favorable towards the Indians.\(^1\) Thomas B. Teter, Fort Hall Agent, said the killings of Indians was totally unwarranted.\(^2\) He also implicated the Governor as a co-conspirator for murder.

The Commission of Indian Affairs directed their Inspector, Mr. Province McCormick to make a full investigation. Mr. McCormick, a skilled investigator, rendered a thorough report on August 27, 1895.\(^3\) His conclusion was:

"The whole affair was, I believe, a premeditated and prearranged plan to kill some Indians and thus stir up sufficient trouble to subsequently get United States troops into the regions and ultimately have the Indians shut out of Jackson Hole."

Inspector McCormick suggested the matter be referred to the Department of Justice. The U.S. Attorney General, although he seemed genuinely sympathetic, concluded; "There is, however unfortunately, no statute of the United States under which this Department can afford any assistance.\(^4\)

There are two legal issues at hand. First the killing of an unarmed man attempting to escape the posse who arrested him for a game violation which was a misdemeanor carrying a fine not less than $10 or more than $50. The second and perhaps major issue was the validity of the Fort Bridger Treaty of 1868 which allowed the Indians to hunt on unoccupied public lands.

As to the first issue, the crime is murder. This is a crime under the jurisdiction of the state in which it was committed. This would need to be tried in the District Court of Uinta County, Wyoming. The Federal Government had no jurisdiction. Had the current law pertaining to civil
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rights been in effect, then the possibility exists the Federal Attorney General could have intervened.

The possibility of a conviction of Constable Manning and his 26 Deputies for murder seemed remote. Nowhere within Uinta County, Wyoming could a jury be picked that would find them guilty. The matter was dropped and the effort was made to concentrate on a different approach to justice. The legal representative of the U.S. Indian Service sought to find an Indian to admit to hunting game illegally and submit to arrest by the Uinta County Sheriff, John Ward, and then be tried before the District Court of Judge John C. Hamm.

The Agency persuaded two Indians to be the test case. One was a prominent Bannock by the name of John Racehorse Sr. The other, though not mentioned by name, was thought to be Ben Senowin. Sworn testimony was taken from Senowin on September 1, 1895 that was meant to be used in the legal process. Ben Senowin was the leader of the hunting party in which the old Indian Sew a Gat was killed in the escape in July. It was obvious Ben Senowin wanted justice and/or vengeance in this matter. He had an axe to grind.

John Racehorse Sr. on the other hand may or may not have illegally taken wild game. There were no witnesses, no meat or hides as evidence, only

John Racehorse, Sr. a Bannock Indian who voluntarily offered to be tried for illegally hunting in Wyoming in order to determine the validity of the 1868 Treaty. Photograph courtesy of the Sho-Ban News, Fort Hall, Idaho, Lori Edno-Shuppah, Editor and great granddaughter of John Racehorse Sr.
his confession, which in itself could not hold up in a court of law. Any good defense attorney would have gotten an acquittal.

Although there was no written evidence to get these two Bannocks involved, they had to have been promised something. Perhaps legal counsel, payment of fines, and a promise of personal protection. Their tribal civic pride must have been touched so that a favorable resolution to the problem would bring them individual honor.

Whatever the motivation, the two men with their representatives from the agency appeared voluntarily in Evanston, Wyoming and offered themselves up for arrest in September 1895. As prearranged, Sheriff Ward obliged them. The hope for a speedy trial did not materialize.

Judge John Hamm declined to hear the case because he said his was not the court of competent jurisdiction, seeing as the crime was committed on federal lands. This was part of the conspiracy to put the case in federal courts and thus bypass the Wyoming appeals system and be able to go directly to the U.S. Supreme Court if necessary.

District Judge John A. Riner of the Federal Circuit Court in Cheyenne had no such qualms about it. He ruled indeed his court did have jurisdiction.
and so the matter was referred to his bench. By some closed door agreement between lawyers it was decided to try only Mr. John Racehorse Sr. and not complicate the trial with the testimony of Ben Senowin. It was in the state’s best interest not to bring the matter of the killings into court and concentrated only on the game violation and the Treaty of 1868. Mr. Senowin was released and returned to Fort Hall Idaho, no worse for the wear.

Mr. Racehorse languished in the Uinta County Jail in Evanston because neither he nor his representatives had the $500 for bail. In due time he was transported to Cheyenne for trial on the first Monday of October, in the Circuit Court of Federal District Judge John A. Riner. U.S. Attorney Gibson Clark would serve as counsel for Mr. Racehorse, Wyoming Attorney General Benjamin F. Fowler, Willis Van Devanter and John C. Hamm.

John Alden Riner had a remarkable career. He was born in 1850 in Preble County, Ohio, studied law at the University of Michigan and graduated in 1879. By 1881 he migrated to the Territory of Wyoming and served as the attorney for the City of Cheyenne. He served as U.S. District Attorney for the
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Territory of Wyoming in 1884. Mr. Riner had been elected to the Council of the Territorial 10th Legislative Assembly in 1886. This was the upper house of the Assembly, equivalent to a state senate and served as the President of that legislative body. He also served as a member of the State Constitutional Convention and took an active part in framing this States' Constitution.

In 1890 he was elected to the Wyoming State Senate in the new state. Before the Legislature convened, Mr. Riner resigned the Senate to accept an appointment by President Harrison as the U.S. District Judge effective Sept. 30, 1890. There he served for thirty years.  

Judge Riner had a great deal of himself invested in the State of Wyoming. It was somewhat surprising that without hesitation he accepted this case in the Federal Circuit Court. One would believe he would be biased for the State. He certainly knew the prime players in this drama. (Unless he was part of the alleged conspiracy?)

This case seemed to have been filed backwards. Although John Racehorse Sr. was arrested for illegal hunting, charges were not filed against him. Rather the case was filed in behalf of Mr. Racehorse as a writ of habeas corpus, in that he was being held unjustly and unlawfully in the Uinta County Jail in Evanston, Wyoming in violation of the Constitution of
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the United States.

Had the charges been for illegal hunting it would be only a violation of State Law and needed to be tried in a state District Court. The Federal Court would not have been appropriate, and the appeal channels would have been different. The Officials of the State knew this and were instrumental in following the course as laid out.

The written opinion of Judge John A. Riner in its entirety is located at Appendix B, Part One, cited as 70 F. 598. In this scholarly document of eleven pages, Judge Riner carefully examines the positions of the petitioner and the respondent. He then focuses on the Fort Bridger Treaty of 1868 and cites the State Statutes on the taking of game.

Then by citing case law back to the beginning of the United States he determines the Indians are a Sovereign Nation and can make legally binding treaties with other Sovereign Nations, i.e., the United States of America. Such treaty agreements thus made are binding on both parties. Judge Riner ended his opinion as follows:

"That the act admitting Wyoming into the Union does not, by necessary implication, repeal or abrogate the Treaty and that provision remain in force. The State Law being in conflict with the provision of the Treaty cannot be enforced against these Indians, party to the Treaty. The petitioner must therefore be discharged. And it is so ordered."

Mr. John Racehorse, Sr. thus exonerated, was discharged from custody and returned triumphantly to the reservation.

It was no surprise when the State of Wyoming immediately filed an appeal of this Federal Circuit Court decision in the United States Supreme Court. The legal minds of the State anticipated this action in order to facilitate a finite solution. This was not only a State problem, but also a national problem crossing state lines.

What is most amazing is that the Supreme Court justices cleared their docket in order to hear this matter at the earliest possible time. The matter of Ward v. Race Horse was scheduled for March 11 and 12, 1896. This took a great deal of political influence to accomplish.

Associate Justice White, a new member of the Court, was chosen to write the majority opinion. Edward Douglass White was an anomaly. Born in 1845 at Parrish Lafourche, Louisiana, he was a Louisiana Democrat. He attended Georgetown University but left to join the Confederate Army during the Civil War. He studied law after the war and was admitted to the Louisiana Bar in 1868 at age 23. Mr. White entered politics and was elected to
the State Senate. In 1879 he was elected to the U.S. Senate and served 1891-94. He was appointed to the U.S. Supreme Court in 1894. Raised to the position of Chief Justice in 1910, he died in 1921.

He was fifty years old when he was called upon to write the majority opinion in the matter of Ward v. Race Horse. During his Supreme Court tenure he wrote over 700 opinions. This was obviously one of his earlier ones. His opinion in this case appears to be sophomoric in content.

The U.S. Supreme Court opinion can be found at Appendix B, Part One and cited as 163 U.S. 504, 16 S. Ct. 1076. (May 25, 1896. 8 pages.)

Associate Justice Edward Douglass White started by saying the Bannock Tribe was given a reservation by treaty and the United States had fulfilled its part of the bargain. Hunting areas were only provisional and

Benjamin Fowler, Attorney General of the State of Wyoming 1895. From the photograph Collection of the Wyoming State Archives, Department of State Parks and Cultural Resources.
Wyoming District Court Judge Jesse Knight was assigned the Ward vs Racehorse case when the case was returned from the U.S. Supreme Court. From the collection of photographs of the Wyoming State Archives, Department of State Parks and Cultural Resources.
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not geographically defined. When the Territory of Wyoming was made a state in 1890, the act of statehood contained no exceptions or reservation in favor of or for the benefit of Indians. The Justice cut the Indians no slack. It seems his racial bias was held over from the Civil War, as was his southern concept of state's rights.

He makes one possible valid point in that congress created Yellowstone Park and designated it a non-hunting area for the Indians without the Indians' consent or consultation, even through the National Park meets the definition of unoccupied land. This leaves the impression the government could change any treaty as it will.

Justice White might have cited, but didn't, a condition in Old English Law that has come down to us until this day. That is "The King Can Do No Wrong." In this case the supreme authority of the land, that is Congress, can at its discretion make an agreement and subsequently abrogate parts of that agreement without notifying the other party involved.

The Justice ends the majority opinion with the following; "For the reasons the judgment below was erroneous (Riner's opinion) and must therefore be reversed, and the case must be remanded to the court below with direction to discharge the write and remand the prisoner to the custody of the sheriff, and is so ordered."

In 1896 the U.S. Supreme Court consisted of seven member Justices. In this matter Mr. Justice Brewer, having not heard the arguments, took no part in this decision. Mr. Justice Brown was the lone dissenter. The vote then was five for, one against, and one abstaining.

Justice Henry Billings Brown, Associate Justice 1890 - 1906, born in 1836 in Massachusetts\(^7\) wrote a dissenting opinion. He began as follows; "As the opinion of the court seems to be to imply and to sanction a distinct repudiation by congress of a treaty with the Bannock Indians. I am unable to give my assent to it."

In the next few paragraphs Justice Brown disposed the assenting opinion. His words are at Appendix B, Part Two, and well worth reading. In conclusion he summed up his dissent. "I think, therefore, the rights of these Indians could only be extinguished by purchase or by a new arrangement with the United States."

The case of Ward v. Racehorse was remanded back to the Federal Circuit Court from whence it came. Mr. Race Horse was once again ordered to be brought before Judge Riner's bench to convene July 14, 1896. However, the court failed to notify Mr. Racehorse and the Fort Hall Agency
and there was a postponement until July 2.

At that time Judge Riner wishing to dispose of this matter determined the State District Court did have jurisdiction after all and sent the case to that Court. Bail was set at $500 which was subscribed to by the Agency Chief Clerk of Fort Hall, a Mr. Ravenel MacBeth. The District Court date was set this time for September 7, 1896.

Normally this case would have been referred to Judge Hamm's District Court in Uinta County. Therefore it was decided to place the matter before another District Court, Judge Jesse Knight, on the date indicated.

Governor Richards, with a favorable U.S. Supreme Court decision in hand suggested the Court to show mercy to the prisoner. There is a letter on file at the American Heritage Center in Laramie, Wyoming, from the Commissioner of the Office of Indian Affairs dated June 22, 1896 (signature illegible) to his superior, the Honorable Secretary of the Interior. In the letter the Commissioner states he had heard from the U.S. Attorney for Wyoming "that Judge Riner desired Mr. Racehorse be brought before him on July 14th to be turned over to the State Sheriff. The Attorney General (this must be referring to Benjamin F. Fowler, the Wyoming AG) says that this was an agreed case to test the law, it seems to him this poor Indian should not be further punished, as this Department made the arrangement for this test case, he wishes you would see if you cannot arrange to let the Indian go without further molestation."

It would appear the Secretary of the Interior did contact the Governor of Wyoming and a deal was made. Racehorse had to appear before Judge Riner as directed by the Supreme Court. Judge Riner sent the matter to Wyoming District Court for a hearing on September 7. Now the matter was in the hands of the State of Wyoming and they could do as they pleased and show compassion on the prisoner.

Judge Jesse Knight, a Wyoming District Court Judge, was assigned the case and condescended, and patronizingly lectured John Racehorse Sr. telling him of all the things his court could do to him. He admonished Mr. Racehorse to cease illegal hunting in Wyoming. And with that the Indian was free. It is doubtful that the Indian understood what Judge was saying. It made good copy for the press and Mr. John Racehorse was grateful to be out of the Sheriff's custody. As far as can be ascertained, he never again hunted in Wyoming.
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Endnotes:

1 Ltr from Gen Coppinger to Sectr of War, Aug 28.95 as appears on page 163 the Report of the Secr of War for 1895.

2 Report of Comm Of Indian Affairs 1895 page 73.

3 Ibid page 75-77.

4 Ibid page 75.

5 Information from the files of the American Heritage Center, University of Wyoming, Laramie, Wyoming, Judge John A. Riner file.


7 Ibid page 112
CHAPTER NINE

THE MEDIA - PART ONE - THE BUILD UP

In the early days of statehood the leading newspaper in Wyoming was the Cheyenne Daily Sun-Leader. During the period July - September 1895, the Sun-Leader carried stories on Jackson Hole and on Indian matters pertaining to the conflict. Thus the readers were kept well informed on a daily basis. The truth didn't seem to matter much. Just what ever sold newspapers. The paper's editorial policy was one of sensationalism regardless of the origin, and validity of the reports is questionable. Many stories related as fact later were found to be bias and untrue.

Nor were the editors unbiased in the selection of material used. Racial slurs were frequent. The Indians were often referred to as 'hostiles' Red Devils' or worse. Disparaging remarks were made about the Federal Agency for Indian Affairs, BIA, and personal attacks on its agent at Fort Hall, Idaho, Mr. Thomas B.Teter, for any defense in behalf of the Indians. As far as the Sun-Leader was concerned, there was only one side in this matter and Governor Richards was given full access to exploit the newspapers' assets.

Never-the-less, the newspaper articles as they appear here chronologically on the following pages, make interesting reading especially if you enjoy fiction. These articles were obtained from the Wyoming State Archives and are copied from microfilm rolls of the newspaper editions of 1895. (The microfilm had over the years become worn and brown and fuzzy and it has been necessary to retype the articles for the convenience of the readers.)

Only articles of the Sun-Leader are included in the following chapters. Other state and national newspapers picked the articles off the wire and repeated them, thus giving the articles creditability.

The following articles from July 5 to July 26 starts with a letter from
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W.O. Owens, the Wyoming Auditor, condemning the Indians for their wanton destruction of game animals. Then he extols the virtue of the law enforcement people of Jackson Hole for trying to protect the wild game.

The subsequent articles then continue to build a case against the Indians by the testimony of prominent citizens, as lawyer Will L. Simpson and Miss Ida Simpson. This theme was followed until the arrest of a Native American hunting party in which people were killed. Then the driving emphasis became the gathering of the rampant hostiles bent upon attacking the white settlers. Large numbers of phantom Indians were reported gathering in various localities of the State preparing to descend upon the helpless residents of Jackson Hole.

Governor W.A. Richards now began a dialogue with the federal authorities to seek relief from the dire situation the State believes the citizens of Jackson Hole find themselves in. Although the Governor had the authority to call up the Wyoming National Guard, he rationalized this was a federal problem and the expense of such a military operation would be best borne by the national treasury. The condition of hysteria continued with devastating reports of settlers being harmed. A situation which, by the way, never existed.

As the sun rose on Thursday, July 24, 1895 it seemed the situation was, at least to the state and federal authorities, becoming intolerable. The federal military units into the fray are described in the following Chapter Ten, "The Media, Part Two, The Movement to Contact."

FRIDAY EVENING, JULY 5, 1895.

INDIANS KILL MUCH GAME

FOURTH INTERESTING LETTER RECEIVED FROM STATE AUDITOR OWEN

Uncle Sam's Wards are Gradually Exterminating the Elk and Deer in the Northern Part of Wyoming, and They are Not Molested.

The following interesting letter was written to the Sun-Leader by
The Media - Part One - The Buildup

State Auditor Owen from Jackson's Hole, Uinta county. Its publication has been slightly delayed, but it has lost not a particle of its value thereby:

If the people of our state could see for a single day the tremendous and terrible slaughter of game that is going on continually by the Indians in this country, they might possibly be aroused to the fact that something in the way of putting an end to it must be done at once.

All the game laws and restrictions in christendom are absolutely worthless if the red man can, with impunity, set out whenever the notion takes him and kill off a score of elk or deer in a single day. What good has been accomplished through the enactment of our recent game laws which prevents the white man from killing more than actually sufficient for his own consumption, when from five hundred to a full thousand Indians from this and adjoining states are allowed to roam at will through the best game section of the country and slaughter hundreds of animals every day in the week? It smacks very smartly of the action of the man who plugged the bunghole of the barrel and then knocked out the head. The settlers in the section have petitioned the authorities in vain to take hold of the matter and do something to check this awful slaughter. But no response seems to come, and if I mistake not this inaction will eventually lead to the citizens' taking the law in their own hands and waging a pretty lively warfare on the wards of the nation.

About two weeks ago the constables of this section swore out a warrant against a number of noble red men who had violated the game laws, and summoning a posse of twelve able bodied men he set out to capture as many of them as possible. By some means or other, however, the Indians received intelligence of the move and were completely out of the country before the white men were fairly on their way. One old fellow, who was a little tardy in moving, and a squaw, were captured, and the former had in his possession forty hides, the result of a few days hunt in this grandest of all game countries. The two, with the hides, were taken to Jackson Hole, where they will be tried before a justice of the peace as soon as an interpreter can be obtained to assist in the taking of testimony. What the outcome of this examination will be no man can foretell, but I predict rather troublous times in this section if the Indian is not severely punished.

The laws of this state, if I have been correctly informed, can be enforced against the Indian, as well as his pale neighbor, and why the white man is punished for the violation of a statute that the savage may disregard with impunity is beyond my powers of comprehension. The Shoshones and
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the Arapahoes, in this state, and the Lemhis from Montana, are destroying more game within twenty miles of this settlement, while I am writing this letter, than the white men would kill in a month, and there is never an effort made to stop it by the proper authorities. Now, there is only one way out of this dilemma. Either the Indian is amenable to our law or he is not. There is no disputing this proposition. If he is, then let the authorities exercise the same diligence and persistence in the capture of the savage who violates the law as they do when the white man is concerned, and a very different state of affairs will ensue at once. If, under their treaty with the government, the natives are not answerable to the state of Wyoming, then let that fact be published to the world, and the settlers will understand their position.

But Indians have been tried for murder and other crimes in our state in the past, and the jurisdiction of the civil courts, if I remember aright, has never been questioned. Then why the uncertainty as to the state’s authority when the Indian openly violates the game laws?

Either these red men should be made to feel the majesty of the law, and punished when they violate it, or the matter dropped at once according that it is decided that the state of Wyoming has no power to punish the Indians or not.

There is no middle ground at all in the case. A most deplorable feature of the slaughter of game by the Indians lies in the fact that they diligently seek the female animals for killing instead of the males, and this in the springs means the destruction of three . . . . . . at a single shot. How long can such warfare as this be maintained and a single deer or elk be left in the state?

The enactment of the game laws and their enforcement against the white man only is the sheerest nonsense in the world, if from five hundred to a thousand savages are to be allowed perfect freedom at all times of the year to carry on the work of extermination as in the past.

All the white men in the state, I will venture to state, if organized for that particular purpose, would have a task of considerable magnitude to destroy as much game in a given time as the Indians. For the red man is a capital hunter in every sense of the word, and a hundred or more of them taken at random from the tribe will unquestionably do better execution with the rifle than an equal number of white chosen under like conditions. I sincerely hope that our authorities will take the proper steps to terminate the trouble at the earliest possible moment. A little vigorous action is all
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that is necessary to set matters right, and not a day should be lost, for the preservation of our game is a question in which we are all seriously interested. The Indians have been cared for amply in the way of hunting grounds, the government having provided a reservation of 3,500 square miles for their exclusive use.

The reservation embraces the finest tract of land in the state and within its confines is an abundance of game. Let the government keep its wards in this ground that has been reserved for them and all will be well. A white man would never think of encroaching upon this reservation and if the Indian will only cling to his own home there will be no trouble.

Considerable interest is manifested throughout this settlement in the case of the Indian who is soon to be tried, and I presume you will be appraised of the outcome as soon as the examination closes.

A question has arisen in connection with the case that no one seems to be able to answer, and that is, who secures possession of the forty hides that were found in the possession of the Indian at the time of his capture? If there is virtue in the time honored epigram that "to the victors belong the spoils," it is easy to see that the constable and his posse hold a fairly large number of trumps in the game.

W. O. Owen.

FRIDAY, JULY 12, 1895

FIGHT WITH WYOMING INDIANS

THE SETTLERS OF JACKSON HOLE KILL ONE RED MAN AND TAKE FIFTEEN PRISONERS.

The Long Expected Encounter Takes Place on the Fourth of July - Indians Resist an Officer, Who Returns with Reinforcements and a Battle Ensues.

Fort Washakie, Wyo., July 9, 1895. Editor Cheyenne Sun-Leader.
Dear Sir-Report reaches here this morning through a Bannock Indian of a fight between the settlers of Jackson Hole and the Bannocks and
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Lemhi agency Indians, in which one Indian was killed and fifteen others taken as prisoners.

The fight occurred in the Fall river basin in Uinta county. It seems from what information I can gather that on the 28th of June the constable of Jackson Hole attempted to make an arrest of seven Bannock Indians for the unlawful killing of game. He had but three men with him, and the Indians took advantage of this weak force and held them up with guns. The constable sent for reinforcements and hence the fight, which occurred on the 3rd or 4th of July. Three men left this place this morning for the scene of the trouble. I leave also and will write you fully from Marysvale.

There is no question in my mind but the citizens and officers of Jackson Holemean to enforce the present game laws, and as long as the agents in Idaho, Montana and Wyoming allow the Indians such privileges as heretofore, there will be serious trouble.

The sooner the state authorities have an understanding with the commissioner of Indian affairs as to this all important matter, the quicker the people will consider their rights protected. The present trouble is the result of agents disobeying the orders of the interior department. Suffice to say the Shoshones and Arapahoes are safely under control, except as it may be a few renegades which sneak away from the reservations.

I leave for Jackson Hole today, and will write you fully in a day or so.

Yours very truly,
WILL L. SIMPSON

MONDAY EVENING, JULY 15, 1895.

OLD SHARP NOSE AN EYE TO BUSINESS

HE HAS QUIT RUNNING A FREE SHOW-NO COMPLIMENTARIES ISSUED.

LANDER OFFERS SHARP-SHOOTERS.

WHO CAN RIDE FAST TO THE AID OF THE WHITES AT JACKSON
Thirty-five Bannocks Seen by Miles Simpson With Five Hundred Elk Hides in Their Possession.

Lander, Wyo., July 15.-Old Chief Sharp Nose of the Arapahoes has an eye to business. Last night when a party of Lander young people went over to the agency to see the Indians perform the wolf dance, the chief informed them that they could not see it unless they each paid 25 cents.

The boys objected, claiming that they were friends of the Indians and that they should be admitted free. Sharp Nose shook his head and said:

“When Indians go to white man show he pay; when white man go to Indian show, he pay, too.”

And the boys had to pay to see the dance.

Lander, July 15-Word has been sent from Lander to Jackson Hole, that if needed, a party will organize here, composed of fast riders and good shots, to assist in enforcing the game laws against the Indians, the same as they are enforced against the whites.

There is much indignation expressed here because the Indian agents permit these roving bands to come into the country and wantonly destroy the big game, and it is openly said that if the practice is continued they will arrest and if necessary kill the Indians.

Miss Ida Simpson of Marysville, Jackson’s Hole, crossed Union pass with a party three or four days ago bound for this city. She reports that they met a party of thirty-five Bannocks on the Union pass side of Jackson’s Hole and that these Indians had with them 300 elk hides.

She further says that when she left her home that forty of the settlers, armed and mounted, were to start out in pursuit of the band of Indians, and that she
supposed that these parties came together within a day or two from the time she passed the Indians.

MONDAY, JULY 15, 1895.

THE INDIAN TROUBLES

MORE NEWS FROM FREMONT COUNTY SHOW A STILL THREATENING SITUATION.

Important Letter to Governor Richards-Interview With the Governor-Settlers Scared and Ready to Leave-Two Hundred Indians Reported as Ready to Fight.

The governor was seen by a Sun-Leader reporter at the capitol this morning, and when questioned respecting the Indian troubles in Fremont county, said:

"This state of things was distinctly foreshadowed in my communications to the secretary of interior, dated June 17th last. In that letter I stated the conclusions derived not only from official sources open to this office, but from my own personal observation and experience. I don't know as I have anything to add. The same trouble comes up every year, and the settlements are so sparse in the best hunting territory that the settlers are practically without protection."

"Have you received any answer from the interior department?"

"I have not, and do not know whether they have taken any action in the premises. By the way," said the governor, "I want to call your attention to the fact that these depredations are committed by Indians from outside the state. They are Bannocks from Fort Hall, Idaho. They have no right to carry on their hunting expeditions in this state under any circumstances. If they were kept in proper control by the Indian agent under explicit instructions from Washington these troubles would not occur. At the Lander reservation when the Indians get at large, the old Chief Washakie
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calls them in by sending out his Indian police. You see it is the outside Indians that do the mischief.”
“What will be the outcome, governor?”
“Can’t say, but I think the settlers will be able to protect themselves by massing together and giving their time and attention to the marauders, but I must say they should not be compelled to do that, especially against the wards of the general government, who are not only supposed to obey the law like ordinary citizens, but to be under both civil and military restraint.”
“I have just received an important letter,” continued the governor, “direct from the seat of the trouble and it will give you the details of the present situation there.” He then handed the reporter the following communication from a prominent gentleman of Fremont county, with permission to publish:

Marysville, Wyo., July 9, 1895. Hon. W. A. Richards, Governor, Cheyenne, Wyo.

My Dear Sir:-The Indian question is becoming a red hot one here, and pending the return of some scouts, I thought I would give you its present status. On the last raid ten bucks and six squaws were captured, and yesterday our justice of the peace gave each $75 and costs, total of about $1,200. As you understand that it takes a considerable posse to tackle them, the scouts now out will report in a day or two, when, if it transpires that there are less than one hundred, we will “go to” them. If there are more, as some report, we will be compelled to have assistance, or all of our past work will be more than lost as the Indians, now defiant, will become aggressive. Some of our people are much scared and talk of leaving their homes for fear of trouble here in the valley. One of them, whose wife carries half Indian blood, being the one who seems most to fear trouble. He has just returned from that country-Fall river basin and reports more than 200 Indians, and that they say “There will be heap of Indians here bye and bye, and we will fight.” He also says that last winter he had a letter from a friend who lives at the Fort Hall agency, in which he expressed the opinion that the Indians of that agency would make trouble this summer. We hope to settle the Indian question here this summer and we may need help and need it quickly, and I would suggest that in case we need it, that you ought, if you can, make arrangements now, so that there will be no delay in case of trouble-in case we telegraph you to that effect, as it would take about three days by forced march to get troops here, even from Washakie, which,
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I believe, is our nearest post, and even three days is a long time in some cases. The men here are all under arms and are compelled to neglect all ranch work to back up the officers, as in each case, it takes an overpowering force to arrest Indians and avoid trouble. It is rumored, too, that an Indian trader or two, somewhere in the hills, sells whiskey and encourages the Indians to stay and hunt.

TUESDAY EVENING, JULY 16, 1895.

LATEST INDIAN NEWS

THE SETTLERS OF JACKSON HOLE ARE PREPARED FOR ANY EMERGENCY

No News of Further Depredations—A Large Number of Prospectors in the Section—Hope That the Trouble is Over.

Special to the Sun-Leader.

Land, Wyo., July 15.—Up to this morning no news of any further conflicts at Jackson’s Hole have been received here and a feeling of better security prevails among those acquainted with the situation.

Prospectors arriving from the adjacent mountains report that in a narrow defile of Union pass they saw a body of Indians, but escaped them by the changing of their course.

There is considerable speculation in this vicinity as to the outcome of the present Indian troubles. The general government is held responsible for the Indian outrages. Jackson’s Hole has sixty-five families, who have made for themselves homes in that delightful region, and it is thought that there are enough able bodied men among them to protect themselves. At the present time it is estimated that there are 150 prospectors working in that section, but these for the most part are men who do not care to take part in an Indian fight. The Bannocks belong to Fort Hall, Id., fully 130 miles from the Jackson Hole country. Last year when they were out hunting they were abusive to the settlers and it was a common practice among them to kill such stock as they might need, regardless of the rights of the settlers. This conduct added to their destruction of the game of the country, united the settlers in a determination to put a stop to their annual visits.
THE RAMPANT INDIANS.

STILL THREATENING TROUBLE IN NORTHERN WYOMING.

A Batch of Official Dispatches - Telegram From Marysvale - Settlers Moving Their Families Away - Call Upon the Governor for Immediate Protection.

Last night, Governor Richards received the following dispatch from the seat of the Indian troubles: Marysvale, Wyo. (by way of Market Lake), July 15, 1895.

To Governor W. A. Richards.

Nine Indians arrested, one killed, the others escaped. Many Indians are reported here, threatening lives and property. Settlers are moving families away. Want protection immediately. Action on your part absolutely necessary.

(Signed) FRANK H. RHODES.
Justice of the Peace.

The above was also signed by William Manning, constable, and several others.

On receipt of the above telegram the governor immediately wired Washington.

Cheyenne, July 16, 1895.
Secretary of the Interior, Washington, D.C.

Have just received the following telegram dated Marysvale, July 15. (Here follows a copy of the Rhodes dispatch as given above.) I have other advice by mail reporting situation as serious. The Indians are Bannocks from Fort Hall, Idaho, arrested for illegal and wanton killing of games. My letter to you dated June 17th relates to this matter in detail. Can you take immediate steps for the protection of the settlers?

W. A. RICHARDS,
Governor.
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The Governor also telegraphed the mayor of Lander for such particulars as could be gained at that point from the Jackson Hole country, but received an answer from the Rawlins operator saying the wire to Lander was down, and his dispatch was indefinitely delayed.

Governor Richards communicated with Senator Clark who has been receiving advices from Jackson Hole, and hoping to get further information. The following are the telegrams exchanged:

Cheyenne, Wyo., July 16.
Senator C. D. Clark, Evanston, Wyo.

Telegram from Marysville dated July 15th says one Indian killed, many others there and threatening settlers who are moving their families out. They ask assistance. What are your advices from Jackson Hole?
W. A. RICHARDS,
Governor.

Senator Clark replied:

Evanston, July 16.
I have no word from Jackson Hole or vicinity. I heard of anticipated trouble ten days ago. Wrote to Secretary Smith, but with no result that I know of. Will wire you as soon as I hear from Jackson's Hole.

The governor said he had answered telegram of the justice of the peace at Marysville, answering him that he had advised the authorities at Washington, and would himself act promptly, but owing to the difficulty of reaching that country the people there should not depend too much on outside assistance at once. The governor also informed the Sun-Leader reporter that Adjt. Gen. Stitser would be at once dispatched to that section and that he would leave in the morning for Market Lake, the nearest railroad station and learn the situation. If matters have not then quieted down, Gen. Stitser will proceed to Jackson's Hole. He will report affairs to the governor from Market Lake as soon as he arrives.

On being asked if the militia at Lander or Evanston would be called out the governor stated he would do it if necessary, but that as this was practically an inter-state matter, the raiding Indians being from Idaho, it was the duty of the national government to attend to it.
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FRIDAY EVENING, JULY 19, 1895.

THE HOSTILE INDIANS.

EXCITING REPORTS FROM THE SECTION THREATENED-SIGNAL FIRES LIGHTED.

The National Guard at Lander Under Arms Subject to Orders-The Bannocks Being Reinforced by the Shoshones—Killing Cattle and Running Off Horses—Orders From the Interior Department.

Landar, Wyo., July 10.-Governor W. A. Richards this morning telegraphed Ben Sheldon, commander of company B of the W. N. G., to place his company under arms, subject to orders. He was ordered to procure saddle and pack horses for the entire company. The members of the Company were notified at once to report at the armory and upon assembling there the roll was called and absent members living on ranches were sent for. Soon the brilliant uniforms of the soldiers appeared on the streets. There is no news from Union Pass today. It is the same old story from that direction. There are 1,000 warriors on the Shoshone reservation and every day bucks pass through Lander in groups of two or three, evidently on their way around the point of Wind river mountain.

When these Indians are overhauled they show a pass from the agency to permit them to hunt horses.

INDIANS GATHERING TO REINFORCE THE BANNOCKS.

Evanston, July 19.—It is stated that the Indians at the head of Green River are enroute to reinforce the Indians at Jackson’s Hole. They are threatening the settlers there. Signal fires are burning to prove that others are in the neighborhood. The settlers on the Green are badly frightened.

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RUNNING OFF CATTLE.

Green River, July 19.—Red Johnson, living on New Fork river, arrived in this city last evening from that country and reports the Bannock Indians killing cattle and running off horses. The ranchmen living on New Fork river and on the Muddy and Silver creeks have banded together at Cora post office and will make a determined resistance to protect their homes and property.

CAPTAIN OF THE INDIAN POLICE ON THE WAY TO THE RESCUE.

Market Lake, Id., July 19.—E. S. Earie, the Shoshone agent at Lander, Wyo. arrived here yesterday morning and at once left for Jackson's Hole. He was followed this afternoon by William House, captain of the Indian police at the Fort Halliday reservation. There appeared no trouble in quieting the Indians and bringing them back to the reservation.

There is nothing new from the Hole though rumors of fights are plenty. An Indian just in from Jackson's Hole gives the following account of the trouble: The whites had arrested and disarmed a number of Indians and were driving them ahead to the court. In passing through the timber the Indians started to break away, when the whites opened fire on them, killing two bucks, and a boy about 9 years old. A small baby dropped from its mother's back and died from exposure and want. Agents from both the Shoshone and Bannock agencies accompanied by Indians police are on their way to the rescue.

ORDERS TO INDIAN AGENTS FROM THE INTERIOR DEPARTMENT.

Washington, July 19.—The commissioner of Indian affairs has sent the following dispatch to the agents at the Shoshone and Bannock reservations in Wyoming and Idaho, Indians from the two places which are reported as making trouble in the region south of Yellowstone National park in Wyoming: "Tetor, Indian Agent, Pocatello, Id.—Proceed at once to the scene of trouble and do all in your power to prevent further disturbances and return absent Indians to their reservations. If the troops are needed to protect settlers or prevent open conflict advise me immediately. If you have any information now telegraph the same to me.
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before parting."

The above was signed by D. W. Browning, commissioner.
The other dispatch reads as follows:
"To Wilson, acting Agent, Shoshone Agency, Fort Washakie, Wyoming.-Indian trouble is reported in the .................with him to the fullest extent of you ability in every possible way."
The latter was signed by the same commissioner as the former.
The following reply was received this morning from Agent Tetor of the Fort Hall reservation:
"in answer to your telegram of th 18th ins. I will state that on the 18th last, I received information that Indians were killing game unlawfully in Wyoming. I immediately sent my entire police force into Wyoming to at once bring back the Indians belonging to this reservation. The captain of the Indian police force into Wyoming to at once bring back the Indians belongs to this reservation. The captain of the Indian police sent back policeman who arrived today and stated that one Indian had been killed by the settlers, and from other sources I hear that several Indians have been killed. I leave for the scene of the trouble at once."
The above was signed by Tetor, agent at Fort Hall.

LOOKS LIKE WAR.

YOUNG BUCKS AT WASHAKIE JOINING THE BANNOCKS.

Signal Fires Lighted-Indian Agents and Indian Police Trying to Call in the Hostiles--Troops at Fort Washakie Ordered to be in Readiness to Take the Field.

The Indian news is gradually becoming more serious. At the governor's office the situation is receiving the attention its gravity demands. Dispatches are being received and sent constantly in connection with the nearest danger points, and every precaution is taken to head off the hostiles and protect the settlers.
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It was learned that the war department yesterday instructed the commander to have the troops at Fort Washakie in readiness to take the field if necessary and if military measures are invoked they will be the first soldiers called into action, and if further emergencies should arise making it necessary the governor will call out bodies of the militia.

Col. Stitser reported today by wire from Market Lake, Id., as follows:
"Indian agents and assistants left here yesterday afternoon for Marysvale.
I leave for Marysvale by team today. Scouts here report fifty Indians in Carabou."

The following important advices were wired from Lander today:
Lander, Wyo., July 19, 1895. To Governor W. A. Richards, Cheyenne, Wyo.

Signal fires were seen last night on the highest point of the north bank of North Fork. Speed Stagner, who has just arrived here, says Chief Washakie told him yesterday that half his young men were absent and he suspected they had gone to the scene of the excitement in Jackson Hole. Young bucks have been passing through here for several days, well armed and loaded down with ammunition.

C. G. Coutant.

This dispatch in connection with advice from the head of Green River indicate that the Indians are massing in large numbers to take the war path. Further advices will be awaited with much interest.

SATURDAY EVENING, JULY 20, 1895.

WARRIORS MISSING.

TWO HUNDRED SHOSHONES ARE SAID TO HAVE LEFT THE RESERVATION AT LANDER.

Fears That They are Joining the Bannocks—Say That Short Rations are the Means of Obliging Them to Hunt—National Guard at Lander With Forty Pack and Saddle Animals are Ready to Go to the Front.
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Lander, Wyo., July 20–Capt. Wilson, the Shoshone agent, has been calling in all Shoshone Indians for several days past, and this afternoon they were counted and found to be 200 warriors short. The Indian police will at once scour the mountains in the hope of finding them. A squad of police will be sent into Jackson’s Hole.

William Lannigan arrived here this afternoon from the upper Wind river country, and reports numerous Shoshone warriors passing up the Wind river toward Union pass. He says that each warrior has three horses and an abundant supply of ammunition, as well as a Winchester. When asked as to where they were going all reply the same, “Hunting for horses.”

Chief Washakie of the Shoshones today said to Speed Stanger that a large number of his young men had disappeared from the reservation and he thought it probable that they had gone into Jackson’s Hole, but that he was helpless in the matter:

There is a complaint that comes out from the Indians on the reservation that they do not get enough rations to supply their wants and that they are obliged to hunt. This trouble is active sympathy with the Bannocks, and no one is surprised to see the young Indians starting out at this time for the scene of the difficulty. As to what may be expected from the Bannocks in this trouble opinion here is divided.

F.G. Burnett, who is one of the oldest white settlers in this country and is well acquainted with the Bannocks, says they will fight, and that from an Indian standpoint they have a good and sufficient cause. They regard Jackson’s Hole as their hunting ground, and they will resent any interference by the whites with privileges which have been accorded them since the last Bannock war in 1879.

Company B Wyoming National Guard, is still under arms, awaiting orders from the governor. Forty pack and saddle animals for the use of the company were delivered to Capt. Sheldon today.

Most of the absent members of the company, who live on ranches outside of Lander, have arrived, and the company can now move on short notice. Last night and tonight signal fires have been noticed burning on different portions of the Wind river range. Their meaning can only be conjectured.
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MONDAY EVENING, JULY 22, 1895.

FORTY-FIVE MORE FOUND.

GOVERNOR RICHARDS RECEIVES INFORMATION OF THE WHEREABOUTS OF ANOTHER BANNOCK BAND.

Have a Very Large Number of Horses in Their Possession and Tell Most Conflicting Stories—A Report From Pocatello Says That Three Whites Have Been Killed By Bannocks.

Governor Richards today received a communication from the Col. Frank M. Foote, commander of the First regiment, W. N. G., in which it was stated that forty or forty-five Bannocks have been discovered about thirty miles to the north of Ham's Fork, in Uinta county, with from 1,200 to 1,500 horses in their possession. Col. Foote resides at Evanston. He says these Indians have told very conflicting stories when questioned. Some said that they had come into Wyoming to meet the Utes from Utah with whom they were going to trade horses. Others stated that they were going to have horse races of their own; and various other kinds of stories were told by different members of the band.

It is quite evident that so large a band have no business off of the reservation at this time, but until they violate some state law the state authorities can take no action in the matter. These Indians are about sixty miles from Jackson's Hole.

A dispatch from Pocatello, Id., says that: The settlers in Jackson’s Hole county in Idaho and Northern Wyoming are in a panic over the reported imminence of an Indian outbreak.

Disquieting rumors were confirmed last night by J. C. Houtz, a wealthy ranchman of Soda Springs.

He and one of his herdsmen while trying to cross Salt River to Houtz’s ranch were stopped with rifles in the hands of Indians.

The police said the Indians were on the war path.

Mr. Houtz said the Indians told him they had killed a white man, his
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wife and child, and that the settlers had rallied and killed six Indians.
Co. Stitser probably reached his destination yesterday and will soon be heard from.

TUESDAY, JULY 23, 1895.

STARTLING REPORTS

FROM THE SCENE OF THE INDIAN TROUBLES NEAR JACKSON HOLE

Seventeen Indians Surprised and Captured and Afterward Killed While Trying to Escape—Three Hundred Bannocks Reported at Hoback River, full of Fight—Fears That the Settlers Will be Massacred.

Market Lake, Id., July 22—On July 13th thirty men left Jackson's Hole to arrest all Indians breaking the game laws of Wyoming.
In Hoback canyon they surprised a party in camp consisting of seventeen Indians, took them all prisoners and started with them for Jackson's Hole.
In the canyon they tried to escape and all the Indians were killed, excepting one papoose, which was brought into the Hole.
There were 133 fresh elk skins in the camp.
Johnnie Cairns, a squawman, and the oldest settler in Jackson Hole, has gone over into Idaho and he says that every settler in the Hole will be butchered. There were 300 Bannock warriors on Hoback river when Cairnes was there, and he says all the squaws have been sent away and the bucks are daily joining the main band.
Jackson Hole settlers are now entrenched awaiting an attack. Unless cavalry get there quick every settler between Jackson's Hole and this railway station is in danger of massacre.
A PROSPECTOR REPORTS THE BANNOCKS AS FULL OF FIGHT.

Land, Wyo., July 22.—At last we have information direct from Jackson's Hole. Mr. Knox, a prospector, came in today and brings the news down to four days ago. He confirms nearly all reports regarding the trouble and he says that if the white men want a fight they can get it from the Bannocks. The settlers, he says, are a mere handful and could not defend themselves if attacked, but he does not believe that the Indians will be ready to fight for at least three weeks yet and possibly six.

He laughed when told that the Indian department had ordered all Indians back to the reservations and he remarked that it might be difficult to find the red man to deliver to them the orders.

Company B., Wyoming National Guard, is still under arms in Land, awaiting orders from Governor Richards.

MUCH ANXIETY IN NEW YORK OVER THE FATE OF THE BIG PRINCETON PARTY.

New York, July 22—Reports that the party of Princeton students engaged in geological exploration in the state of Wyoming have been captured by Bannock Indians caused much comment and apprehension among the friends of the students in this city.

R. F. Little, whose son is with the expedition, immediately sent the following telegram:

"Commandant, Fort Washakie, Wyo.—Telegraph immediately if any truth in the rumor that the Princeton boys have been captured by the Indians."

Mr. Little received the following reply:
"No truth in the report. Nothing is known here."

The last place the party was heard from was Crow Creek, on the Big Wind river, forty-two miles from Fort Washakie.

The party includes some of the most popular and best known students of the university.

All the members of the Tiger Inn club, one of the best social clubs of the college, are in the party. Joseph John H. Brooks is the crack shortstop of the university nine and its ex-captain. Pease is a leader in his class and was leader of the glee club in his junior year. Millbank is president of the
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university football association. Dennis is managing editor of the Literary Magazine and a member of the editorial staff of the Daily Princeton, and John Garrett comes of the wealthy family of that name of the Baltimore and Ohio railroad.

Several letters have been received from the party and everything has indicated a successful expedition. No intimation of trouble at the hands of the Indians has heretofore reached the city. The friends of the party in this city are waiting with considerable uneasiness for further news from their friends.

GEN. COPPINGER MAY SEND A COMPANY AFTER THE STUDENTS.

Washington, July 22.—Several telegrams having been received at the war department from the officers of Princeton University and the friends and relatives of the Princeton students who have been on a geological tour of the Wind river country, in Wyoming, expressing anxiety as to their welfare. Gen. Vincent this afternoon telegraphed Gen. Coppinger, commanding the United States army forces in that section, asking him for information on this point. It is not believed at the war department that the students are in trouble with the Indians, but it is likely that the telegram will cause Gen. Coppinger to send out a party to discover the whereabouts of the young people.

Omaha, July 22.—Gen. Coppinger has no information from Washington authorities concerning the safety of the Princeton party, supposed to be in the vicinity of the Indian troubles in the state of Wyoming. He has wired for information, but has heard nothing.

Old frontiersmen and government officials, who are familiar with the situation, ridicule the idea of the students being in danger.

INDIANS CANNOT BE BROUGHT IN WITHOUT THE USE OF TROOPS.

Pocatello, July 22.—Since the return of the Indian police nearly every able bodied Bannock has left his reservation for the spot where their brother braves were killed a week ago. It is believed at the agency that the Bannocks' hunters cannot now be brought back to the reservation without the use of troops. Several of the most trusted of the Indian police also bring
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rather startling information secured from some of the confiding Indians. It is to the effect that the Indians who are apparently returning quietly to their reservations, are only coming home to bring their squaws and papooses, and that after securing more guns and ammunition, they expect to return to the Jackson Hole country had have it out with the settlers who dispute their right to hunt there.

Indian Agent Teters is now scouring that country on horseback to learn the exact nature of the trouble that has occurred here.

FROM THE SEAT OF WAR

GEN. STITZER REPORTS TO THE GOVERNOR FROM TETON BASIN.

Says Many Indians are Leaving Fort Hall to Join Those in the Mountains-Settlers Asking for Aid, but in the Meantime Arming for the Impending Conflict-Moving Out Women and Children From Jackson's Hole.

Early this afternoon the following dispatches were received by Governor Richards from Adjt. Gen. Sitzer, who was sent to the seat of the Indian trouble to investigate the situation there.

The last dispatch is from Teton Basin, which is about half way between Jackson's Hole and Market Lake. The governor expects to get dispatches tonight from Col. Sitzer with more definite information, and will at once take action to put state troops in the field should advices make it necessary.

Marysvale, Wyo., via Market Lake, Id., July 21, 1895.—Governor Richards, Cheyenne Wyo.: Scout returned from mountains, Indians in force at junction of Granite creek and Fall river. All passes into Jackson's Hole are now guarded by Indians. Capt. Smith just came in, wounded in right breast by Indians. Other prospectors driven from mountains. Pickets are now guarding the various passes tonight. Horses equipped ready to mount and everybody armed to the teeth.

STITZER.
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Teton Basin, July 23, via Market Lake, Id.—Governor Richards, Cheyenne, Wyo.: Arrived here on return trip. Settlers in basin very uneasy. It is reported here that many Indians are leaving Fort Hall to join those in the mountains. Indians from other reservations also reported joining them. Letters and couriers have been sent out from Jackson’s Hole to the various settlements asking for aid, and settlers have decided to go into the mountains to meet the Indians tomorrow. Settlers have given up all hopes of saving crops and are preparing to move their women and children out of Jackson’s Hole.

STITZER.

The various companies of the National Guards at different points have been advised to hold themselves in readiness for prompt movement.

Col. S. W. Downey of Laramie, who was interviewed in Denver yesterday said: “I do not believe there will be any bloodshed, but if it comes to shooting, the red skins will be exterminated. The white men feel that they have had trouble enough over Indians in the west and they will not permit these hunters to have their own way.”

STUDENTS ARE SAFE

Enjoying Themselves in Camp at E. Amoretti’s Ranch, Near Dubois.

A dispatch was received in this city this afternoon from an official of Fremont county stating that the Princeton students were safe and now in camp at the ranch of E. Amoretti, on the head heaters of the Big Wind river, a short distance from the town of Dubois. The party of students have been enjoying themselves greatly in hunting and fishing during the time that their eastern friends have been worrying over the possibility that they were killed by Indians. They have not even seen an Indian since they left Fort Washakie.
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WEDNESDAY, JULY 24, 1895.

TO TAKE THE FIELD

GEN. COPPINGER ORDERED TO THE SCENE OF THE INDIAN TROUBLES.

The War Department at Last Aroused—Battle Expected Between the Indians and the Whites at Hoback Canyon—Over One Hundred Whites Settlers Armed for the Conflict.

The following dispatch was received by Governor Richards from the war department at Washington at 4:15 the afternoon: "The secretary of war has ordered Brigadier General Coppinger to proceed at once to the scene of the trouble and to order such movements of the troops as may be necessary to prevent a conflict between the Indians and the settlers.

JOHN M. REYNOLDS,
Acting Secretary.

The following dispatches were also received at the governor's office today: Market Lake, Id., July 24. Governor W. A. Richards, Cheyenne, Wyoming. Met Indian captain of police in Teton basin yesterday with thirty-five horses, hurrying with all possible speed. Saw him again at 11 o'clock last night. He says he cannot control the Indians, and that they will fight the settlers at noon today.

STITZER.
Cheyenne, July 23.
Secretary of the Interior, Washington, D.C.

Dispatches from my adjutant general who is on the ground at Jackson Hole, reported to you yesterday. Will the federal government take the matter in hand of returning the Bannocks to their reservation, or will Wyoming be expected to do so? Please wire reply.

W. A. RICHARDS.
Governor
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To the above dispatch the governor received the following answer:
W. A. Richards, Governor, Cheyenne, Wyoming.
Your telegram and one from Agent Teton transmitted to the war
department with request that the United States troops be sent to protect
settlers and return Indians to their reservations.

JOHN W. RICHARDS
Acting Secretary of the Interior.

Attorney W. L. Simpson sends the following letter to the Sun-Leader from
Marysvale:
Marysvale, Wyo., July 16, 1895.
The Indian trouble has assumed serious proportions, a fight
occurred Sunday on the divide between Granite creek and Fall river. The
boys won't say how many Indians they killed, but I am positive they killed
several. Indians are all over the Jackson Hole country. The women are all at
Wilson's under as strong a guard as the country can afford, and scouts are
posted all over the surrounding mountains and no surprise can take place
unless something unforeseen occurs, such as the killing of the scouts.

The trouble arises over the Indians killing game for hides. Every
bunch of Indians so far arrested have from 200 to 300 green hides on hand,
as well as cattle hides.

The people here are expecting a raid as it is reported that 130
Bannocks are camped above Marysvale and the trouble of last Sunday
has precipitated the present troubles. The people are determined and the
Bannocks are, and have been for three years imposing upon the settlers
of this country. The agent of the Hall reservation is responsible for this
trouble in allowing his Indians off the reservation, and the result of the
present trouble is with him and no one else.

The Shoshone Indians, except a very few renegades, are at home,
and no trouble is feared from that source. Every effort should be made to
prevent the Indians from leaving the reservation and an appeal should be
made by the people of Wyoming to the federal authorities to insist on the
agents keeping the Indians on the reservations.
The interest in the Jackson Hole country is becoming intense in this city and the opinion is very generally expressed by those conversant with the progress of the Indian troubles that a conflict is imminent.

Dispatches at the governor’s office received yesterday say that the settlers would give battle to the Indians today, and today’s dispatches as given below state that the Indians were preparing to begin the campaign at the same time both dispatches coming through independent sources.

The Indian police who probably understand the feeling and purposes of their hostile brethren better than any other class are convinced that there will be fighting.

Governor Richards says he will not call out the state militia unless a sudden emergency demands it, as it is a matter for the government at Washington to handle. The management of Indian affairs is under the control of the interior and war departments. They are filly advised of all that transpires. United States cavalry troops can be sent from Fort Robinson or from forts in Idaho or Montana, at very short notice. Marysville is only 128 miles from the nearest railway station, Market Lake.

The governor says that from what he knows of the section there must be already quite a large body of settlers assembled, probably over a hundred, and he has no doubt they will take care of the settlements for the present and until the United States forces are brought in.

WEDNESDAY EVENING, JULY 23, 1895.

LOOKS VERY SERIOUS

DISPATCHES INDICATE AN INDIAN WAR IMPELLING.

Fears That Settlers in Jackson’s Hole Will be Massacred—Settlers Prepare to Fight—Agent Teter’s Report A Battle Expected on the Hoback—Washington Officials Blame the Settlers.
Market Lake, July 23-Agent Teeter arrived here this morning at 1 o'clock and left for Fort Hall this evening. He bluntly says that the people in the Hole will be massacred if they go into Hoback basin after the 300 or more Bannocks and Shoshone Indians now in that isolated mountain country.

The Hole settlers have about seventy-five settlers under arms and are now talking of going into the Hoback region to run the Indians out, and they are quite confident that they can do it if they can get 300 men together.

A man from Jackson's Hole, who has just brought his wife here to send her east, told Agent Teeter today that the men in Jackson's Hole had started today to clean out the Indians. Teeter told him the Indians would kill every one of them and then go into Jackson Hole and murder every woman and child.

Laffity started back yesterday for the Hole by way of Marysmere ranch, Jackson lake and Conant trail. This route is in and so close by the National park that he runs the risk of meeting Indians en route. He has a pack horse loaded with rifle cartridges. The Hoback country is a typical country for Indians and it will take three or four troops of cavalry to dislodge the Indians. I am confident the Indians will not attack the Hole until their number is so great that they will be sure of success. In the meantime the warriors are daily slipping in, and if the Hole men go over for the Indians they will probably be ambushed. If the war department sends troops of cavalry by rail to Market Lake, Utah and North railroad, Idaho, at once and force marches to the seat of the trouble, by the shortest route, an Indian war, that will only end with the summer, can be averted.

But if this is not done a bushwhacking guerilla warfare will be carried on until snow falls in the autumn. These Indians are certainly mad and are bound to have revenge. Sheriff Hawley met twenty-five Lemhi Indians bound for Jackson’s Hole in Fremont county, Idaho, last week. A very white trader in Hoback basin is supplying the Indians with ammunition. A miner by the name of Smith has been wounded by the Indians. He was alone.
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BELIEVED THAT THE BANNOCK TROUBLE WILL END IN BLOODSHED.

Pocatello, Id., July 23.-At the Bannock Indian agency thirteen miles to the north of here, those in authority who are in possession of the facts obtainable, do not believe the trouble in the Jackson Hole country can possibly reach a final settlement now without bloodshed. The rumors current here last night regarding depredations of a returning band of Bannocks and their killing of three whites cannot be further confirmed.

More than fifty Indians have so far returned to the immediate vicinity of the agency, but they will not talk.

Although it can be positively stated that the rumored danger in this immediate vicinity is without foundation, it is confidently believed in the advices brought daily by the Indian police from the scene of the recent trouble in Northwestern Wyoming that there will be other clashes there between the Indians and settlers and tough characters in the Jackson Hole country.

The Indian police as a rule, are Indians first, and police afterward, and evidently made a report to their brother braves, for almost every able bodied Bannock has, between the return of the police and this time, decamped for the scene of the trouble. From the most trusted police it is learned that many of the Indians who are apparently returning to their homes have said that they were taking their old squaws and papooses home to the reservation and then would return to see the white men in Jackson's Hole.

WASHINGTON OFFICIALS BLAME THE SETTLERS.

Washington, July 23.—The Indian office is still without recent official information in regard to the alleged Bannock outbreak in Idaho. The last dispatch received on the subject was received from Agent Teeter and was dated three days ago.

It stated that he was on his way to the scene of the trouble, and while the office has no further information than that in the papers the officials are inclined to think little of the matter. The Bannocks are well known as peaceful Indians, and the officials are sure that they would not be guilty of outbreaks.
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If, as the dispatch states, thirteen Bannocks have been shot by settlers for no graver offense than killing of game, it is not thought wonderful that the others are in an excited and in a threatening state. It is not believed in this case that there is any danger of their attacking those who do not molest them.

It is freely stated in the office that there is a class of men in Jackson Hole country who make a practice of systematically exaggerating all the Indian troubles with a view to securing the presence of United States troops on the scene.

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CONFLICTING STATEMENTS OF AGENTS AND SCOUTS.

Market Lake, July 23.—Capt. Teeters Indian agent at Fort Hall, Idaho, reservation, came in this morning from the Jackson Hole country, and reports everything quiet, and few, if any, Indians in the country. He was followed by a courier from the settlers with a dispatch to Governor Richards who tells a different story from the agent. The courier, Fred White, reports that the Indians have been joined by a large number of Lemhi and Ute Indians, and that they have every pass into the Hole guarded, and scouts from the settlers' stockade say that the Indians are massing large numbers and will no doubt offer fight. A prospector named Smith was ambushed by four Indians and wounded in the left breast. He claimed to have cleaned the band out, but scouts sent to confirm it say they found evidence of one Indian being wounded.

The settlers have brought their children and women to Wilford, Id., and intend to go hunting and not wait for the red skin to attack them.

THURSDAY, JULY 25, 1895.

CAUSE OF THE WAR.

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The permission given the Bannocks to hunt in Wyoming upon United States lands was in an old treaty wherein they were granted a reservation in the Wind river country. Subsequently the Indians were removed to Idaho
under a new treaty, and it is questioned whether the privilege of hunting
game in this state was reserved. This old provision regarding hunting said
that the Indians could do so while at peace with the whites. Inasmuch
as they cannot continue the wholesale destruction of game in Wyoming
without coming into conflict with the state authorities it is folly on the part of
the Indian agents to encourage the Indians in their old practice in violation
of our state laws. The Indian department claims that it has tried to dissuade
the Bannocks from roaming off their reservation into neighboring states,
but either they have no influence with the Indians or else they do not know
how to apply it effectually.

This is the real cause of the trouble and the sooner it is made known
the better it will be for both the Indians and the settlers. There will be no
peace between them so long as the Indians of Idaho are allowed by their
agents to make frequent incursions into Wyoming upon unlawful expeditions.
The only defense that can be made is that our citizens have tolerated these
inroads for years. But it was simply because they were unable to prevent it.
The time has come at last when it is proposed to put a stop to a lot of "idle
vagabonds" roaming over the state seeking what they may devour, and it
would be the part of wisdom on the part of the government to keep its
wards upon their reservation.

GOVERNOR RICHARDS' DISPATCH

It would be a difficult matter to construct a more concise and
pointed dispatch than was sent by Governor Richards to the secretary of
the Interior, in which he said: "Will the federal government take the matter
in hand of returning the Bannocks to their reservation or will Wyoming be
expected to do so? Please wire reply." In this laconic message there is no
appeal for government aid, no bluster as to what course the state will take,
but simply a polite but firm request as to the course that will be pursued by
the government, which information was absolutely necessary in order
to prevent any misunderstanding.

The position which the authorities of Wyoming have taken in this
controversy in clearly and correctly stated in an editorial in the Omaha
Bee, as follows: "While the Washington authorities apparently regard with
indifference the Indian trouble in Wyoming, Governor Richards of that state
insists that it is a very serious matter, which calls for prompt and decisive
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action. He says that unless the federal authorities act promptly he intends to make a state matter of it, and call the militia into service to arrest the Indians who are committing depredations in violation of the laws of Wyoming. It would seem that the Washington authorities should pay more attention to the representations of the governors than they have done thus far, because it must fairly be presumed that his only motive in this matter is to maintain the peace and prevent bloodshed. He has the best possible means and opportunities for obtaining information regarding the real condition of affairs, and his statements can safely be accepted at Washington as of such authority as to justify action on the part of the government. In view of these considerations the apparent carelessness of the federal authorities appears inexplicable and inexcusable. It may be true, as stated in a Washington dispatch, that there is a class of men in the country where the disturbance exists who make it a practice of systematically exaggerating all Indian outbreaks, but there is not the slightest reason to believe that the governor of Wyoming is now in collusion with such men or that he has relied upon their representations for the statement he has made. It is all right for the federal authorities to proceed in a matter of this kind with proper care, but it is also incumbent upon them to give due consideration and weight to presentations having the authority of the chief executive of a state and not to treat them with indifference because somebody else at some time has exaggerated. There is not a reasonable doubt but that there exists a threatening state of affairs in the Jackson Hole country, and it obviously presents a case for the application of the maxim that an ounce of prevention is worth a pound of cure. "

THURSDAY, JULY 25, 1895.

TROOPS EN ROUTE.

FOR AN INDIANS CAMPAIGN WILL BE IN CHEYENNE THIS EVENING.
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Fort Robinson Colored Cavalry Ordered Out—Smallness of the Force—The Large Number of Indians—Different Tribes Concentrating—Pack Trains to Go From Cheyenne—Latest Dispatches.

Last night the excitement over the Indian advices was at fever heat in this city. The news that government troops had been ordered to the front was received with universal satisfaction. The governor’s very laconic and expressive dispatch to Washington on yesterday asking whether the federal government would act or whether the state of Wyoming should take the matter in hand, seems to have at last aroused the war department from its lethargy and indifference. In fact it brought the case to a “show down.”

As soon as the news came of the detail of four companies of cavalry from Fort Robinson, Governor Richards at once wired Gen. Stitzer at Market Lake and instructed him to notify the settlers of Jackson’s hole that troops were on the way to protect their lives and property and return the Indians to their reservations. Also to advise them to act only on the defensive and not to precipitate an attack.

Last evening dispatches were sent Receiver Trumball of the Gulf road at Denver chartering two special trains to take the expeditionary troops from the Fremont and Elkhorn road at Orin Junction today. From there they will be run to Cheyenne and transferred to the Union Pacific road and rushed on with all possible speed to either Pocatello to Market Lake, the latter place being the nearest railway point to the Hole.

It is not likely the troops will reach this city until this evening, although Gen. Coppinger telegraphed Governor Richards that he would arrive earlier in the day. The troops en route are supposed to belong to the Ninth cavalry and will be under the command of Col. Bernard. The Ninth is a colored regiment and has already had experience in Indian war, having fought the Sioux in 1890.

Orders have been received here for the two pack trains at Camp Carlin to join the expedition and they have already made preparations and completed equipment to take the train at any moment.

The governor received the following dispatches indicating the rapid concentration of different bands of Indians in the vicinity of Jackson’s Hole, including many Lemhis and Utes. Gen. Stitzer telegraphs:

Market Lake, Id.,
Governor W. A. Richards, Governor.
Operator at Beaver Canon wires here that about 200 Lemhi bucks passed that point today headed toward Yellowstone Park.

STITZER.

The following is from Col. F. M. Foote of the Wyoming National Guard: Evanston, Wyo., July 24, 1895.

A. A. Steed, Esq., a sheep owner of La Barge, now on Ham's fork with his sheep reports a bunch of Bannocks camped on the east slope of divide between Ham's fork and Cokeville, about twelve miles from Cokeville, and between twenty-five and thirty miles from Ham's fork station (the same of which mention was made in a former letter).

He counted thirty-six tepees, and estimates the number at over 100, thinks that there is another lot a few miles further up the stream, say they have not less than 800 horses and thinks they may have double that number. They have no squaws or papooses with them.

It is reported that a bunch of Utes crossed the railroad near Le Roy station four or five days ago, headed to the north, estimated from fifty to
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seventy. It is also reported that another bunch are in camp on Smith's Fork, about ten miles from Fort Bridger. Have no information as to number they are killing deer. Sheriff Ward left for Smith's Fork last night, and his deputy Mr. Calverly, left this morning, to either join him or take the trail of the lot that passed Le Roy.

Yours very respectfully,
F. M. FOOTE

COL. FOOTE GOING.

Frank M. Foote, colonel of the Wyoming National Guard, has intimated to Governor Richards his desire to accompany the United States troops to the scene of the Indian troubles and his request will no doubt be granted. The governor says that Col. Foote has been quite active in making arrangements for the state militia to go to the relief of the settlers in case of necessity, and has wired to Gen. Coppinger stating his wishes that Col. Foote accompany the expedition.

MAJ. RANDALL WILL GO.

There is a general desire on the part of the officers and soldiers at Fort Russell to go to the front, but the only officer who has been ordered to accompany Gen. Coppinger is Maj. John Randell, who seems much pleased at being selected to accompany his old war associate, with whom he "messed in the civil war and campaigned with in Arizona.

Maj. Randall is a veteran in frontier service, and took a conspicuous part in the wars with the Sioux.

THE PACK TRAIN.

The pack train of fifty mules in charge of five packers will join the Ninth cavalry when it arrives here. The men who have not seen a campaign for a long time, are glad to take the field.

The expedition goes to Ogden via the Union Pacific, thence by the Utah Northern to a station near Beaver canon, known as Market Lake. From that point it is 128 miles to Marysvale. Auditor Owen says the road for ninety miles is excellent. The next fifteen miles over the Teton range is rough, but the ranchmen travel the road with their teams and the government wagons.
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ought to go through easily.

NOT ENOUGH TROOPS.

At the very best the United States troops going to the scene of the Indian troubles will not be able to leave Market Lake before Sunday morning, and it will take them three days, or until Wednesday, to reach Marysvale. In that time it is impossible to foretell what may happen, but in all probability an engagement will be fought between the hostile forces. The latest advices are to the effect that the Indians are concentrating their warriors from all sides as if they were preparing for a battle. The great advantage possessed by the Indians in carrying on a war of this kind makes them a foe not to be despised, even if their numbers be small.

The government is making its old time blunder of sending out a couple of hundred soldiers mounted upon grain fed horses to hunt the mountains for a sleepless enemy. The Thornburg massacre was a specimen of the result of this folly. The government in that case sent three companies of raw cavalry, one hundred fresh recruits, just enough to invite a conflict, and the delusion that the Indians do not attack United States troops was once more dispelled.

The Sun-Leader does not wish to play the role of an alarmist, but it cannot refrain from expressing a dislike for half-penny measures. It now looks as if the conflagration would spread over a large area of territory, and a mere handful of troops would only act as "an army of observation." It is fortunate, however, that the war department has given Gen. Coppinger the necessary authority to act in the premises, and he will take the field in person.

THURSDAY EVENING, JULY 25, 1895.

INDIANS GATHERING

THE WAR SPIRIT REPORTED TO BE INCREASING AMONG THEM.
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Agent Teter Reports Three Hundred Indians Near Fall River—Calls for Troops—Orders Telegraphed, Gen. Coppinger to Use United States Army—He is instructed to Direct Operations—An Indians Talk.

Washington, July 24.—The Following is the dispatch received by the interior department from Indian Agent Teters:

"Fort Hall, July 24.—Browning, commissioner of Indian affairs, Washington: I have investigated the troubles between the Indians and settlers in Wyoming and advise that troops be sent there immediately to protect the law abiding settlers. The lawless element among the settlers seems determined to cause conflict with the Indians. Settlers have killed four to seven Indians, which has increased the was spirit of the Indians, who have gathered to the number of 200 or 300 near Fall river, Uinta county, and refuse to return to their reservation. I find that the Indians have killed game unlawfully according to the laws of the state of Wyoming though not unlawfully according to the treaty with the Indians with the United States, thus usurping the prerogatives of the settlers, which caused the trouble. Nothing but the intervention of soldiers will settle the difficulty and save the lives of innocent persons and the destruction of property."

TETER.

"Commissioner Browning immediately saw Secretary Lamont who agreed to give the matter immediate consideration, but said that he desired to consult with Gen. Rugar before giving a final answer.

He immediately sent for the general, and was closeted with him for some time. They sent for maps of the country, where the Indians are supposed to be, and it is understood went over the entire situation, and especially with reference to the availability of troops and the time necessary to get them to the Jackson Hole region. The nearest troops are the Fort Douglass, Utah, where a regiment of infantry under the command of Col. Penrose is stationed. There is also a company of infantry at Fort Washakie, and a company each of cavalry and infantry at Fort Boise, which could be made available in case of need.

The following clause of the treaty whereby the Bannock Indians were located upon their present reservation shows the right of the Indians to hunt in Wyoming:

"The Indians herein named agree that they will make the said
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reservation their permanent home, and that they will make no permanent home or settlement elsewhere, but they shall have the right to hunt on the unoccupied lands of the United States so long as game may be found therein, and so long as peace exists among the whites and Indians on the borders of the hunting ground."

The treaty was made in July, 1868.
The policy of the Indian bureau of late years has been to persuade the Indians to use this hunting privilege as sparingly as possible, but the existence of their right is said at the Indian bureau to be unquestionable. Now that trouble has broken the hunting privilege is suspending by terms of the treaty and the Indian office has ordered the Indians back to their reservation.

Secretary Lamont during the afternoon ordered Gen. Coppinger to proceed to the scene of the disturbance and to make such deposition of his command as he may deem necessary to protect the settlers and secure the return of the Indians to their reservation.

The full orders telegraphed to Gen. Coppinger are for him to issue the necessary orders for the movement of such a force of troops as he thinks requisite for carrying out the request of the department of the interior to prevent a conflict between the Indians and the settlers and to return the Indians to their proper reservation. Gen. Coppinger is instructed to proceed to the scene of the disturbance and personally direct the operation of the troops. He is also advised that if he should desire the use of troops from other departments on account of their closer proximity he shall indicate to the war department the special force required. The last named instruction is given for the purpose of permitting Gen. Coppinger to obtain troops from the department of Colorado or Columbus if considered necessary.

AN INDIAN'S TALK

In the Evening His Heart was Bad–In the Morning He was Gone.

Market Lake, Id., July 24.–Indian Agent Teter, captain of Indian police arrived here late yesterday with twenty-five head of Indian ponies that were captured by the men in Jackson Hole last week and turned over to
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this Indian agency to be returned to the agency at Rossford, Id. He admitted to me the same as Agent Teter did before him that he only went as far as Jackson Hole, and had not seen the hostiles in Hoback basin at all. After closely questioning this red skin I feel confident that the agent and Indian police will not bring any of the Indians back to the agency. In fact the Indian police are now more apt to strip off their uniforms and join the hostiles at their rendezvous in Hoback basin, Wyoming.

This one told me late last night that his heart was getting bad, and this morning he is gone. He told me they are to fight today at the junction of Granite creek and Hoback river, in northern Uinta county, Wyoming. That of course means that the men in the Hole went over there yesterday, as they told Adjt. Gen. Stitzer of Wyoming, who is now here awaiting orders from Governor Richards, they intended doing. In that case they will have made Hoback canyon last night, and attack the Indians early this forenoon. The Indian police say that 125 men is the total number under arms in the Hole and several of these would have to be left to guard the women and children still there.

If the Indians are now as numerous on Hoback river as I think they are, they will fn the end butcher every man, woman and child in Jackson Hole. It will be at least two days before any news of this conflict can reach here.

THE PRINCETON PARTY

Are Safe As Far as Indians are Concerned.

Land, Wyo., July 25.—Nelson Yarnell, the old guide who led President Aurther's party through the National park, came in today from the Gros Vente, through Union pass. He made diligent inquiries regarding the Princeton part and found that they, to avoid Indians, had gone through an unnamed pass, which is north or near Two Ocean pass.

He says the party has a guide named Jim Tappen. He gave it as his opinion that they were safe as far as Indians were concerned, but that they had ahead of them a mountain range which at this time of the year is covered with deep snow and when this is passed they will have a long stretch of swamp lands to pass through. The old guide says there is only one danger to be apprehended, and that is that the party will be lost, as was
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G troop of the United States cavalry in the same section many years ago.

Mr. Yarnell says that no well posted guide would undertake to put a party through by that route as is has long since been pronounced to be very undesirable.

Washington, July 25.-Mr. Pierce, father of one of the Princeton students party in Wyoming, today received the following telegram:

"Fountain Gyser, Wyo., July 24.-All safe, twelve, park Friday. Address to Washakie, arrive Casper seventh."

The above was signed by T. E. Pierce one of the students.

This telegram shows that the party are returning by the route over which they entered the park and shows that they do not think there is any danger to be apprehended from the Indians.

FRIDAY EVENING, JULY 26, 1895.

TREATY GAME PRIVILEGES.

Interpretation Placed Thereon by the Indian Bureau.

Washington, July 26.—In connection with the right of the Bannocks to hunt off their reservation the Indian office calls attention to the following circular issued in 1889 and sent to agents at intervals ever since, whenever the occasion seems to require: To United States Indian Agents: Frequent complaints have been made to this department that the Indians have been in the habit of leaving their reservations for the purpose of hunting; that they are slaughtering game in large quantities contrary to the laws of the state or territory in which they reside and that in many instances a large number of wild animals are being killed simply for their hides. In some cases Indians by treaty stipulations have the guaranteed right to hunt upon specified conditions, outside of their existing reservation. The secretary of the Interior has decided that the privilege of hunting under such treaty provisions is the right to merely kill such game as may be
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necessary to supply the Indians' needs, and that the slaughter of wild animals in vast numbers for the hides only and the abandoning of the carcasses without attempting to make use of them, is as much a violation of the treaty as an absolute prohibition on the part of the United States against the exercise of such privilege would be. This fact should be impressed upon the minds of the Indians who have treaty rights and they should be given to understand that the wanton destruction of game will not be permitted. And those not having the reserved treaty privilege of hunting outside of their existing reservation should be warned against the leaving of their reservations for hunting, as they are liable to arrest and prosecution for violation of the laws of the state or territory in which the offenses may be committed.

In view of the settlement of the country and the consequent disappearance of the game, the time has long since gone by when the Indians can live by the chase. They should abandon their idle and nomadic ways and endeavor to cultivate habits of industry and adopt civilized pursuits to secure the means of self support.

This circular is signed by the commissioner of Indian affairs.

FRIDAY, JULY 26, 1895.

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RIGHTS OF THE PIONEER.

The eastern press, as well as the Indian bureau, has much to say about the treaty rights of the Bannocks to roam at will over the entire west and to do pretty much as they please, but very little is said about the rights of the settler. They seem to overlook the fact that in the past twenty-five years great changes have taken place in the Rocky Mountain country. In 1868, when the treaty was made with the Bannocks, Wyoming was unknown and unorganized, even as a territory. The Wind river country was once vast unoccupied region, where the foot of the government surveyor had not trod, and the pioneer had scarcely ventured to intrude, except now and then a veteran gold seeker would risk his life and perhaps lose it.

Since 1868 the pressing tide of immigration has pushed into the fertile valleys with their flocks and herds and thriving fields of grain are seen where once only the silent Indian roamed in pursuit of game or fish.
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In place of the prairie dog villages have sprung up little towns with their school houses. The surrounding country has been laid off into sections and townships and from the overcrowding east are coming homeseekers. Wyoming was organized with a territorial government in 1869 and in 1888 congress was petitioned for its admission into the union as a state. And in 1890 she became a full fledged state, under a constitution that was adopted in 1889.

Owing to the financial depression of the past three years, Wyoming, in common with the entire west, has not made much apparent progress, but the state is moving forward and at no period of its history has there been such as incoming of settlers, more especially in the northern portion. Those who contend that Wyoming should continue to be the hunting ground for the Indians of neighboring states and territories have no conception of the changes that have taken place. Admitting that barberism has rights which civilization is bound to respect it must be conceded that the time has now come when civilization should be in the ascendancy. And the act of congress granting to the state of Wyoming jurisdiction over the territory within its boundaries must certainly release it from the dominion of the savage. Any other view of this question is absurd. If the government had intended to perpetuate the ancient privilege of the Idaho Bannocks to hunt in the Wind river country it should have so stipulated in the act of admission.

But the hunting privilege in that treaty only amounted to this, that the Bannocks could only hunt in Wyoming so long as there was no resistance offered. When this state declared it would punish Indians or whites for the wholesale destruction of game it declared war on those who engaged in it, and notice to this effect should be served upon the Indians by the Indian bureau, instead of telling them that they still have a right to exterminate the wild game of this state.

It is too late to undertake to reestablish the ascendancy of the Indians in this state. Civilization has come to stay and notice to that effect was served upon Secretary Hoke Smith, when he was politely asked by Governor Richards if the government would remove its Indians to their reservation or did he expect Wyoming to do so.

But even the Interior department in 1889 decided that the privilege of hunting under treaties with the Indians is merely the right to kill such game as may be necessary to supply the needs of the Indians and that the slaughter of wild animals in vast numbers for the hides only and the abandonment of the carcasses without attempting to make use of them is
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a violation of the treaty, and the agents were directed to so instruct the Indians.
CHAPTER TEN

THE MEDIA - PART TWO - MOVEMENT TO CONTACT

The articles in Chapter Ten cover the period from Friday, July 26, 1895 through Wednesday July 31, 1895 and concern the period of the movement to the area of conflict. This chapter would be better titled “Lies and Damn Lies.” The “Lies” are classified as those statements given to embellish the romance of the incident meaning no harm to anyone.

The statement of John A. Garrett of the Princeton University group expounds on the bravery of these students and their leaders in the face of adversity while in Yellowstone Park. Obviously, during the course of their wilderness excursion, they were oblivious to any dangerous situation. Mr. Garrett falls within the embellishment category.

“Damn Lies” on the other hand, are egregious and are intended to harm. The enclosed statements of Colonel Frank A. Stitzer tend to fall in this category. Statements and opinions of prominent citizens based upon their celebrity, such as Uinta County Sheriff John Ward, fall in to a third category of the uninformed or misinformed.

The movement of the Ninth U.S. Cavalry units by rail as a rapid deployment force, followed by the Eighth U.S. Infantry companies is of prime interest. In this modern era, the Armed Forces of the United States would move its rapid deployment units by air and arrive within hours.

The Ninth U.S. Calvary departed Fort Robinson in western Nebraska at 0800 hours on Thursday, July 25 arriving at the railhead of Market Lake, Idaho on Saturday, July 27. After three full days on the train, the cavalry horses with little exercise were required to rest on Sunday, and then arrived in Jackson Hole near the present town of Wilson on August 1. Under conditions existing at that time, one week was required to reach their destination of the scene of trouble.
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FRIDAY, JULY 26, 1895.

GOING TO THE FRONT

FOUR COMPANIES OF FORT ROBINSON CAVALRY PASS WEST THROUGH CHEYENNE.

Arrive in This City at 10:15 Last Night—Joined by the Camp Carlin Pack Trains—The Command Rushed Forward to Market Lake—Gen. Coppinger Here This Morning.

The cavalry troops enroute from Fort Robinson to the scene of the Indian troubles reached Cheyenne at 10:15 last night. The colored soldier boys were received with something like an ovation, citizens cheering the train in its passage through the city to the Union Pacific depot, where the immense assemblage joined in the welcome.

The command was detained here just about an hour transferring to the Union Pacific trains awaiting it, and occupied in watering and feeding horses, which were loaded in Streets stable cars. Here they were joined by the pack trains from Camp Carlin, consisting of sixty-two mules and equipment in the charge of a chief packer and nine men.

The expedition left Robinson at 8 o'clock yesterday morning. At 2 p.m. they were transferred to the Cheyenne and Northern at Orin Junction. Railroad officials here say they will reach Market Lake inside of twenty-four hours, barring accident, and should therefore be due there about 10 o'clock this evening.

Maj. Chaffee, commanding, says they will be promptly unloaded and pushed forward to the Indian camp by forced marches. He expects his force to be on the ground in a two days march from Market Lake, covering sixty-five to seventy miles per day. Besides Maj. Chaffee, the following named officers are in the expedition: Dr. Charles Lynch, medical department; Capts. Dimmick, Steadman, Loud and Gilfoyl; First Liets. Parker, Gardner, Stevens, Jackson; Second Liets. Hickock, Hartwith, Hamilton and Preston.
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The companies detailed are D, E, H and I, comprising 240 men. Four companies of the same regiment are still left at Fort Robinson.

The Ninth cavalry being colored soldiers are known among the Indians as "Buffalo soldiers." The regiment was organized in 1866, and since that time have been in most of the Indian campaigns of the west, they are therefore admirably fitted for the service expected of them.

Gen. Coppinger went through the city this morning on No. 1. He was met here by Governor Richards, who accompanied him as far as Rock Springs. Maj. Randall also reported to the general here and will accompany him through the campaign. Gen. Coppinger stated that he would be very glad to have Col. Frank M. Foote of the Wyoming National Guard, with him on the expedition, and no doubt Col. Foote will join them at Evanston.

At the state house today no dispatches have been received, but there is a feeling that such silence is ominous, as the mountain passes are guarded and if a fight has occurred it would be difficult to get couriers through to the telegraph stations. It is the general opinion from fullest advices received that a conflict between the settlers and the Indians is inevitable this week, even if a battle has not already occurred.

Gen. Stitzer's report received by the governor today gives a graphic summary of the situation and a history of the origin of the troubles, and appears in another column.

SETTLERS IN EARNEST.

They Propose to Fight It Out This Time and Know Who Owns the Country.

Landers, July 26.—Company B of the Wyoming National Guard was relieved by order of Governor Richards this morning, the explanation being that the government had already ordered four troops of calvary to Jackson's Hole.

Warren Smith passed through here today, direct from Jackson Hole, saying he left there Monday morning. He reports that the settlers are in good heart, and that they will attack any body of Indians that may show up. They told him that the war was on, and now was the time to fight it out.
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Either the white settlers owned the country or the Indians did, and they were willing to fight for their rights. They only asked their friends on the outside to send them arms and ammunition.

When told that United States troops would be thrown in there, Mr. Smith expressed the hope that this would be done quickly for he feared that the confidence of the settlers in their own strength was not well founded. Mr. Smith says there comes in daily report of bands of Indians being in different parts of the mountains and these it is proposed by the settlers to hunt out and capture, and they expressed the determination to get them either dead or alive.

He thinks that the settlers are fast losing sight of the idea that the object is merely of enforcing the law, and to use his own language, “they are so much in earnest, they are perfectly wild.”

The popular thing in Jackson Hole is to attach yourself to a posse for the purpose of hunting Indians.

All is quiet at Fort Washakie and as far as we can learn no orders directing a force to go to Jackson Hole has yet been received, yet everything is in readiness to start within an hour’s notice.

Pocatello, Id., July 26.—A courier is expected at Market Lake hourly from the vicinity of Jackson’s Hole with the latest news. There has been nothing received at Market Lake for three days of an authentic nature.

It is certain that all the passes are closely guarded in and out of the Hole. The troops will be immediately piloted to Wind river, and it is not likely that any trouble will be had after their arrival.

It is feared that the Indians will take advantage of the helplessness of the settlers and commit wholesale murder before the soldiers can interfere.

Four hundred Lemhi Indians are reported to have joined the Bannocks on Fall river and are preparing to at once make an onslaught on the white settlers.

It is probable that Governor McConnell will be called upon to aid in suppressing violence.

Several tourists are in Pocatello now awaiting the result before making a departure for the Yellowstone.

Agent Teters is at Fort Hall agency awaiting the arrival of the cavalry from Cheyenne.
GOOD INDIAN FIGHTERS.

The Ninth Cavalry’s Splendid Record in Indian Campaigns.

Since the organization of the Ninth cavalry in 1866 the regiment has been in many Indian campaigns, and both officers and men have a record for daring bravery and dare devil heroism that is equaled by no other regiment in the service.

The regiment is commanded by Col. Biddle, himself an old Indian fighter, Lieut. Col. Bernard and Maj. A. R. Chafee. All of the officers have seen service both in the civil war and with the Indians. The Army Register records many deeds of heroism recognized by the department and attributed to the officers of the Ninth cavalry. Capt. M. W. Day of that regiment. And who is known among the boys as “Daisy,” was decorated with the gold medal by act of congress for bravery and gallant conduct in a battle with the Apaches in Las Animas canyon, N. M., in 1879. The troops had been having a hot fight and were outnumbered by the Indians and compelled to fall back. The retreat had been sounded when Capt. Day caught sight of one of his men, a private and a colored man, who had been dismounted and captured by the Indians. The captured soldier was already within the Indian line when Capt. Day plunged headlong into and through the smoke of battle to the enemy, scattering the Indians right and left, and before they could realize what had happened he had raised the wounded trooper in his arms and was speeding back down the rocky trail to rejoin his command.

The Indians sent several volleys after him, but both the officer and private escaped and joined the retreating column before they had hardly realized what he had done. For this piece of work Capt. Day, who was then a lieutenant, was breveted captain and awarded the gold medal.

In the New Mexico campaigns of 1880 and 1881, the Ninth won much glory. They passed through all the Geronimo war and fought Indians in every territory in the west, until the companies were stationed at Fort DuChesne. The Ninth was enough to make the Indians lay down their arms and retire in peace to their reservations.
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The regiment went through the Pine Ridge campaign and did much of the work. It was troopers of this regiment that came to the rescue of a troop of the Seventh cavalry at the old mission, when the company of the Seventh was surrounded by overwhelming numbers and likely to be wiped out of existence at once.

Eight companies of this regiment are located at Fort Robinson and two companies are stationed at Fort DuChesne. Old army officers are of the opinion that the battalion of the ninth now on the way to Jackson's Hole will make short work of the outbreak there and that the Indians will quit business just as soon as the soldiers arrive.

COL. STITZER'S REPORT

FULL INFORMATION AS TO THE INDIAN TROUBLES AT JACKSON'S HOLE.

Interviews With Indian Agents and Settlers—Statements of Parties on the Ground—Arrests and Conflicts Over Unlawful Game Killing—Enforcement of the Law Causes All the Trouble.

The following report of the origin and progress of the Indian troubles at Jackson's Hole and the present situation was received at the governor's office from Adjt. Gen. Stitzer today:

Market Lake, Id., July 24, 1895.
W. A. Richard, Governor.

Sir:—In obedience to your verbal orders, given July 17, 1895, directing me to proceed to Jackson Hole and report the cause of the disturbances between the settlers and Indians in Uinta county, Wyoming. I proceeded to Marysvale and arrived there on Saturday evening July 19th. On Sunday forenoon, July 10th, at the Marysvale post office a conference was held between T. B. Teter, agent at Fort Hall Indian reservation, and about fifty-five of the settlers at Jackson's Hole, Capt. William House of the Indian police (a Shoshone Indian), being also present at the meeting.

In an interview on Sunday afternoon, July 21st, with a grievance committee of four prominent residents of Jackson Hole, the following
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statements were given to me, as the ground for the action of the settlers in trying to prevent or suppress the wanton and unlawful killing of game; they claim that the Indians composed of Bannocks, Shoshones and Lemhi Indians to the number of six hundred, at a low estimate have for the last six years, been wantonly and indiscriminately slaughtering elk, deer and antelope in large numbers and in a great many instances for their hides only. Owing to the insufficiency of the game laws prior to those passed by the third legislative assembly, it was absolutely impossible to protect the game from these annual raids of the Indians. In 1894, owing to the repeated petitions of the settlers and complaints of the county authorities, of Uinta and Fremont counties, the department of the Interior, by circular letter of instructions, under date of February, 1894, instructed the Indian agents of the Fort Hall and Shoshone agencies to issue no passes to Indians for the purpose of leaving their reservations under any circumstances and especially for the purpose of hunting.

During the spring of 1895, the settlers of Jackson’s Hole determined to see to the enforcement of the game laws against all parties, Indians and white men alike. On the 7th day of June a Shoshone Indian was arrested for unlawfully killing game; he had in his possession between thirty and forty hides, of elk, deer, etc., killed within a period of twenty days. The Indian was convicted and sentenced to pay a fine of fifteen dollars, which was paid by one John Carnes, a squaw man and a resident of Jackson’s Hole. On the 24th day of June a process was issued for the apprehension of nine Bannocks and placed in the hands of Constable William Manning for service. On the 26th day of June a constable and two deputies came upon seven Indians in the Fall river basin, in the act of taking the hides from nineteen head of cow elk which they had just killed. The Indians resented any interference of their unlawful acts and threatened the constable and deputies with personal violence if they did not immediately leave the vicinity, and threatened the deputies, and if they or the people of Jackson Hole in any manner interfered with their hunting they would kill every man, woman and child in the Hole. At this time the constable being unable to make any arrests, returned to Jackson Hole and reported the fact. At this time the settlers were somewhat excited, by reason of the fact that one John Carnes had communicated to them that he had received a letter from Fort Hall from a half breed Indian police and relation of his that the Indians there proposed to hunt in Jackson’s Hole, or kill every settler therein, and advising him (Carnes) to leave the country without delay. The letter being read to some of the settlers, caused
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further excitement and precautions were taken for protecting home and families. On the 2nd of July a warrant was issued for eight Indians, who were arrested, having in their possession over one hundred and fifty hides of animals killed from the 25th day of May, 1895, the date of their passes issued by Agent Teters of Fort Hall to Shoshone Indians, up to July 2nd. Upon due trial six of the Indians were convicted, and two discharged from custody, the ones convicted being sentenced to pay a fine of seventy-five dollars and costs, and upon failure to pay to be committed to jail. These six escaped from the guard on the 16th day of July, 1895. On the 10th day of July a warrant was issued for ten Bannock Indians and placed in the hands of the constable and sworn deputies. The arrest was then made and every precaution was taken to keep the Indians from escaping. On Saturday evening after the arrest the Indians determined to escape, and coming close to a bunch of timber, knowing they were carefully watched by the men in charge, they made an attempt to escape. In their efforts to stop them the deputies killed several Indians, and the remainder effected their escape. The squaws who were in the rear ran into the timber and in their flight just a young boy about two year old, was taken to Jackson’s Hole, cared for, and then sent to the Shoshone agency. On Friday, July 19th Capt. John Smith, a prospector and miner, in charge of some of the Gros Ventre mining properties, was returning to his camp when he was fired upon from ambush by five Indians, and shot in the right breast. The wound however was not a serious one, and Capt. Smith returned the fire, killing one of the Indians and the others made their escape. It is estimated that three thousand head of elk have been already killed by the Indians this season. Bands of elk are lying on the hill sides and timbered ravines, shorn of their hides only.

Motherless calves follow the horses of the settlers as they pass through the country, their mothers having been killed by the Indians. This is the cause of the trouble between the Indians and white men of this country. The settlers are determined to protect the game and enforce the state laws at all hazards. The agent at the Fort Hall arrived here on the 20th and seemed disposed to think that the Indians had a perfect right to hunt on any unoccupied lands of the government at all seasons. The ambushing of Capt. Smith has aroused anew the slumbering excitement of the settlers, and may probably result in other conflicts between the white men and the Indians. In August 1894, the Bannock Indians rounded up a bunch of antelope, among the settlers’ houses, and killed some twenty odd head, and by their promiscuous firing endangered the lives of the occupants of the
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houses. The seven Indians under arrest had in their possession four green (domestic) calf hides. Horses and cattle are yearly shot by the Indians in this country by reckless firing in pursuit of game.

I have the honor to submit herewith for your consideration the foregoing report covering some of the causes of difference between the white men and the Indians.

(Signed) FRANK A. STITZER
Adjutant General.

SATURDAY, JULY 27, 1895.

FORT RUSSELL TROOPS

ORDERED TO THE FRONT AND MOVE TONIGHT AT 8 O'CLOCK.

The War Clouds Darken—Leader Will Send One Hundred of Its Citizens to Assist the Settlers—News Direct From Jackson’s Hole—The Settler’s Families Protected by Fortifications—Excitement in Cheyenne.

Orders were received this afternoon from Gen. Coppinger at Market Lake, calling into the field five companies of the Fort Russell garrison, who at this moment are making active preparations for the movement. They will start from this city at 8 o’clock this evening fully equipped for the campaign.

The troops ordered out are the five companies of the Eighth infantry, under command of Maj. Bisbee.

The following officers accompany the troops: Capt. Corliss, Wells, Savage, Whitney and Ray. Liets. Hubert, Gose, La Falette, Miller, Bell and Welsh.

Wiets. Lafaiettle, Gose and Dr. Godfrey will go as staff officers.

The three companies belonging to the Seventeenth infantry will remain at the post.

The railroad managers are promptly making arrangements for the
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necessary trains.

It is reported that two more companies of cavalry have been ordered from Fort Robinson and that they will pass though here tomorrow. The Sun-Leader received a dispatch from Lander this afternoon that a great public meeting was being held there last night, at which it was proposed to send a body of one hundred citizens strong to the assistance of the settlers in Jackson's Hole.

The startling news received this morning from the region of Jackson's Hole has created a deep sensation throughout the city, combined with a feeling of intense indignation at the criminal delays and indifference of the national government in the protection of our settlers. The Sun-Leader's information by letters received direct from Jackson Hole, dated one week ago, is that the settlers and their families remaining there were well fortified to resist attack. Undoubtedly many ranches were abandoned in making preparations for a common defense, and such ranches may have been raided and burned by the Indians.

With this view of the situation in mind it is probable that the reported massacre of sixteen families may be an exaggeration. It must be apparent to anyone that settlers organizing to fight the Indians would not go away and leave their families unprotected. They have had ample warning and plenty of experience with the Indians and their style of warfare.

With this view of the matter the best informed of our citizens are inclined to disbelieve that many families have been butchered. At the same time every indication points to conflicts having occurred between the settlers and the savages. The Sun-Leaders advises that the families had been gathered together and the place well fortified so that in the words of one of them they can "stand off the whole Bannock tribe," is very important, in connection with this morning's dispatches.

The following letter received from Robert E. Miller by State Auditor Owen this morning gives very valuable information of the condition of the settlers in Jackson's Hole, and their preparation for the defense against the hostile Indians. Read in connection with recent dispatches it will prove interesting.

Mr. Miller is a very intelligent and reliable gentleman and his ranch is situated at the center of the troubles, one and one-half miles from the Marysvale post office. Mr. Miller says:

Marysvale, Wyo., July 19, 1895.

W. W. Owen, Cheyenne, Wyo.
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Dear Sir:—We are undergoing an awful state of affairs at present.

We are banded here at my place, having fortified ourselves to make a desperate fight, for our wives and our children, who are here with us from all parts of the valley, and I feel that we can stand off the whole Bannock tribe of Indians if they tackle us, but we are neglecting our homes, crops and stock to protect our families.

There have been three parties of Indians arrested, two parties convicted and the third party of nine bucks while being escorted from Fall river basin to our valley broke and run and were fired upon by the guards, and one or more killed, and some wounded, but they escaped. We are banded together that we may protect our families and have a large scouting party, who are hunting them out and mean business.

We have applied to the government to take its Indians out of our midst, but they are very slow to act. The Indians are off their reservations without passes and the agents should be censured in a way to be remembered by them.

It is having time, and here we are compelled to protect ourselves, allowing our homes and stock to be at the mercy of the Indians.

Imagine the horror my sisters visiting us have of the country in the present state of affairs.

SATURDAY EVENING, JULY 27, 1895.

SETTLERS MASSACRED

AT LEAST SIXTEEN FAMILIES BUTCHERED IN JACKSON'S HOLE BY THE RED DEVILS.

Smoke of Burning Settlements Seen From the Grand Teton—Reports from All Points—State the Massacre has Taken Place, but Details are Not yet Obtainable—Troops May Arrive Too Late.

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Market Lake, July 27—M. J. Gray, L. M. Earl and Senator Hamer of Illinois, and T. R. Hamer of St. Anthony, all left St. Anthony Wednesday morning on their first fishing trip of Jackson's Hole, and had no fear of Indians, not believing that there was anything in it. Today they are back and report every man, woman and child in Jackson's Hole murdered.

One of the couriers just in, who got as far into the Teton basin, the present point in danger of massacre, now that Jackson's Hole citizens are all butchered, reports that the smoke of a large fire can be seen several miles south of the Grand Teton, in the direction of Jackson's Hole. There is no doubt that the red skins have fired every home and cabin there, and by evening they will be repeating their fiendish work this side of the Teton range, in Teton basin, and perhaps after that all down the Teton river valley into Idaho.

It appears absolutely certain that at least sixteen families have been butchered by the Indians.

Riley Howar, a ranchman of Wilford, Id., who arrived at Market Lake today, says he heard the report at both Rexburg, on the direct trail to Jackson park, and at St. Anthony, that sixteen families in Jackson's Hole had been killed.

Brig. Gen. Stitzer sent a messenger to the besieged district early yesterday morning. He should be back here today to give more detailed and direct information.

G. H. Nickerson, the civil engineer, arrived at Pocatello this morning, he having just come from the Big Caribou mine, which is located south of Teton basin and not far distant from the scene of the present hostilities. He says that for many nights Indian signal fires have been burning on the highest mountains in sight. Yesterday the stage met four Indians driving seventy-five ponies towards this reservation. They said they were returning to stay, as there was no hunting, but the frontiersmen saw a very different intent behind their journey. In all the drove of horses there was not one pack horse and only one colt. There was no squaws along and not one rifle had been brought from the troublesome district.

The explanation of the move is that before another sun sets these swift ponies will be headed the other way once more and each one will carry an Indian warrior.

After the trip to this place to investigate the latest news of the Indian uprising a party consisting of young army officers from Fort Omaha, have decided to abandon the contemplated trip into the mountains as unsafe.
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They are now camped at Cokeville, about 100 miles east of here, but will not venture further north at present. A bit tourist party from Salt Lake also made all haste to get out of the country north of Soda Springs and left for home. An Indian who has just arrived from the Jackson Hole country tells of still another cause that has highly enraged the Indians. He says that at one point, when several Indians had been killed, the white men afterward became frightened at what they had done, and thinking they were unobserved had burned the bodies of the Indians. The Indians, however, had watched the white men from a high bluff, and when the news was scattered along to their brother bucks and added greatly to their desire for revenge.

Before daylight this morning a messenger arrived from the head of Teton basin and reported that on Wednesday a cattleman living in Jackson’s hole came out, bringing with him his wife and two sisters. The Hole men did not go into Hoback canyon as they had planned and told Gen. Stitzer they would do on Tuesday.

They, however, sent twenty scouts out to locate the Indians, and one of the scouts reports that his saddle animal was stolen by the Indians and that he was ambuscaded two days in the. ................. camped on the ground where the Indians were killed on the 11th inst.

Thirty-five men left the hole Tuesday afternoon to meet a posse coming over from Green River to help them, but the way of Gros Ventre pass. Lemhi Indians ran out some miners Thursday afternoon from the head of North Teton river into the basin.

REPORT PERFECTLY RELIABLE.

Omaha, July 27.—The Union Pacific headquarters were notified at 8:30 last night, by the company’s superintendent at Pocatello, Id., of the receipt of a telegram from the Union Pacific agent at Market Lake to the effect that all Jackson Hole settlers had been massacred by the Indians, their stocked killed and their homes burned. The agent declares that the information is perfectly reliable.
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REPORTS CONFIRMED.

Ninth Calvary Being Hurried to the Scene of Bloodshed With All Possible Speed.

Pocatello, Id., July 27.—The United States troops under Maj. Chaffee arrived here at 6 o'clock this morning and left for Market Lake without delay. From there they will proceed with all haste to the scene of the Indian troubles and are fully prepared to do their duty whatever it may be. Later reports confirm those of last night to the effect that many families have been massacred by the Indians in the Jackson Hole country.

MAKING A FORCED MARCH.

Market Lake, Id., July 27.—Gen. Coppinger arrived here this morning from Omaha. A squadron of the United States Ninth cavalry under command of Maj. Chaffee also arrived about 9 o'clock. The troops have started for Jackson Hole. All are well mounted, and have a large pack train with them. They will make a forced march to the scene of the trouble. Indian Agent Teter of the Fort Hall reservation accompanied the troops.

INDIANS MOVING NORTH.

The Whole Northwest Country is Now Aroused Over the Situation.

Pocatello, Id., July 27.—Fifteen Indians and 1,500 saddle horses passed through Beaver canyon today from the Lemhi agency, going in the direction of the National Park, and it was supposed that the warriors had started across the mountains and would join their horses on the other side, and would aid the Bannocks in their massacre of the settlers.

Excitement in Pocatello is growing hourly. From news received from there today citizens are agitating the question of arming themselves
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and leaving immediately to rescue the people in Jackson Hole. There are several Pocatello people there, and it is feared they are among the unfortunates.

Conductor John Thatcher has just arrived from the north and reports positively seeing about 300 saddle horses near China Point going in the direction of the Teton basin, which is a part of Jackson Hole. He says nothing is thought of but Indians, and at Idaho Falls they are seriously talking of going to the basin. Robert Turner and a small party left here this morning for the Hole on horse back.

SHOSHONES ARE COUNCILING.

Evidence That they are in Full Sympathy with the Bannocks.

Lander, Wyo., July 27.—The Shoshone warriors are holding nightly councils, but the subject under discussion has been carefully kept from the whites, and the most diligent inquiry fails to elicit any part of the proceedings.

That the present Indians trouble in Jackson's Hole commands their attention there is no room to doubt. Among the number to be found around the agency today were several who had lately returned from the Jackson Hole region, having escaped from the white settlers. These bucks were locked up, too, as "big Injins."

At an early hour this morning a band of twenty Indians from the agency was seen going south at a point five miles from Lander. They were well armed and possessed abundance of ammunition and had three horses each. They were evidently going around the south point of the Wind river range.

Company B of the Wyoming National Guard does not take kindly to the order of Governor Richards relieving them from duty. They are satisfied they could have performed good service in behalf of the settlers of Jackson's Hole, and having procured splendid mounts and being ready to go they naturally feel that the governor has not treat them just right.

The concensus of opinion among the whites in this part of the
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country is that it will shortly be apparent to the Shoshone Indians will soon become part in the contest is Jackson Hole . . . . . . among the Shoshones, has been on the point of escorting some Baltimore acquaintances to the National park. But some of his Shoshone friends hearing of it, advised him not to go, as there was going to be serious trouble. This is regarded here as being strong evidence that the Shoshones have accurate information as to the intention of the Bannocks and the dissatisfied portion of their own tribe.

SCHOFIELD AT WASHINGTON.

Returns From His Inspection of the Western Army Posts.

Washington, July 27.—Gen. Schofield, commanding the army, returned to the national capital last night from the tour of inspection of army posts in the west and northwest and a trip to Alaska. The general is much gratified at what he saw and has nothing but the highest words of commendation and praise for the army, which he says is higher toned and composed of better material than ever before.

Gen. Schofield declined to indicate what recommendations he would make.

Concerning the present Indian trouble in Wyoming he had little to say, as he had not yet had time to familiarize himself with the details. He will investigate the matter closely and send out such orders from Washington as he may deem proper.

MONDAY, JULY 29, 1895.

THE INDIAN CAMPAIGN

LATEST FROM THE SUN-LEADER SPECIAL CORRESPONDENT IN THE FIELD.
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Details of the March of the Ninth Cavalry-Two Camps of Settlers Well Armed-All Quiet at Jackson's Hole-Company B of Lander Ordered Out to Protect Lander Valley-Indian Police to Confer With the Bannocks.

The following dispatch from our special correspondent in the field was received at 3 o'clock this afternoon at this office:

Special to the Sun-Leader.

Market Lake, Id., July 29.—Gen. Coppinger's command camped at Moody Creek, sixty-two miles from Market Lake at 2:30 yesterday until 7 this morning, making purchases of forage for horses and subsistence for the men. All reports from Jackson Hole indicate a quiet condition of affairs there. Fred Cunningham came last night from the Hole, having left there at 6 o'clock Friday. He came out without being molested and saw no Indians on the way.

The settlers in the Hole are gathered in two camps, one at Cunningham's, at the upper end of the valley. There are fifty men at the camp, mostly prospectors. Another camp is five miles below Marysville, where there are now seventy-five settlers under command of Mormon Bishop Wilson. Both camps have ample ammunition and good supplies. The Indians are supposed to be in Hoback canyon, south of the lower settlement.

With Gen. Coppinger's command are Capt. Jim, head chief of the Fort Hall Shoshones, William Pen, captain of police of Indians, Maj. Tommy Head, chief of the Bannocks, and three other Indian policemen. These Indians will go ahead and endeavor to meet the Indians in Hoback canyon. They are directed by Agent Teter to endeavor to have the Bannocks return to the reservation under protection of the troops. If they will not return force will be employed to drive them out of the country, so that the settlers can resume their farming and prospecting. Two Evanston parties who came out from Yellowstone park yesterday report that there are Indians in the park. Gen. Stitser and Col. Foote drove to Canon creek, fifteen miles in advance of the troops yesterday. They will go into Jackson Hole with the expedition which will reach there Wednesday or Thursday.

The Eighth Infantry companies reached Market Lake this morning, and have been ordered to proceed to Marysville. Gen. Coppinger says the extent of the campaign cannot be determined until more definite information can be secured of the number of Indians in the country surrounding the
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Hole and their disposition. Teter insists that there are but five Bannocks from his reservation in the Jackson Hole region, and possibly seventy-five Bannocks from the Lemhi agency. Other estimates based on size of bands reported seen traveling towards the region now place the number at from 500 to 1,000. A march of twenty-five miles is expected to be made today.

IN THE CITY.

Governor Richards arrived here from Rock Springs at 3 o'clock yesterday morning. The governor had been kept thoroughly posted at Rock Springs by Adjutant General Stitser who has a courier service between Market Lake and Jackson's Hole. General Stitser, denies the exaggerated reports of the massacre of sixteen families, but states that the Indians have congregated in large numbers in the vicinity of Jackson's Hole. They are making hostile demonstrations and are liable to make an attack at any time. The settlers have taken their families to Marysville and will defend them with their lives. It is believed that the cavalry from Fort Robinson will have arrived at Jackson's Hole in time to prevent any depredations by Indians.

LANDER WANTS HELP.

The following telegram was received by Governor Richards at 1 o'clock yesterday morning, at Laramie, on the arrival of the east-bound train No. 2 at that place: "Lander, via Rawlins, Wyoming. W. A. Richards, governor. Armed Indians in small squads lurking around in foot hills near Lander. Ask for cooperation of military here. Answer quick. W. S. Firestone, mayor."


The governor wired Company B: "Commanding officer, Company B, Lander, Wyoming. You will assemble your command and co-operate with the civil authorities for the protection of the people of your county. W. A. Richards, governor."

Immediately following this message the governor telegraphed Brigadier General Coppinger at Market Lake as follows: "Mayor of Lander reports armed bodies of Indians in foot hills near that town and asks for
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assistance of Company B, W. N. G., to cooperate with civil authorities. W. A. Richards, governor.”

MORE TROOPS ORDERED OUT.

Orders were received yesterday by Colonel Van Horn, commandant at Fort Russell, to have the three companies of the Seventeenth infantry remaining here prepared to be moved to the scene of the Indian war at once. The order was issued by General Coppinger and dated at Market Lake. The two companies are on their way from Fort Robinson. Here they will be joined by the companies of the Seventeenth and, without delay, the five companies will be taken to Market Lake by special train.

Major W. H. Bisbee, who left Cheyenne for Market Lake, Saturday night, in command of five companies of the Eighth infantry, will, upon the arrival of the three companies of the Seventeenth Infantry at Market Lake, assume command, and Lieutenant Colonel Randall of the Eighth, who is now in the field with General Coppinger, will take command of the Eighth on their arrival. The Seventeenth are particularly fitted for Indian warfare. They have had several years experience on the frontier and have a good record as Indian fighters.

YOUNG BOYS WANT TO GO.

One of the soldiers of company of the Eighth, which went to the front Saturday night, became frightened at the prospect of a fight and deserted just before the train pulled out. On the other hand the youngsters seemed eager to go to the scene of the trouble, and a young son of Captain Corliss and Ted Godfrey, brother of Dr. Godfrey, secured a couple of old uniforms in which they dressed themselves and hid in the cars until after the train pulled out. The lads did not want to be left behind, but it is probable that they will be put off the train and returned to the post.

PROGRESS OF THE NINTH CAVALRY.

Dispatches received here yesterday say the Ninth cavalry left Market Lake on Friday, making their first camp at the South fork of Snake river sixteen miles distant.

The men are in the best of spirits, and are anxious to make the
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journey with as few stops as possible. They will make thirty miles to-day, camping on Canon creek. A detachment of Indian police will go in advance of the troops and will endeavor to persuade the Bannocks in Jackson’s Hole to return peaceably to their reservation.

JACKSON HOLE SETTLERS

SHERIFF WARD OF UINTA COUNTY REFUTES THE SLANDERS OF AGENT TETER.

Has Been Ten Years Sheriff and He Knows the People and the Country—they are Upright, Intelligent and Thrifty Settlers—No Lawless Element There Except Indians— How the Indians Behave.

Hon. John Ward, the veteran sheriff of Uinta county, in which county Jackson’s Hole is situated, is in the city today, on official business, and he was interviewed by a Sun-Leader reporter in regard to the Indian troubles in Jackson’s Hole. Mr. Ward has been sheriff of Uinta county for the past ten years and is considered one of the most efficient officers in the west. He is personally acquainted with the settlers and is familiar with every foot of ground in that region. He is very much incensed over the slanderous reports sent in by Agent Teter, of the Bannock reservation, regarding the people of that vicinity.

He states that the settlers of Jackson’s Hole are made up of people from Iowa, Illinois, and some from Utah, and other portions of Wyoming. There are about forty-five families in all. They have comfortable homes which they are improving and they are already building up a substantial settlement. Mr. Ward also says that there has not been a report to his office of any horse stealing or of any other unlawful act, except such depredations as have been committed by Indians, in that section since 1892.

In that year Mike Barnett and Jim Spencer, two noted desperadoes, were arrested for horse stealing. Prior to that time he had arrested six or seven for this offense, and on these occasions he received the prompt assistance of the settlers in securing the arrest of the thieves and in recovering the stolen property. Mr. Ward states that there is no better class
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of citizens in any place in the state than those who have made their homes in the beautiful region known as Jackson’s Hole.

In regard to Constable Manning, who had charge of the posse that made the arrest of the Indians for unlawful killing of game, and at which time one or more Indians were killed while resisting arrest, Sheriff Ward says that Agent Teter is certainly attempting to manufacture a sensational story by calling this a “butchery.” Mr Manning, he states, is an honorable and capable officer, who knows his business and that he would not have fired upon any of the Indians unless it were absolutely necessary in effecting their arrest upon a criminal warrant.

The sheriff also takes exception to the statement that the principal occupation of the people of Jackson’s Hole consists in killing game. The fact is, they are farmers and small stockraisers, and of that thrifty class which will eventually make this section one of the wealthiest and most prosperous in the west.

Sheriff Ward says that if the suggestions contained in Governor Richards’ letter of June 10th, to Hon. Hoke Smith of the interior department, had been heeded, there would have been no Indian uprising and the government would have been saved hundreds of thousands of dollars which expense is sure to follow the present trouble. Again, Agent Teter has educated his Indians to the idea that they are not only allowed to wantonly destroy thousands of elk yearly simply to obtain their hides, but he has encouraged them in settling at defiance the laws of the state. He further says that these Bannock Indians are not only violating the game laws but are a thriving vagabond class. He relates an instance of their operations. In 1891 a party of Bannocks came upon the camp of one Clark, at the head of Gray river, on the trail between their reservation and Jackson’s Hole, killed Clark without provocation and stole thirty-three of his horses. Sheriff Ward helped bury Clark shortly after the killing and recovered the horses from the Indians, who were attempting to drive them out of the country.
MONDAY EVENING, JULY 29, 1895.

PUSHING TO THE FRONT

COLORED TROOPERS WILL REACH MARYSVALE, IN JACKSON HOLE SOME TIME TOMORROW.

Clash of Authority Between State and Federal Authorities May be Expected—White Men Who Shot Down the Several Bannocks While Prisoners to be at Once Arrested, Charged with Murder—The Infantry Under Maj. Bisbee in Camp at Market Lake.

Camp on Canon Creek, July 29, via Market Lake, Id—The four troops of the Ninth cavalry under command of Gen. Coppinger, camped last night on Canon creek, twenty miles east of Rexburg, Id., and forty-six miles from Market Lake.

All are in good spirits and anxious to press forward with the greatest possible rapidity. Camp was broken at daylight and in half an hour the usual march to Jackson Hole will be continued. An advance guard of Indian police are preceding the troops and will endeavor to induce the Bannocks to return to their reservation without resistance or trouble.

Gen. Coppinger has been joined by Deputy Sheriff Hawley and also by John A. Carnes, an old Indian scout, to guide the troops through the mountains. Hawley and Canes both say that the killing of the Indians three weeks ago by the whites was simply a massacre. The leaders of the twenty-seven whites who captured the sixteen Indians were Steve Adams, William Crawford, John Crawford, Frank Peterson, Frank Woods, Billy Beluve, Joe Calhoun and William Manning.

It is now considered extremely dangerous to reach the point where the Indians are encamped. Twenty miles of dense forest lie between the main body of the settlers and the Indians, who are ensconced in the most rugged portion of the Rocky Mountain system, rivaling in ambush the lava beds of the Modoc war.

If the Indians are inclined to be hostile it will require a large number
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of troops to dislodge them, and the old starving process is the only one that will be successful according to the scouts who accompany the soldiers.

Indian scouts well acquainted with the country where the Indians are now encamped say they fear the present quiet of the Indians means that a trap has been prepared for the troops, but every precaution will be taken to prevent an ambuscade.

The settlers in Jackson’s Hole are greatly incensed that Agent Teters is taking the part of the Indians as against them in the present trouble. Teters is now with the troops.

A telegram sent out by courier from Gen. Coppinger to the war department at Washington reports all quiet in the Hole. The very latest report from the front is that the Indians are now pouring into the Jackson Hole country from all directions, though they are not at present molesting the settlers.

Agent Teters also wired the Indian department that many red men are joining the Indians in Hog Back canon and that they occupy a position that is practically impregnable.

It is evident from the present Indian situation that there is danger of a clash of authority and that the present field movements will be followed by a lively clash of authority between the state and federal governments.

Governor Richards of Wyoming insists in very strong terms that the Indians will be taught that when they are in Wyoming they must obey the state laws. He objects to having the settlers of northwestern Wyoming harassed and frightened by bands of Indian hunters from other states. Indian Agent Teters on the other hand who made an investigation for the government, claims that the Indians are right and have authority to hunt in Wyoming under their treaty of 1868. These are differences that cannot be settled by the troops.

It is learned from a reliable source that all the settlers who took part in the killing of the Indians three weeks ago will be indicted for murder, according to the recommendations of the Indian agent, Teters.

This command will probably reach Marysvale tomorrow night. The chiefs of the Bannocks and Shoshone from the Fort Hall reservation will join the cavalry here.
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EIGHTH INFANTRY ARRIVES.

Now in Camp at Market Lake, Where They Will Remain Temporarily.

Market Lake, Id., July 29.—Five companies of the Eighth United States infantry under command of Maj. Bisbee, arrived here at midnight and have already come into camp. They do not expect to leave Market Lake until something is heard from the cavalry. It is hardly probable that this detachment will go farther then Market Lake but will wait here to learn results.

The volume of sensational reports are becoming tiresome, and nothing further will be believed until positive evidence is produced. Since the reported massacre of the settlers proved to be wholly false but little weight is given to other reports unless confirmed from all sources.

PRINCETON STUDENTS RETURN.

Tell of Their Troubles in the Jackson Hole Region.

Baltimore, Md., July 29.—John A., Garrett of this city, E. R. Otheranan of New York and L. P. Pease of Germantown, Pa., members of the Princeton college expedition which was thought to have been annihilated by the Indians arrived here last evening. Mr. Garrett says:

We left Dubois, Wyo., just two weeks ago for Yellow Lake. By the route we took the trip was expected to occupy five days, and it required nine days and provisions ran rather short. We named the route the Princeon trail as it was heretofore unnamed.

We crossed a recently traveled Indian trail, evidently made by the band of Lemhis, who had gone to join the Bannocks. Later we came across a party of Shoshones and camped with them one night. They seemed to be in bad humor, but did not tell us that they were on the war path. In the
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band was George Washakie, son of the chief of the tribe. We passed in sight of Jackson’s Hole. From what we heard the Indians have more reasons to be afraid of the settlers that the latter had to be afraid of the Indians. The impression prevailed that the white people were anxious to fight the redskins. For four days we traveled through snow.

We were will armed and prepared for a fight, although we knew of now danger until we reached Cooke City. We passed over country never before traveled by white men, and saw much larger game, mountain sheep, deer, bear, etc. We left the main party on Wednesday last.

Satisfied at Washington.

Washington, July 29.—The report received from General Coppage to the effect that the Indians on the Washakie and Fort Duschene reservations are not involved in the present movement is regarded by the officers of the army as very important. The Shoshones are under the direction of the agent at the former reservation, and the Utes under the agent at the latter, so it is felt here that there will be no trouble experienced from them. This condition of affairs, it is believed here, makes the situation one much easier to handle, for but with one tribe of Indians to deal with, the uprising can be much more easily suppressed.

Arms Sent to Settlers.

Salt Lake, Utah, July 29.—The Salt Lake Hardware Company shipped on the train going north this afternoon a large consignment of firearms and ammunition. The order came by telegraph from St. Anthony’s, and as that is the entrance to the Big Hole country, it is evident that the settlers there are expecting Indian troubles.

Tuesday, July 30, 1895.

Agent Teter.

Agent Teter who never saw an Indian until he went to Idaho last fall from
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his old Virginia home, if correctly reported, makes many preposterous statements to the department and the press correspondents. We note two in particular. He condemns the character of the settlers of Jackson’s Hole as being a lawless clan, and describes his pets, the Bannocks, as being good Indians, and according to dispatches last night claims that only five of his band are absent from the reservation.

As an all round, consummate prevaricator the average civilian Indian agent from the east can have no successful rival and Agent Teter in his efforts to conceal his ignorance and criminal inefficiency as an official is no exception to the rule.

The investigations made by Adjt. Gen. Stitser put the brief time Indian agent in a very bad light.

The general does not hesitate to say that Agent Teter has misrepresented the facts in regard to the absence of Indians and the giving of passes.

As to the character of the settlers in Jackson’s Hole the very clear and also very strong statement of Sheriff Ward who personally knows them all, as well as the testimony of the people of the city of Lander, the nearest neighboring settlement, is amply sufficient to wipe out the slanderous utterances of Mr. Teter, whose long experience in Virginia politics has evidently warped his moral vision and regard for the truth.

Again the statement is made that the Indians are starving for want of food, and are obliged to hunt to get enough meat to subsist upon. This statement is heralded abroad through the eastern press as a defense of the Indians and the agency.

By what hocus pocus of logic can this claim be tortured into a charge against the settlers? As a matter of fact it is a most serious charge against agencies and the management of the Interior Department. Are full rations no longer issued at the agencies? Has the Indian department cut off their supplies? Does it indicate rottenness, corruption and mal-administration of our Indian affairs? If so let us no longer hunt the poor half starved Indian. War should be declared against Indian agents like the man Teter. Investigate, fix the blame where it belongs, nail the real criminals and let the axe fall.

As to the right of the Indians to hunt out of season and in defiance of the state laws, that claim has already been abandoned by the Indian department. Indeed under the strict terms of the treaty the Indians have no right to hunt at any season of the year so long as settlers occupying the territory or its borders shall object. The legal proposition is plain. Surveyed
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lands of the United States which settlers have begun to "occupy" are already "occupied" lands, and are so defined by the best legal authorities.

If the view of the case is not correct let the Indian department appeal a case to the supreme court and see where they stand.

In the meantime Wyoming will insist upon the enforcement of the plain provisions of its statutes against the white, black and copper colored violators.

TETER'S PREDECESSOR.

Capt. Van Orssdale of the regular army, who was succeeded as Indian agent at Fort Hall last fall by Teter, says in an interview in the Denver News that he never allowed his Indians to hunt out of season in violation of the state laws of Idaho and Wyoming. He always refused them permits for such a purpose until September on the open season begun. In the fall the Indians were allowed to go on their annual hunting expedition. Then it was understood to be all right and no trouble occurred.

TETER INCOMPETENT.

The Denver News says of the present Indian agent at Fort Hall: "Teter was appointed by President Cleveland from West Virginia in order to bolster up the political campaign of Congressman Wilson. To the incompetency of the new appointee, a large share of the blame for the present trouble is ascribed. Everybody who has studied the Indian character knows the effect of a uniform of a soldier has a upon protection in the exercise of that right. Agent Teter considers their demand a just one and will speak in their behalf.

The five companies of the Eighth infantry that arrived at Market Lake from Fort Russell have been ordered to the front at once, and the start for Jackson's Hole was made this morning. A wagon and a pack train will accompany them.
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GRIMMETT AND SPARHAWK

Are Leading a Relief Expedition from Lander into Jackson’s Hole.

Landers, Wyo., July 30—There is a popular uprising here in defense of the people of the county. Men skilled in Indian matters are of the opinion that the presence of troops in Jackson’s Hole will be the signal for the Indians to take to the Wind river range or cross over on the head waters of the. . . Acting upon this theory. . . fifty picked men mounted on horses selected for endurance, for the purpose of going to the head of Wind river. He used great care in arming the men so as to do good service should they chance to meet the foe. An invitation was to be given to the ranchmen on both sides of the river to join the party.

Sheriff Grimett aims to place a detachment in each of the passes leading out of Jackson’s Hole, and give the red skins a warm reception should they come that way.

The picked men are divided into two squads, the first in command of Ex-Sheriff Arthur Sparhawk, and the second under Sheriff Grimett.

The upper Wind river country is very rich in horses and cattle and for this reason the hostiles may wish to visit it.

There is some alarm felt for the safety of the settlers of what is known as the New Fork country, which is on the side of the range of the upper waters of the Green River. News is anxiously awaited tonight from Union pass, as a band of Indians is said to be holding it to prevent a rescueing party from getting into the Hole through that opening.

Wilbur Coutant, the New York World correspondent, has not been heard from and it was through this pass he was to reach the Hole.

State Senator Woodruff says the Indians are restless because they do not get more than half enough to eat. The government gives them plenty of beef, baking powder, flour and salt, but the balance they are obliged to get themselves.

They hunt hides to sell to get the necessaries which the government does not furnish them.

This opinion of Senator Woodruff is shared by a large number of
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white men who know the facts. The government is blamed for its policy and held responsible for the conditions which prevail. The Indians want more aid from the government and take this method of procuring it. They say it always works.

GEN. SCHOFIELD'S VIEWS.

He Thinks There Will be No Serious Trouble.

Washington, July 30—Speaking of the Indian disturbance in northern Wyoming, Gen. Schofield today expressed the opinion that with discreet management the Indians would soon surrender and return to their reservation. The only way they could now cause trouble was by scattering and taking to the mountains, but he believed it unlikely this will precipitate hostilities now that the soldiers were coming.

Speaking of the dispatch from Market Lake, stating that the Jackson Hole settlers would be arrested and tried for killing several Indians accused of violation of the Wyoming game laws, Commissioner Browning said he knew of no steps being taken in this direction and nothing had been considered by the Indian bureau.

He added that the Indian office would welcome a legal test of the right of the Indians to kill game in defiance of the state laws. "We should like to stop their hunting," he said. "But we have no power to do so. The treaty is plain and is binding on us. If the courts decide that the law is superior to the treaty of the United States government with the Indians the matter will be settled and we shall be very glad of it."

TUESDAY EVENING, JULY 30, 1895.

MARCHING TO MARYSVALE

EIGHTH INFANTRY NOW ON THE WAY TO JOIN THE NINTH CAVALRY.
The Jackson Hole Conspiracy 1895

Advance Being Made With Great Caution—Settlers Will Not be Permitted in Fight—Calvary Will Await the Arrival of the Infantry if Force Must Be Used—Picked Men From Lander En Route to the Settlers Assistance in Jackson Hole.

With the Troops En Route to Marysvale, July 30, via Market Lake.—The impossibility of settling the present Indian trouble in a day grows more apparent all the time. If the Indians are inclined to be hostile they are located in a position from which all the troops in this department could not dislodge them before next winter. They cannot be starved out by being surrounded for they would penned up sufficient elk and small game to support them for years.

If on the other hand the Indians are induced to return peaceably to their reservations, those versed in Indian strategy and familiar with the red man’s unforgiving nature, say it would only be a short time, and when the soldier’s had left Jackson’s Hole, that the Indians would return to take their revenge upon the settlers who killed their braves. The march for the day has been very short because of the scarcity of water beyond, and the non-arrival of the Indian guides and interpreters. The scouts thought it dangerous to proceed further without them. Their arrival was finally despaired of, and Ravenel McBeth, Agent Teter’s chief clerk, was dispatched to the Fort Hall agency to bring them.

He met the band a few miles away and returned with them.

These Indian scouts told Gen. Coppinger and Agent Teter that all the Indians belonging to the Fort Hall agency are now on the reservation. This however is known at Market Lake to be false. Co. Randall says that no credence can be put in the reports of the Indian scouts as to absentees.

The settlers will not be allowed to make any agresssive movement, as is now threatened, if the troops can prevent it.

The plan of action as outlined by Gen. Coppinger and Agent Teter is to ascertain the exact location of the Indians who are assembled in the Jackson Hole country about thirty miles to the south of Marysvale; friendly Indians will then be sent in and endeavor to get the Indians to return to their reservations peaceably. If force must be used it will not be exerted until a large body of troops has been assembled there.

The Bannock and Shoshone Indians attached to Gen. Coppingers
The Media - Part Two - Movement to Contact

command as scouts have just given notice that they will demand from the government fulfillment of the treaty of 1868, giving Indians the right to hunt on the public domain and will insist on this right.

GOV. RICHARDS' VIEWS

TAKES ISSUE WITH INDIAN AGENT TETERS WITH REFERENCE TO THE RIGHT OF INDIANS HUNT.

Holds That No Treaty Gives the Bannocks or Shoshones the Right to Kill Game in Jackson's Hole–The Governor Contradicts the Fresh Fort Hall With Reference to the Character of the Settlers in the Hole.

Wyoming people generally, and the residents of Uinta and Fremont counties particularly, are very indignant over the manner in which Indian Agent Teters of the Fort Hall reservations, has slandered the settlers of Jackson's Hole in his official communications to Washington and his interviews with newspaper representatives. The state officials share, in common with the people of the state this feeling of indignation, and do not try to conceal it.

In an interview today Governor W. A. Richards stated that he did not take the same view of that article of the treaty with the Shoshones and the Bannocks under which those Indians claim the right to hunt anywhere in Wyoming, as is taken by Agent Teters. The latter part of article four of the treaty of 1808 with those Indians is as follows:

“But they shall have the right to hunt on the unoccupied lands of the United States so long as game may be found thereon, and so long as peace subsists among the whites and the Indians on the borders of the hunting districts.”

Governor Richards said that if any right was granted it was to hunt upon unoccupied lands of the United States. He claims that the land in Jackson Hole and vicinity is not unoccupied land such as was contemplated in the treaty. That at the time the treaty was made the territory that
The Jackson Hole Conspiracy 1895

now constitutes the state of Wyoming was all unoccupied, unsettled and unsurveyed, it formed a portion of the territory of Dakota. Subsequently it was formed into a territory and in 1890 it became a state. Its lands were surveyed and settlers were invited to occupy them. A United States land office was established at Evanston, the county seat of this county, in which were plats covering this entire territory upon which homesteads and other filings were received.

The governor said that about twelve years ago the first settlement was made in Jackson's Hole, the first settler being engaged in stock raising, to which the country is well adapted. It underwent the usual experience of a frontier settlement. Some disreputable characters came in there and the place was given a bad name, but during this period there was no trouble with the Indians. There was a affiliation between the two races, some of the white men taking squaws for their wives, and all being disregardful of the laws they were of mutual assistance. Later on a better class of citizens came in, post offices were established, farms opened, and the disreputable class was driven out. This is shown by the statements of Sheriff Ward of that county, published yesterday, who said that no complaints of acts of lawlessness in Jackson's Hole had been made to him since 1892, except those committed by Indians, and that no disreputable citizens were known to be living there. The governor said that he is personally acquainted with a very large majority of the people of that locality and knows them to be industrious, intelligent, law abiding citizens, such as are needed to build up a new state. In addition to the agricultural industry there are a large number of men there engaged in mining; that 3,000 acres have been filed upon this year as placer mines in the vicinity of Crystal creek, a tributary of the Gros Ventre river, this camp being about twenty miles northeasterly from Marysvale; that more than 100 men are interested in placer mining there at the present time.

It is in the territory occupied by these people for the purposes named, that the Indians insist upon being accorded the right to hunt, and the governor says that he does not consider it unoccupied land within the meaning of the treaty.

He suggests that the general government refuse to let them hunt in the National park, which is "unoccupied land of the United States," to a greater degree than is the Jackson Hole country. The governor says that the methods pursued by these Indians at the present time in killing game are not such as were contemplated by the treaty when it gave them
The Media - Part Two - Movement to Contact

the right to hunt. At the time that treaty was made these Indians lived entirely by hunting. Knowing that their very existence depended upon the preservation of the game they were not wasteful of it, and to hunt at that time meant the killing of game only in such quantities as was necessary for their subsistence and the utilization of every part of the carcass, even the entrails. Now, however, with the government supplying them with food sufficient to sustain them, the incentive to be economical with the game is removed. They do not need the game to live upon, but they need the money with which to purchase arms and ammunition, finery to wear, cigarettes, which consume in large quantities, and numerous other things which their association with the white people has taught them to covet, but which the government does not furnish them. During warm weather they can make no profit out of the flesh of the animals that they kill but the hides can be utilized and turned into money and there are always plenty of men around the agency to whom they can be sold. Therefore game is slaughtered wastefully and wantonly now, for the hides alone, which is not hunting in any sense of the word, least of all in the sense contemplated by the treaty.

The governor makes the further point that the treaty allowed the Indians to hunt so long as peace subsisted between the Indians and the settlers living on the borders of the hunting districts. This evidently means that where the settlers are is not the hunting grounds, but that they are comprised in an uninhabited territory further out from civilization. The present difficulty grows out of the Indians hunting on the borders in the midst of the settlers. Cattle and horses are killed every year by the reckless shooting of the Indians and just last year of band of antelope were exterminated by the Indians so near the houses of the settlers that the latter were endangered by the flying bullets. This is not the hunting ground contemplated in the treaty, nor is there such a place in the state of Wyoming. Again, peace does not exist between the settlers and the Indians engaged in this nefarious business, and it is doubtful if it will ever again prevail if they are allowed to roam at will over a country claimed and occupied by white people. The governor says it is difficult to make the settlers understand that they must respect the law and only kill game in season, while the Indians can come in from their reservations in other of the states and kill at any time and in unlimited numbers. There has been no construction of the game laws of the state by any court showing them to be in conflict with any treaty and the officers who are enforcing them are only doing their duty. It is the governor's opinion that no court would construe the treaty as giving
The Jackson Hole Conspiracy 1895

the Indians the right to hunt in the vicinity of Jackson' Hole at the present time and especially not in open violation of game laws of the state.

There can be no doubt but that views similar to those presented by the governor are entertained by all of the people of Wyoming who are acquainted with the facts, and the officers will not change their course even though Agent Teters differs with them.

WEDNESDAY EVENING, JULY 31, 1895.

INDIANS ARE INTRENCHED

AND CANNOT BE REMOVED BY TROOPS UNLESS THEY ARE WILLING TO BE.

Eighth Infantry Taking Thirty Days Rations to Gen. Coppinger and His Cavalry —Soldiers are Awaiting an Answer From the Indian Camp.

With the Troops in Teton Basin, via Market Lake, July 13—Every Man who has reached the troops from the Jackson Hole country brings additional facts regarding the strong position occupied by the Indians south of Marysville.

Beyond the twenty miles of forest through which the troops would have to pass single file and through which the wagons could not possibly go, the trail leads through deep rocky canons and the swiftest of mountain streams have to be repeatedly crossed.

Three couriers who have now been out three days engaged in the effort to locate the red warriors have not yet returned, although word was expected from them yesterday.

A frontiersman not connected with the troops made an unsuccessful effort to locate the big camp of the Indians. He went within seven miles of where they are supposed to be but he was afraid to go any further.

He came away convinced that they could not be moved by persuasion and they told him outright that if the soldiers wanted them they knew where they were and to come and get them.
The Media - Part Two - Movement to Contact

The troops will await the answer of the Indians before proceeding further. Friendly Indians have been sent to their camps with messages from Gen. Coppinger.

In direct contradiction to the statements made by Agent Teter are the words uttered by William Frazier, a man who has lived and hunted and acted as guide in this region for ten years. He said today to your correspondent that the Indians slaughtered game indiscriminately, and they are the only ones that do.

The five companies of the Eighth infantry under Maj. Bisbee, are on the march to join the cavalry and have thirty days rations for the whole of the troops.

RETURNING TO THEIR HOMES.

Settlers in Jackson's Hole Have Gotten Over Their Scare.

Market Lake, July 31.—Gen. Coppinger's command marched thirty-five miles yesterday and camped in Teton basin. The cavalry has forty miles march to reach Marysville. From that place it is twenty miles to the camp of the Indians in Hog Back canyon.

A Jackson Hole settler just arrived at Market Lake reports affairs as being peaceable there, many of the residents of the Hole taking their families to their homes. The disposition that so strongly prevailed among the settlers to go into Hog Back canyon and clean out the Indians has been dispelled by the governor's message to them to act strictly on the defensive. The settlers state that the troops will have to be kept in the district for the entire summer to prevent further troubles and allay uneasiness.

INDIANS IN WAR PAINT.

Seen near Oregon Buttes and on Bad Water by Different Parties.
The Jackson Hole Conspiracy 1895

Lander, Wyo., July 31-Joe Miller of Miners' Delight arrived from the mines today and reports a camp of 300 Indians near Oregon Buttes, not far from South Pass City. He says they are unaccompanied by squaws or papooses, and this fact would seem to point to the conclusion that it was a war party, but whether they intend to attack the Sweetwater mines or go around by the New Fork country is not yet apparent.

Men of long experience are of the opinion that these Indians mean serious trouble. Mounted men will leave in small squads to scour the country not only to look after Indians but to warn the settlers as well. These Indians have been assembling for the past three days.

A party of forty-seven Indians on the Bad Water were seen by Deputy Sheriff Baldwin, who arrived here last night. These Indians were undoubtedly on their way to Sweetwater and are probably a part of those reported as camped at Oregon Buttes. The warriors were in war paint and feathers, and one of the chiefs was decorated with a war bonnet.

WEDNESDAY, JULY 31, 1895.

FREMONT COUNTY ALARMED

CITIZENS TELEGRAPH TO GOVERNOR RICHARDS FOR ARMS AND AMMUNITIONS.

State Will Pay Expenses of Militia if Needed to Suppress the Indians, but It is Thought the Fremont County People are Needlessly Alarmed.

The Following dispatches were received by Governor Richards late last night:

South Pass City, July 31, 1895 – Governor Richards: There are from one to three hundred Indians within half a day's ride of this place: all bucks. Things look shady here. We Have Just about fifty men at South Pass, but nee guns and ammunition. Can you send case of guns and 1,000 rounds of cartridges? Signal fires seen along the mountain last night. Much anxiety is felt, as there are a number of women and children here.
The Media - Part Two - Movement to Contact

DR. W. LOVEJOY.

Lewiston, Wyo., July 30, 1895 - W. A. Richards, Governor: Can you send us 25 stand arms and plentiful supply of ammunition. There will be trouble here. Send us help if possible.

E.A. GUSTIN.

Lander, Wyo., Hon. W.A. Richards, Governor - Considerable cause for alarm here. Will the state or county pay the expense of militia while co-operating with the Civil authorities.

J. C. BALDWIN.
Deputy Sheriff.

The governor referred the dispatches from South Pass City and Lewiston to Co. Woodruff at Rock Springs, with instruction to take such action as a colonel deemed advisable. The governor believes that the people in that vicinity are perfectly safe. In reply to the message from the deputy sheriff of Fremont county the governor wired: "In case of actual necessity the troops will be paid by the state. It is not known here that any white man has been killed and there is no alarming news."

Up to the time of going to press nothing further had been received at the executive office.

THURSDAY, AUGUST 1, 1895.

THE LATEST INDIAN NEWS.

COMMUNICATIONS FROM WYOMING NOW RECEIVE VERY PROMPT ATTENTION AT WASHINGTON.

Dispatches Pass Between Governor Richards and the Indian Bureau - All Indians Again Ordered To Their Reservations - Messages Received
The Jackson Hole Conspiracy 1895

But little news has been received at the state executive at the state executive office today regarding the Indian troubles in Uinta and Fremont counties.

Last Night Governor Richards sent a message to the commissioner of Indian affairs at Washington reading as follows:

"I have reliable information that 200 Indians, supposed to be Utes, were seen yesterday, near South Pass, Fremont county, and also a party of seven Sioux on Bad Water creek, same county. All were mounted, armed and without women or children.

"The people of Fremont county are under arms and have wired me for assistance. Cannot these and all Indians in Wyoming be recalled to their respective reservations?"

This morning the governor received the following message in reply to his telegram:

"Washington, D.C. August 1. – W.A. Richards, Governor, Cheyenne, Wyoming: Your telegram of July 31st received. Have wired agents at Uinta and Ouray, Lemhi, Shoshone and Pine Ridge agencies to return all absent Indians to their respective reservations. Had heretofore given similar instructions to Fort Hall and Shoshone agencies."

The above dispatch was signed by D. M. Browning, commissioner.

The message at least shows that more attention is now being paid to official communications from this state by the Indian department at Washington than had been given a little while back.

The governor also received a message from Gen. F. A. Stitser this morning, dated at Market Lake, Id., yesterday, stating that "Troops have just entered Teton pass en route to Marysvale. All is quiet."

Last night the governor wrote a letter to Col. R. R. Woodruff at Rock Springs, requesting the colonel to look carefully into the reported presence of Indians on and near the Sweetwater in the vicinity of South Pass and Miners' Delight, and to keep the executive fully informed in the matter. Today the following message was received by the executive in reply to the letter:

"Rock Springs, Aug. 1 Governor W. A. Richards, Cheyenne - Have sent a reliable man to Sweetwater country. Will keep you posted.

(Signed) "R. D. WOODRUFF."
The Media - Part Two - Movement to Contact

The governor proposes to keep himself as fully informed as possible and ready to take prompt action should anything further arise that requires it.

HOT IN PURSUIT.

Uinta County Citizens After the Murderers of N. E. Dawes and Tom Stagg. – Sheriff Ward Returns to Evanston.

Sheriff John Ward of Evanston passed through the city this morning on his way home from New Mexico where he had gone after a prisoner who escaped from custody before the arrival of the Wyoming officer, the marshal in whose charge the prisoner was having been killed in a fight at Catskill, N.M., as related in this paper a few days ago.

Sheriff Ward said that Deputy N. E. Dawes, who was killed by horse thieves near Evanston, Tuesday, leaves a wife but no children. The sheriff was certain that his trusted, Robert Claverly, had performed his full duty in the pursuit of the horse thieves. He said that Calverly was a first class officer and as brave a man as could be found anywhere.

Coughlin and George, the horse thieves are desperado of the worst stripe, the former having quite a prison record.

A dispatch from Evanston states that last night at least 100 armed men were in pursuit of the fugitives and were searching the country in all directions. Ten mounted and well armed men were on their trail near Strong's ranch and it was believed the desperadoes would soon be run down. The pursuers were at that time over thirty-five miles north west from Evanston. It is not likely that either Coughlin or George will get out of the country alive.

INDIANS HAVE LEFT WASHAKIE

Dr. Welty of the Shoshone Agency Tells a Few Facts.
Fort Washakie, Aug. 1. - In an interview today with Dr. Welty of the Shoshone agency, as to the truth of the report that the young Shoshone bucks were leaving the agency, he said he was willing to take oath that at least 50 and possibly 100 young warriors with whom he is intimately acquainted, have left the reservation since the trouble began.

He says that when the arrests were made in Jackson's Hole for killing the game, three Bannocks escaped and at once crossed over the reservation and he believes that these young Shoshones returned with the Bannocks to Jackson's Hole. He says the Indians here are in very destitute circumstances and in talking with some of the elder Indians were not increased and the trouble in Jackson's Hole continues they would rather die fighting that to starve.

In the last few days several small bands of Indians have been seen by responsible parties and they have been heading for the mountains in every instance.

A party of twenty or thirty Indians is also reported to be camped on the Popoagie, thirty miles south of here, and that great excitement prevails at that place.

They have already erected a stockade for their defense in case they are attacked.

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SHOSHONES GETTING UGLY.

Say They Are Hungry and Will Fight Before They Will Starve.

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Lander, Wyo. Aug 1. - The latest report from Jackson's Hole came through the special correspondent of the New York Herald, who left there yesterday, and has arrived here. In answer to questions he said that no white people have yet been killed in Jackson's Hole. It is loudly talked among the Shoshones today that the Indians are starving and that they would rather die fighting soldiers than by starvation. This is an agreed state of facts among the Bannocks, Utes, Lemhis and the Shoshones, and at the proper time the government will be informed that the peace can be secured only by increasing their rations.
SWAN VALLEY WANTS HELP.

Boise Id., Aug. 1 - Governor McConnell today received an appeal from the settlers in Swan Valley asking for the troops, saying that the Indians were guarding the ferry on the south fork of the Snake river south of the Teton basin.

The governor at once sent a message to Washington asking that the troops be sent, as Gen. Coppinger's whereabouts is unknown and he may not know of the danger threatening the Swan Valley.

STAMPEDE OF WHITES.

Pocatello, Aug. 1. - About forty families passed through Soda Springs last night after dark, and they are still leaving.

A number of tourists are leaving Soda Springs believing it safer in other places.

All the Settlers in Star Valley have fled to the upper part of the valley, and are fortifying themselves at Afton, Wyo.

This leaves all property at the mercy of the Indians.

FRIDAY, AUGUST 2, 1895.

INDIAN'S CAN'T BE FOUND

CALVARY HAS ARRIVED AT MARYSVALE AND INFANTRY HAS BEEN STOPPED EN ROUTE.

Col. Randall of Fort Russell, Agent Teter and Some Friendly Indian Orators Will Visit the Bannocks and Shoshones in Camp, if It Can be Found, and Hold a Council With the Redskins.
The Jackson Hole Conspiracy 1895

Special to the Sun-Leader

With the Troops, Aug. 2, via Market Lake. - The calvary troops reached Jackson's Hole last evening, camping at the foot of the Teton range. There are now at Marysvale seventy-five people still occupying a fortified house, but a number have returned to their ranches.
CHAPTER ELEVEN

THE MEDIA - PART THREE - THE WRAP-UP

Chapter Eleven articles cover the month of August 1895. At this time the Sun - Leader has softened its rhetoric a degree, but no apology. When the federal and state authorities reached Jackson Hole they did not find the carnage they had anticipated. None of the settlers were harmed. This is not to say the exaggeration ceased.

There are some interesting observation here-in. On August 2 an article appears stating Constable Lewis found a wounded Indian with a badly wounded leg. On the 3rd an article read, “It was a wounded Indian, one of the party shot while escaping arrest July 19, was found at the head of the Green River.” On Monday August 12, it was reported, “An Indian boy shot by Constable Manning’s deputies on July 13, was brought in to camp yesterday. He was shot, through the body and arm, and laid in the woods sixteen days before crawling to the Faler ranch where he received assistance. He is now recovering.”

These are all the same Indian, “Nemuts,” age twenty. He escaped near the mouth of Granite Creek after being shot twice, once in the arm and once more in the torso, and made his way to the Faler family ranch east of Bonderant, Wyoming, where he felt the Falers would help him. Upon returning to Fort Hall he made an affidavit of the events of the escape. It seems obvious the newspaper reporter did not check his facts.

Of further interest is the article on August 2, entitled, “Return from the Park.” Henry Hayes, State Treasurer, C. W. Burdick, Secretary and State of A. W. Barber recently returned from a tour of the park. They brag while fishing in the Yellowstone River they pulled out 400 fish. Contrast this statement with the declaration of the wanton slaughter of nature’s wildlife by the Indians. It is as if the pot was calling the kettle black.

On August 6, Adjutant General Stitzer reports of a Capt. Smith,
The Jackson Hole Conspiracy 1895

prospector, had a gun fight with three Indians and thought he had killed two of them. In the fracas Capt. Smith was wounded in the chest. Later it was proven that Smith had been shot by his prospecting partners.

The last report in this chapter on August 31, by U.S. Attorney Gibson Clark and U.S. Marshall McDermitt's deputy, seems to exonerate the Indians while placing the responsibility squarely on the shoulders of the Jackson Hole settlers.

Special to the Sun-Leader - August 2, 1895.

The Indians scouts with Gen. Coppinger's command will go into Hoback canon today and try to locate the Indians. If any are found a conference will be held with them by Agent Teter of the Fort Hall reservation. It is believed that they have been slipping back through the mountains to their reservations since the news reached them that troops were in the country.

It has been decided that when the vicinity of Hoback's canon is reached, Col. Randall of the Eighth Infantry, Agent Teter and Clerk McBeth, accompanied by Interpreter Lavatta and Capt. Jim, chief of the Shoshone police will go ahead of the troops to have a talk with the Indians. Capt. Jim will make a "heap big talk" to the Indians and will tell them that the government will protect their rights. Then Agent Teter will make a personal appeal to them. Capt. Jim will ask all the Indians to go back to their reservations without fighting.

If they will not go he will assist the soldiers in removing them, and will call upon his tribe to assist. Great hopes are entertained that Capt. Jim may be able to influence the red men. He is a wonderful orator, has an almost magnificent presence, and in fact is looked upon as a second Red Jacket. Capt. Jim served with Gen. Crook in the Piute war and bears the highest testimonials from him. He is also well known to Gen. Coppinger.

It has proven a difficult matter to locate within a few miles at least, the Indians who are now in the Jackson Hole valley. They are known to be about thirty-five miles south of Marysvale, but the country in that vicinity offers facilities for hiding 10,000 Indians from the troops all summer. In order to reach the Indians it would be necessary to go up Cash creek canon, an almost inaccessible pass which 100 Indians could defend against an army. A party of seventy-five settlers who started out last Monday to attack the Indians went as far as this pass without finding them and then came back.

Bishop Enyon of the Mormon settlement at the foot of Teton pass, greatly deprecates the action that has been taken. The bishop believes that
The Media - Part Three - The Wrapup

satisfaction must be given for the killing of the Indians or the life of no settler or any of his family will be safe for years to come. Bishop Enyon has now lived among the Bannock Indians for forty years and says their retaliation will fall upon the innocent as well as the guilty, so that revenge is secured by killing the white people.

JACKSON’S HOLE.

A correspondent writes from Jackson Hole:

"The fort is a Mormon granger's hay corral, log cabin, stable, etc. Everyone has a rifle at hand, and even the Jackson Hole women, of whom there are 120 huddled together here in Wilson’s log cabin, are more or less anxious to shoot at an Indian. One vigorous and massive lady was especially fierce in her denunciation of the slow movements of the troops. She is skeptical as to the soldiers trying to kill any Indians when they get here, and she calls the Indians government pets.

The first man I met as I galloped inside the corral was Edward J. Hunter, an old timer here, whom I have known for years. He was at the head of a scouting party just starting up the Gros Ventre river to get sight of the Indians there. Hunter was in the posse that arrested the Indians and shot one of them when they attempted to escape on July 14th. Hunter does not like an Indian, never did, and he will not go out of his way to avoid meeting one or two. In fact the feeling here is so bitter against all the Indians that I am confident a conflict would have occurred last week if news of the troops being ordered here had not got here in time to frustrate their plans. Three scouting parties are now out and have been gone several days. Nine men in Hoback canon country, six under Steve Leeking in the Gros Ventre country, and seventeen men under Vic Smith, who, Moses Pettigrew, the United States commissioner tells me, has shot two Indians since the trouble began and has himself been wounded.

Sylvester Wilson is in command here and he is an antique Mormon and an early Utah pioneer. Frank Estes is his lieutenant. The families now here are those of Sylvester Wilson, Irving Wilson, Frank Estee, Silas Cheney, M. Nelson, James Robinson, William Price and Moses Pettigrew. Mrs. Pettigrew gave birth to a girl baby four days ago. Luckily there were enough Mormon women in Jackson Hole to care for the case.

A big log fort has been built at Mr. Thompson’s ranch of Spread creek, 30 miles north of here. Mr. Thompson brought his ranch from Mr. Cunningham. Thompson lives in New York. Last Wednesday they sent
The Jackson Hole Conspiracy 1895

a man with a pack horse to St. Anthony, Id., for ammunition, and there is no trace of him yet. W. L. Boyce, Ray Leonard and W. Dixon of Butte Mont., came here this evening in a wagon. Now I am in Jackson's Hole I feel confident this Indian trouble has been clearly exaggerated by the people who live here and the numerous rumors started at this place. Certainly there has been bad blood here, and is yet, but if the Indians do any deviltry it will be in this vicinity and the head of Green river, where they have been at loggerheads for many years. Game is yearly becoming more numerous in and adjacent to the Yellowstone park as it diminishes further south. Let the government move at once and establish a small cavalry post on the Sheridan trail at the southern end of the park, and this magnificent game preserve will be protected from Indian and white poachers alike. To be candid a five years close restriction within two miles of the national park line has clearly demonstrated to my satisfaction that the Indian does not even go near the park, although he slaughters game to excess fifty miles south of it.”

STOPPED THE INFANTRY.

They Will Not be Taken Into Jackson Hole.

Special to the Sun-Leader.

Market Lake, Id., Aug 2.-Gen. Coppinger stopped the Eighth infantry and the supply train under Maj. Bisbee on this side of the Teton mountains. They will not cross at all unless it is found absolutely necessary. Considerable excitement is felt at Marysvale on this side of the range for a Mormon bishop and another man who went out to watch the movements of the Indians. Two men who went with them returned immediately, but the former have now been absent three days.

Maj. Bisbee's command is at South Fork bridge. Orders were sent to him to remain in the Teton basin. It is not certain that the infantry will be needed in the Hole.”

WHAT ROOSEVELT THINKS.

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Understands the Indian Situation Better Than Most of the Easterners.

New York, Aug 2. - In speaking of the Bannock Indian trouble, President Roosevelt of the police commissioners, said the worst calamity that could befall an Indian was to allow him to kill game.

Speaking from wide experience, he said, the Indian's salvation lies in his becoming civilized, and consequently he should be kept from wild sports as much as possible.

Mr. Roosevelt said that the Bannock Indians generally were considered as a friendly tribe and not by any means "bad Indians," such as the Sioux and the Arapahoes. They are very brave and will fight like fiends when cornered. According to the commissioner they have a great desire for fame, but the only fame they undertake is to be gained by gathering scalps and stealing horses.

Mr. Roosevelt was in Jackson's Hole in 1891, and mixed a good deal with the Bannocks and the Shoshones. The commissioner says there has always been more or less friction between the settlers and the Indians over the killing of elk. The Indians, he says, have the right to shoot game under their treaty, but the state law forbids the killing of game, and this is where the trouble begins. The Indians slaughter the game in a wholesale manner. They surround a herd of elk or cattle and kill every one in sight.

Mr. Roosevelt explained that the outlawed bucks are the greatest danger threatening the western settler. These are young Indians ranging from 18 to 22 years old, whose fathers declare they will not be responsible for their acts. When hunting game they stretch out in a line and use a peculiar whistle to lure the elk within range. They then surround the frightened animals and after closing in on them, butcher them by hundreds.

The commissioner said that game is also abundant in Idaho. Even as late as his last visit to Jackson's Hole he had seen elk in such tremendous quantities that their antlers resembled a forest of bones.

A WOUNDED INDIAN.
The Jackson Hole Conspiracy 1895

Market Lake, Id., Aug 2. - Constable Lewis found an Indian in the Mountains who was one of those wounded at the escape two weeks ago. The Indian had crawled seven miles on a badly wounded leg and was nearly dead.

FRIDAY EVENING, AUGUST 2, 1895.

WHAT RICHARDS' THINKS

WYOMING'S GOVERNOR GIVES THE EASTERN PRESS A FEW TRUTHS BY WIRE.

Contradicts the False Utterances of Eastern Indian Sympathizers - His Dispatch Sent at the Request of the New York World - The Governor at Rawlins Today.

No news has been received at the governor's office today in relation to the Indian troubles. Governor Richards is at Rawlins in his capacity as president of the state board of charities and reform, and his secretary, Miss Alice Richards, has been attending to the routine business today unassisted. The governor left for Rawlins this morning and will return on the fast train tonight.

Yesterday's press report contained a dispatch from New York stating that Secretary Ryder of the Indian department of the American Missionary Association had been in correspondence with the interior department concerning the Bannock Indian uprising. As a result of his investigation of the matter he said: "If ever in the history a protest ought to be raised by Christian people against the slaughter of Indians, it is now. The Bannocks under the laws of the government are allowed to hunt. The game laws of Wyoming forbid this. A party of Bannocks under the laws of the government are allowed to hunt. The game laws of Wyoming forbid this. A party of Bannocks killed a lot of the game in Wyoming. They were arrested, and while being taken to jail sixteen of the seventeen were shot down in their
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tracks unarmed. Those of us who know of the brutal character of many of the white men who live in this western territory and their intense hostility to the Indians have a grave suspicion that this was planned in order to kill the Indians. Gen. Miles has given his testimony that the Bannocks are among the most peaceable and on the whole one of the best tribes on the prairies.

"Governor Richards of Wyoming should at once enforce the laws against the white men that are the first aggressors and then bring the legal matter into court.

If the slayers of the Indians are promptly arrested and the Bannocks know that they will be impartially tried and severely punished if found guilty, the uprising will at once be at an end."

Secretary Ryder said he had received assurance from the department of the interior that his opinion is correct as to the lawless outrages upon the Indians and that being the case there need be no apprehension that the soldiers there will use harsh measures against the Indians. No means within the reach of the department of the interior, he said, will be spared to bring the guilty parties to justice.

Last night Governor Richards received a request from the New York World to reply to the statements of Mr. Ryder, as his talk carried great weight with the eastern people. The governor at once wired the following the world, over his own signature.

The World, New York City.

The statements made by Secretary Rider of the Indian department of the American Missionary Association concerning the Indian troubles in Wyoming are erroneous. I have information of the killing of only one Indian, who together with fifteen others, was resisting law officers, and attempting to escape, after having been arrested for killing elk in open violation of the laws of Wyoming. Mr. Ryder can scarcely have any reliable information that I have not. The insinuation that those arrests were planned in order to kill Indians is entirely unwarranted. One of the Indians arrested upon July 14th had a pass signed by Thomas B. Teter, dated at Fort Hall agency, May 25th, giving him permission to be absent thirty days for the purpose of visiting friends at Shoshone agency, Wyoming. When arrested his pass had expired nineteen days; he was more than one hundred miles from the Shoshone reservation; on no reservation, and had one hundred and fifty fresh elk hides in his possession. The other cases were similar.

Secretary Ryder's statement that 'those of us who know the brutal
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character of many of the white men who live in this western territory, would imply that he spoke from personal knowledge. If so he is guilty of slandering the people of Jackson's Hole valley, who are peaceful, industrious, law abiding citizens, who have not cost the state a dollar on any criminal account for three years. His gratuitous advice to the governor of Wyoming as to the proper course to pursue in dealing with this matter is entirely unnecessary. It was an effort to enforce the laws that brought on this conflict, and if in so doing the officers have exceeded their authority, which I do not believe, there is a legal remedy which will be applied.

To the statement that the white men were the first aggressors is not in accordance with the facts. The lands where this difficulty arose are not unoccupied lands within the provisions of the treaty granting hunting privileges to the Indians, and they have not the right, in the region involved, to wantonly and wastefully destroy the game in violation of the laws of Wyoming. This trouble arises from a willful violation of the rights of the citizens of this state as well as from the incompatibility of Indians and white people. From the time of the landing of Columbus it has been impossible for them to live peaceably together.

There is no disposition upon the part of our people to be cruel or unjust toward the Indians, but the government having set apart large tracks of the best land in the west for their occupation and appropriations being made annually sufficient for their comfortable support, we are determined that they shall not unlawfully encroach upon the territory reserved for our people. No white man ever molested an Indian when at home on his reservation. The people resident in Jackson's Hole, Wyoming, are not aware that an Indian living on a reservation in Idaho could have a right to come into their midst and indiscriminately slaughter elk, for their hides alone, leaving the carcasses to rot, while they could not kill one of these animals for food for their families without violation of the law.

It does not seem reasonable, and it is doubtful whether they would believe it if it were explained to them that a technical construction of a treaty made twenty-seven years ago gave them that right. I freely confess that I do not.

"WILLIAM A. RICHARDS,
"Governor of Wyoming."

The above communication from Wyoming's chief executive will, no doubt, set thousands of misinformed people right in the matter. The dispatch

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from the governor will be given as wide circulation as the slanderous words of Secretary Ryder.

RETURNED FROM THE PARK.

Messrs. Hay, Durdick, Barber and Gramm Have a Delightful Camping Tour.

Henry G. Hay, state treasurer; C. W. Burdick, secretary of state, and Dr. A. W. Barber returned this morning from a camping tour of the Yellowstone National park. Mr. Otto Gramm of Laramie, who was with the expedition, also returned. It was a two week jaunt that they will always remember. They unite in saying that the wonders of the National park have not been exaggerated, and they doubt if they can be. The entire party, thirteen in number, fitted out at Cinebar, with a four horse top covered rig, a small wagon and a common Bain wagon loaded up with camp supplies, feed for stock, etc. Dr. Barber rode a saddle pony. Superintendent Anderson and Capt. Moore were exceedingly courteous to the party, and Commissioner J. W. Meldrum also showed them every attention.

The doctor tells some very good fish stories. It was demonstrated by the party, he says, that trout could be caught, and without changing position they fastened them to strings and dropped them into a hot pool and cooked the fish. This was at the Thumb of the Lake. The party went entirely around the lake, camping where it was most convenient. They not only caught all the trout they wanted but also supplied the school marm's whom they happened to meet. They were equally successful in the Yellowstone river, and altogether pulled out 400 fish. One of the most novel experiences was a warm shower bath.

Commissioner Meldrum and wife live in a pretty stone cottage at Mammoth Hot Springs, which is supplied with hot water by pipes from the springs, and the house is thus heated in the winter.
SETTLERS AT MARYSVALE ASSEMBLED IN THE VALLEY Forts.

Precautions That Were Taken to Avoid a Surprise - Anxious to go Back to Their Farms.

Marysvale, Wyo., July 27, 1895.
E. A. Slack Cheyenne, Wyo.

Sir: Up to the present date the settlers are still under the protection of the valley forts. Scouts report no Indians in the immediate vicinity of the Hole. All Indians are now supposed to be located on the divide between the head of Wind river and Buffalo fork of Snake river. Elk, deer and antelope have come into the settlements by the hundreds, showing that the Indians are further north and east. One party of ten men left here this morning for Grays' and Fall rivers. Capt. Ed Smith and others leave Marysvale for the Buffalo country today. We will be gone five days, and thoroughly scour the country for Indian camps, so that the settlers may be warned in case of any immediate danger. We are looking for troops at once. No attack will be made on the Indians unless to protect ourselves against them.

The safety of our lives is with the men who volunteer to scour the country every day and every night. Out of eight-five men only thirty-nine have volunteer to go out in case of necessity. I anticipate no trouble for a few days, and trust the soldiers will at least bring sufficient relief to the settlers so they can make the hay. The failure of the settlers to make hay means that every settler will be poverty stricken. Relief cannot come too soon.

SIMPSON.

P. S.-Will not write you next mail unless I am returned as a courier to Lander.
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SATURDAY EVENING, AUGUST 3, 1895.

SEARCHING FOR INDIANS

GEN. COPPINGER SENDS OUT DETACHMENTS OF CAVALRY IN HOPES OF DISCOVERING THE REDSKINS.

Settlers Leave Their Fortifications Today and Return to Their Ranches-The Troops meet with an Accident at Snake River-Agent Teter Returns to Market Lake and Makes Another Wild Talk.

Special to the Sun-Leader.
Marysvale, Wyo., by messenger to Market Lake, Aug. 3-Gen. Coppinger sent out two detachments of twenty troopers each this morning. One will scout the entire country east of Jackson's lake and south of the park, as far east as the tourists route into the park and south to the Gros Ventre. The other will cover the Hoback canon and Fall river basin.

The parties take ten days rations and are accompanied by Indian scouts and guides furnished by the settlers. Indians have been reported in Swan valley, forty-five miles southwest of here in Idaho, and Gen. Coppinger has directed Maj. Bisbee to send two companies of the Eighth infantry into the region. The remainder of the Eighth infantry will remain here until the result of the scouting expedition is well known.

Will Simpson came in from a six days scouting expedition last night and reports seeing any Indian pony on Moccasin trail, but saw no Indians. He covered a large area of county on the upper Gros Ventre and Buffalo creek. Sheriff Grimmert and Arthur Sparhawk with thirteen men came in from Lander last night. They say no Indians, but report a number of Shoshones absent from the reservation.

The settlers will leave their fortification today and return to their ranches in the valley.
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ACCIDENT TO TROOPS

Team Lost in Snake River and a Man Narrowly Escapes.

Special to the Sun-Leader.

A wounded Indian, one of the party shot while escaping arrest July 19th was found yesterday at the head of Green river.

Scouts are in from all the country for fifty miles from here in every direction and report no signs of Indians.

Gen. Stitzer is much gratified at the turn affairs have taken as the settlers are now relieved from anxiety, and as long as the troops remain there will be no further trouble.

TETER TALKS WILDLY

Abuses Jackson Hole People and also Wires to Washington to Have Them Arrested.

Market Lake, Id., Aug. 3-Indian agent Teter of the Fort Hall Reservation arrived in Market Lake late yesterday afternoon on his way to the agency to learn how many of the Bannocks and Shoshones are missing. He still maintains in the strongest terms that the lawless settlers are the guilty parties and not the Indians.

From his tone it is evident that the clash of federal and state authorities predicted by your correspondent several days ago is about to occur. To a correspondent Agent Teter said: “The scouting parties sent out by the troops could not locate any Indians in the Hoback canon country and they say that they did not believe that there were any Indians within fifty or sixty miles of Marysvale. It is evident to me that the Indians who have been scaring the settlers in the Swan creek and Salt River valleys
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are those who were camped in Hoback canon at the time I made the first investigation there two weeks ago. They are returning to their reservation through the southern entrance to Jackson Hole, and the alarm the settlers feel I believe is entirely groundless.

"If I had the co-operation of Gen. Stitzer and other state authorities who were in Jackson's Hole when I was there I believe this whole trouble could have been averted. I urged the settlers there to assist me in preserving the peace and getting the Indians to return quietly to their reservations, but the lawless element among the white men were determined to give the Indians such treatment as would prevent their return another year. They said to me that they had the assurance of Governor Richards that they would be backed by him in their efforts to drive the Indians out, and took such steps as were necessary to drive them out."

"On the other hand, Maj. Teter, will not these lawless settlers make trouble if some of them are prosecuted?"

"Yes, they undoubtedly will. They have sworn among themselves never to let Indians hunt in Jackson Hole again. The officers in charge of the United States troops all support my views in this trouble and do not hesitate to say so."

The following message was transmitted to the commissioner of Indian affairs by Agent Teter immediately upon his arrival here:

"Commissioner of Indian Affairs:—I have returned from Jackson's Hole. Everything quiet there. Recommend that you request the department of justice to investigate the killing of peaceable Indians by lawless settlers in Uinta county, Wyoming, with a view to prosecution of the guilty parties."

GOT THEIR NAMES.

Agent Teter Visits the Settler's Stockade and Kicks up a Row.

Jackson Hole, Wyo., via Market Lake Id., Aug. 3.-It is impossible to tell how long the troops will remain here. It is quiet now, but no one doubts that should the troops depart the Indians would come back and a conflict would ensue, as a class of the settlers here would at once attack them.

When asked today what he could say of the situation as he had found it, Gen. Coppinger said he could say nothing further than that so far
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not one settler had been molested by the Indians, but that the settlers had
killed several Indians Indian Agent Teter and his clerk, Mr. McBeth, went
to the settlers' fort yesterday and demanded of Justice Rhoads the names
of the men who were implicated in the killing of the Indians with a view of
bringing criminal proceedings against them. The names of the men were
secured after some difficulty.

BANNOCKS RETURNING HOME.

Large Band is Seen Hurrying to the Fort Hall Reservation.

Pocatello, Aug. 3. - The situation at Soda Springs is very quiet, and the white
people are preparing to return to their homes. About 150 Bannocks, who
camped at Mansion last night, passed through Soda Springs today, going
with great speed toward the Fort Hall reservation. A gentleman came into
Soda Springs today and said that he went into the camp of 100 Indians on
Gray's lake last night. They told him that they did not know of any fighting
and that it was a fuss made by the white people, and laughed at the idea of
the settlers getting scared at them.

It is the impression that the Indians received news of the troops
coming to Jackson's Hole and are giving them the slip and are more scared
now than the white people.

CALVARY FOR WASHAKIE.

It is Thought That Part of the Ninth Cavalry Will be Stationed
There.

Fort Washakie, Wyo., Aug. 3-Gen. Coppinger evidently expects to
end the Indian trouble in about a month, or change the position of his cavalry
by bringing them to this place, as this post has been officially notified that
the cavalry detachment will draw their next rations from here, which will
be about August 24th. As this post is situated in the heart of the Indian
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country and at present only garrisoned by one company of Infantry, this Ninth cavalry detachment will probably be left here for temporary duty if not permanently. Situated as it is, it is a very easy matter for the cavalry to scout all this country, and only about two days march would take it to the present seat of trouble.

INDIANS ON THE MOVE.

They are Trying to Get Back to Their Reservation.

Washington, Aug. 3. - The latest received from Gen. Coppinger at the war department via headquarters at Omaha is reassuring. A dispatch dated at Omaha yesterday, is as follows:

Report was received from Market Lake this morning, which indicates that the Indians were returning from Jackson’s Hole by a straight line to the reservations. To test its correctness the Union Pacific railway office was asked to telegraph for information to stations along the Oregon Short Line from South Dakota Springs west ward. The following reply is from the division superintendent at Soda Spring; Stage drive just reached this place. He says he left Carrabo this morning. He came through Gray’s Lake and the Blackfoot river country. He reports 200 Bannocks at Gray’s lake on the way from Jackson Hole to the reservation. They said that there had been no fighting and no desire to fight on their part. The scare seems to be over and the settlers understand they are trying to make their way back to the reservations to avoid the soldiers. Information thoroughly reliable.

INDIANS ON THE RESERVATION.

Washington, Aug. 3. - The Indian bureau received dispatches today from two agencies in the neighborhood of the Jackson Hole country, stating that there was no cause for alarm among the settlers in that vicinity. Maj. Randett of the Uintah and Ouray agency, Fort Duschesne, wired as follows: “Indians reported by Governor Richards are not from this agency,” and Agent Wilson in charge of the Shoshones at Fort Washakie, Wyo., sent this dispatch: “No Indians are absent without leave. There is no fear of trouble.”
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Both of these agents had been instructed by the Commissioner Browning to recall all Indians away from the reservations without leave.

STORY WAS ABSURD.

Two Hundred Indians are Still Absent From the Shoshone Reservation.

Lander, Wyo., Aug. 3—There is no news today from the Indian camp at Oregon Buttes. The absurd story sent out by the Associated Press that old Chief Washakie had reported that none of his Indians were absent from the reservation is the merest twaddle. He did say that all were present or accounted for but two. Investigation shows that 200 men are not out on passes and Capt. Wilson is using every effort to call them in, but so far has met with little success.

AN INDIAN’S VERSION.

An Educated Indian Talks of the Existing Trouble.

Butte, Aug. 3.—Charlie Blaine, a prominent member of the Bannock tribe of Indians, and a graduate of the Carlisle school, arrived in Butte today direct from the Jackson Hole country and he claims to have been sent there by his people who are opposed to the trouble to warn the wandering tribe of Crees to stay away from that county.

He says the Bannocks had received information that they were becoming uneasy and intended to join the Bannocks in Jackson Hole, and Blaine was sent up there to advise them to remain in Montana if they wished to avoid all trouble.
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MONDAY EVENING, AUGUST 5, 1895.

DIED AT MARYSVALE

BISHOP SYLVESTER WILSON, THE LEADER OF THE JACKSON HOLE SETTLERS, DROPS DEAD.

Excitement and Heart Disease are the Cause-No Indians Yet Found by the Troops-Gen. Stitzer and Col. Foote Return to Market Lake from Jackson's Hole-Teter Wires to Washington Again.

Special to the Sun-Leader.
Marysvale, Wyo., via Market Lake, Id., Aug. 5 - Bishop Sylvester Wilson of the Mormon church, who, during the Indian scare here, has been commander of the encampment where the settlers have been gathered near Marysvale, died suddenly last night, with heart disease, caused by the excitement of the past week.

Scouts continue to come in from the surrounding country without seeing any Indians.

Gen. Coppinger has authentic reports that 200 Bannocks who were in the Wasn valley and Gray's Lake district, east of Fort Hall, have returned to the agency. They are the Indians against whom two companies of the Eighth are marching. The main command is at Canon creek. No reports have yet been received from the scouting parties sent out Saturday.

INDIANS ALL HOME.


Market Lake, Id., Aug. 5.-A special telegram from the Bannock
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agency is to the effect that Indian Agent Teter wired Gen. Coppinger from the reservation where he arrived last night that all the Indians who had been absent from the Fort Hall reservation have returned; that all is quiet. Agent Teter also sent the following telegram to Washington to the commissioner of India affairs: "All Indians absent from reservation have returned; had big council and requested me to telegraph you their hearts felt good. Had not harmed a white man and would start haying, leaving their grievances to the justice of the white man."

A number of men have said here that they did not believe the contemplated arrest of settlers in Jackson’s Hole could be accomplished without the aid of troops.

Adjt. Gen. Stitzer and Col. Foote of the Wyoming National Guard and the representatives of Governor Richards, arrived here Saturday night, having come direct from Jackson’s Hole. Gen. Stitzer says the tough characters in Jackson’s Hole represent a very small proportion of the population. He says the Indians are by no means blameless in the affair, as claimed by Agent Teter; that they do not respect even the regulations of their treaty formed twenty-five years ago, but trespass on private property and even drive antelope right into a rancher’s door and kill them. Considerable stock, he says, has also been killed by their promiscuous shooting. Gen. Stitzer denied the assertion that the settlers will resist arrest. He believes the state will stand by them and welcome any legal test of the questions involved as to the right of the settlers and Indians to the Jackson Hole country. He says the troops have a month’s rations with them and will probably stay that long at least. He agrees with all others who are acquainted with the Indians that their nature will not allow the killing of their brother braves to go long unavenged once the soldiers are withdrawn from Jackson’s Hole.

TUESDAY, AUGUST 6, 1895.

FROM JACKSON’S HOLE

ADJUTANT GENERAL STITZER RETURNS AND TELLS WHAT HE SAW.

How the Troops are Situated- How Near It Came to a Fight- How
Adjutant General Stitzer, who has just returned from the scene of the Jackson Hole Indian troubles, was interviewed by a representative of the Sun-Leader this morning. He left Market Lake Saturday night and arrived in this city last evening.

He says the Ninth cavalry is now encamped in a beautiful spot about three miles from Marysvale, and enjoy life there. Army rations are varied with a diet of brook trout, ducks, rabbits, etc.

The Eighth infantry is in camp at Teton pass, excepting Capt. Corliss' company, which was sent to Swan valley, about fifty miles distant. Teton pass is the main entrance to Jackson Hole, a wagon road being made right through the mountains there. The pass is from twenty to twenty-five miles from Marysvale.

Gen. Coppinger and Maj. Randall are in camp with the Ninth cavalry, making the the headquarters of the expedition. Scouting parting have been sent out to the Hoback canon and one to Cummings and the upper stockades.

When asked if there would be any more trouble the general said: "Not as long as troops remain, but should they be taken away and the Indians allowed to roam again there is danger. There would undoubtedly have been a fight had not the troops arrived as they did. The settlers were organized when I arrived to the number of one hundred or more, they had left their ranches and taken their families to fortified strongholds, and had fully determined to settle the question whether they or the Indians should move out of Jackson Hole.

Tuesday, July 23rd, was the day set to begin the fighting campaign. Monday, the day previous, having received information of the forces coming in, and a message from Governor Richards, requesting the settler to act simply on the defensive, I sent a courier to them with these advices, and thus an inevitable conflict was prevented."

"How many Indians were killed?" was asked.

"Three. One in resisting arrest and two probably by Capt. Smith in his fight for life. Smith had been out prospecting and was returning to the
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settlements, riding along quietly on horseback with his foot thrown over the saddle when suddenly he was assailed by three shots fired almost simultaneously. Smith is a splendid shot and he said he never got his rifle up so quick before in his life. He saw three Indians and made two of them tumble. Smith admits that he was pretty mad, as he felt a bullet graze across his body just below the breast, tearing a furrow in the flesh. It was a rude awakening from a quiet revery, for he was not hunting Indians anyway."

"What about Agent Teter?" said the reporter.

"What Agent Teter said and did after the trouble began had no effect up there. He was badly rattled, made confused and contradictory statements, antagonized every one and was ever afraid of his own Indians. When I was with him I urged him to send out his police and bring the Indians in, but his main anxiety seemed to be to get away from Jackson’s Hole as soon as possible. Then, too, his conscience must have troubled him, for he seemed to be afraid of the settlers and I want to say here," continued the general, "that I have never seen a more honest, quiet and intelligent people anywhere."

But Teter never made any effort to get his Indians back. He seemed to spend his time concocting excuses for his dereliction of duty and sending out misstatements to the Indian department and the eastern press.

"I have no doubt nearly all of his Indians were absent from their reservation. I was informed that none of the warriors were present at ration day. He talked to mush and made so many broad and contradictory statements that the Indian policeman with him planing said one day: 'You too much talk; not talk straight.'

"Of course," said the general, "it is a matter of regret that Teter's misstatements have been sent abroad. It creates misunderstanding where none should exist. As a sample of his statements on the 21 of July, when Teter was loudly asserting that none of his agency Indians were absent Scout Crawford reported 125 to 150 of the band at the junction of Granite creek and Fall river, and they were trailed from the Fort Hall agency. Teter has simply made himself ridiculous in the view of those who are on the ground, and understand the Indian situation as it exists there."
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TUESDAY EVENING, AUGUST 6, 1895.

ROBBED THE SETTLERS

TIN HORNS FROM LANDER STEAL BEDDING AND CLOTHING IN JACKSON'S HOLE.

Pursued by Parties From Marysvale and Compelled to Surrender the Property- Their Respectable Companions Knew Nothing of the Theft-Settlers Desire That Troops Remain Until the Fall.

Special to the Sun-Leader.
Marysvale, Wyo., via Market Lake, Id., Aug 6- Two houses of settlers in the valley above Marysvale were entered and robbed of bedding and clothing on Saturday.

Yesterday it was discovered that the vandalism was committed by six of the Lander party of fifteen who came in to aid the Jackson Hole people fight the Indians.

The trail of the offenders was followed for thirty-five miles by Henry Carns, one of the men whose places were ransacked, and Will L. Simpson, when they were overtaken and the stolen property recovered.

The theft was committed by six tin horns who had come in with Sheriff Grimmett, who, with the other members of his party, knew nothing of the transaction.

Moore's pack train went out today to bring in ten days provisions. The people here will ask Gen. Coppinger to allow the troops to remain in the valley until fall.
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RETURN TO LANDER.

Grimmett, Sparhawk and Party Arrive Home Last Night.

Lander, Wyo., Aug. 6.- The sheriffs posse which left for Jackson’s Hole a week ago last Saturday night returned to Lander at 9 o’clock last night.

Ex-Sheriff Sparhawk says that they had ridden fully 400 miles and all the Indians they had seen on the trip were on the Shoshone reservation. On the start they covered the ground between Lander and the head of Wind river at Dubois in twenty hours, a distance of fully miles. Most of the party rode the same horses down through the Union pass and to Marysvale, stopping occasionally to allow the animals to graze.

It is Mr. Sparhawk’s opinion that the war in Jackson’s Hole has not commenced, and it will not until after the soldiers leave.

NO INDIANS FOUND.

Gen. Coppinger Satisfied That There are None in Jackson’s Hole Now.

Marysvale, Wyo., Aug. 5.- (By courier to Market Lake.)- Gen. Coppinger is now satisfied that the Jackson Hole country is now free of Indians. The scouting parties sent out a week ago by the settlers are coming in with reports of no signs of Indians.

Scouts came in today who scoured the entire county south of the Yellowstone park to Marysvale and east to the route taken by tourist into the park. They saw no Indians, nor any signs of them.
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MONDAY EVENING, AUGUST 12, 1895.

INDIANS FOUND AT LAST

SIXTEEN RED SKINS FOUND BY THE CAVALRY SEVEN MILES FROM COPPINGER'S CAMP.

They Profess to Know Nothing of the Trouble With the Whites- Gen. Coppinger Leaves Camp Today or Tomorrow- Teter Not Permitted to go to Washington- Idaho Settlers May Have Trouble with the Bannocks.

Special to the Sun-Leader:
Marysvale, Wyo., via Market Lake, Id., Aug. 12-The first live Indians seen by the troops in Jackson’s Hole were located today, seven miles from the camp.

They are five bucks, five squaws and six children, from the Lemhi agency, on a hunting trip. Their leader, Bannock Pete, professed to be in ignorance of trouble between the Indians and the settlers, and the entire party at once started for the reservation.

Gen. Coppinger expects to leave his camp today or Tuesday. The Cavalry and possibly the infantry will remain in the region indefinitely.

An Indian boy shot by Constable Manning's deputies on July 13th was brought into camp yesterday. He was shot, through the body and arm, and laid in the woods sixteen days before crawling to Faler's ranch, where he received assistance. He is now recovering.

TROUBLE IN IDAHO NOW.

Settlers of That State Likely to Have a Clash with the Bannocks.

Boise, Id., Aug. 12.- Information has been received from Owyhee county that the Bannock Indians, together with the Duck Valley Indians,
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are going into Juniper valley to slaughter deer.
They killed 1,500 last year for their hides alone and trouble was only prevented by the Indians being called back to the reservation.
The settlers announce that they will not permit the Indians to hunt there.

INDIANS STILL TROUBLESOME.

Sioux and Utes Terrifying Fremont County People-The Settlers Will Shoot.

A communication received in this city from Lander says that the people of Fremont county are thoroughly incensed over the conduct of prowling bands of Indians. They seem to be for the most part Sioux and Utes. They prowl around the ranches and produce terror among the settlers' families. A few days ago a band of twenty visited the house of William Lamberton, five miles from Lander, and finding Mrs. Lamberton alone all seemed to delight in terrifying her. They did not come into the house because the door was locked. They flattened their noses against the window panes and continued to hang around for a long time.

When they finally left the poor lady was frightened to death. The next band that passes that way will be shot down by the settlers. There is no game on the open prairies and yet the Indian camps are well supplied with meat which is secured by killing any cattle they chance to run across.

THURSDAY EVENING, AUGUST 15, 1895.

TETER MAKES A REPORT

HE GIVES HIS IDEAS OF THE JACKSON HOLE TROUBLE TO THE INDIAN BUREAU.

Capt. Van Arsdale of Fort Logan and Other Army Officers There Also
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Send in a Report Which is Calculated to Give Wyoming Settlers Another Black Eye.

Washington, Aug. 15.- The report of Indian Agent Teter of the Fort Hall reservation upon the recent Bannock trouble has been received at the Indian bureau. It confirms the heretofore sent accounts of the killing of the Bannock Indians.

In connection with the killing of these Indians an interesting report has been received by the secretary of the interior, forwarded from the war department. It is from Capt. J. T. Van Arsdale of the Seventh United States cavalry, formerly acting agent of the Fort Hall reservation.

The report says in part: "Being short rationed and far from self supporting the Bannocks hunt for the purpose of obtaining sustenance and by treaty they are granted that privilege. It would seem that the killing of these Indians under the circumstances was nothing more nor less than murder.

"Further I believe that there is no wanton slaughter of game by these Indians, while it is a notorious fact that hundreds of these animals are killed by the white men for nothing more than the horns and hides. There are men in that country who make a business to pilot hunting parties from the east and abroad, which not only slaughter elk, but capture and ship them out of the country. The killing of game by the Indians interferes with this business. The Indians can hardly be expected to submit to the killing of their people while engaged in an occupation which they think they have a right to follow, and failure by the government to take proper action is liable to result in serious loss of life and property."

The report is dated at Fort Logan, Colo., and bears the endorsement of Lieut. Col. Henry F. Noyes of the Second cavalry, commanding the post, and who says he concurs heartily in what Capt. Van Arsdale has said. It is also endorsed by Br. Gen. Frank Wheston, commanding the department of the Colorado, who hopes that Capt. Van Arsdale's recommendations will be favorable considered.

MAY HAVE TROUBLE YET.

The Bannocks are Waiting: for the Soldiers to Leave the Jackson
Pocatello, Id., Aug. 15.-The Bannock Indians on the Fort Hall reservation will yet cause trouble in the Jackson Hole country if they persist in their designs. A gentleman arrived in the city today from the agency at Rossfork, twelve miles north of Pocatello, and says the Indians are now quietly preparing to return to the hunting grounds as soon as the hay harvest is over and supply themselves with meat for the winter's use claiming that the rations furnished them by the government are not sufficient.

They are determined to go prepared and will resist all efforts made by the settlers to prevent them from hunting. Unless their rations are increased or some other inducements are offered, it is feared that it will be impossible to keep the Bannocks on the reservation, and from their suspicious actions it is believed they will be also joined by the Shoshones, Utes and the Lemhis. It is positively known that they are eagerly looking forward to the time when the soldiers would reach Jackson Hole. Col. Teter thinks that instead of letting a contract to private parties for the large Fort Hall canal, which is to be built, if the Indians of the reservation had been put on this work there would have been no trouble, and even at this late date it is the opinion of many that it would be the best thing for the government to take the matter in hand and construct the canal, thereby furnishing employment to and diverting the attention of the Bannocks.

THURSDAY, AUGUST 15, 1895.

CAREY'S BOGUS CORRESPONDENCE

HIS INDIAN WAS LETTER MANUFACTURED IN THE OPERA HOUSE CELLAR.

The Troops Upholding the Laws of Our State do Not Like Being Slandered by the Tribune- Its Editor Severely Scored.
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The following letter needs no explanation. That the Eighth United States Infantry regiment went from Fort Russell does not justify the attack made upon them made by Ex-Senator Carey's paper. The fact is that he did not have a correspondent in the field, but manufactured the alleged letter in the basement of the opera house. We cheerfully give space to one of our brave defenders to make the necessary corrections: Camp in Teton Pass of Eighth Infantry, U.S.A., Aug. 12, 1895. To the Editor Cheyenne Sun-Leader, Cheyenne, Wyo.

Sir:— I would like to correct a statement published in your contemporary, the Wyoming Tribune, of the 6th inst. The objectionable article is headed: "Troop, Infantry and Pack Train will Probably Sojourn in Jackson's Hole for a Number of Weeks- Special to the Tribune." About the middle of the article it goes on to state "That their correspondent met the footsore and straggling devils just outside the canon which opens upon Teton pass, Sunday morning."

In the first place I personally was at the head of the column, and if any correspondent was around I did not see him. He must either have taken to the hills or was up in a balloon. In the second place we arrived at the entrance of the pass Saturday morning, and not Sunday morning as stated. In reference to "the footsore and straggling devils," I would refer them to Maj. Bisbee, who said: "They marched better than any infantry he had ever seen."

The column was well closed up and not a half dozen men on the sick report from the time we left Market Lake.

Of course there was the rear guard, which might have been mistaken for "the footsore and stragglers," but I should not think a war correspondent could make such a mistake. I think this "Special to the Tribune" was manufactured out of the befuddled brain of the editor. Furthermore, to show that we were not so "weary and footsore," as your honorable contemporary would like to make out, we camped at the end of each march, in the same places as the cavalry who preceded us. Hoping you will publish this as we always try to hold up our end, to the best of our ability, and having done so, do not relish being run down by a newspaper, the laws of whose state we are here to uphold.

Very respectfully,

"A SOLDIER of the Eighth Infantry."
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SATURDAY, AUGUST 17, 1895.

TETER'S BULLY BANNOCKS

FITLY DESCRIBED IN HOKE SMITH'S PUBLICATION ON INDIANS.

The Special Agent of the Interior Department Says They are Worthless, Lazy and Improvident- A Large Proportion Thieves and Gamblers- Cruel and Heartless, Quarrelsome, Loose in Morals and Bad in Every Way.

A gleam of light has flashed forth from the archives of the interior department and the traits of the “good” Bannock Indians are revealed in graphic terms by a special agent of the department commissioned to make a report on the Indians of the Fort Hall reservation. This report was written in 1890, and has just made its appearance as a part of the United States census. It is therefore entirely impartial and unprejudiced. The author of the report was an eastern man without a contract or an axe to grind and could afford to tell the truth.

In his investigations he discovers and does not hesitate to say that the Bannocks are “worthless” scoundrels, are “heartless and cruel,” that they “positively refuse to work,” that a large portion of them “are gamblers and thieves,” and afflicted with “loose morals and loathsome diseases.”

To support these propositions we make the following interesting extracts verbatim at literatim, begging the reader to bear in mind that this report is made to the Hon. Hoke Smith by one of his own officials.
THE BANNOCKS DESCRIBED.

Special Agent Watson says: “The Bannocks are tall and straight, with a lighter complexion than the Shoshones and much more warlike and bloodthirsty. Work with them is an everlasting disgrace and few, except the old and broken down, can be induced to do any kind of manual labor. They are very averse to schools and civilized pursuits. They regard themselves as the salt of the earth and with them any one who does not speak their language and imitate their ways is ignorant. They are not brave in war, but
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heartless and cruel. They have often been known to kill their aged parents after they become a burden.”

A MONGREL RACE.

“Probably one-third of the Indians on this reservation are mixed blood, and in classifying them the question as to their parent blood is settled by noting with which band they associate. If they wear plenty of beads, brass blankets, and positively refuse to do any work, they are put down as Bannocks, but if on the other hand they take kindly to labor and try to live and dress like white people they go down on the record as Shoshones.”

ARE NATURAL HORSE THIEVES.

“Their belief in the future life is simply that the braves who have taken scalps from an enemy or are successful horse thieves, will go to a land ruled by a big Indian god, who will be most gorgeously decorated with beautiful feathers and wear full robes of a great chief. The quiet, honest fellows may be admitted to this heaven, but will not be allowed to take any part in the royal sports.”

THEY BEG, STEAL AND GAMBLE.

In further describing the peculiar traits of the Bannocks Agent Watson says that most of them are “whimsical and improvident and are what may be termed worthless. They hang around the towns and beg what they eat, while some of the women work for the whites. Old men saw wood and do chores for cold bits when they are hungry and wear castoff clothes. They beg all they can from the agent and never look a day ahead, except always to be on hand ration day, ready to catch up all the entrails, head, feet and offal from the slaughtered beeves. A large proportion of them are gamblers and thieves. They will not work. They are mostly young bloods from 16 to 30 years of age. Bannock dudes in dress and are shrewd gamblers in their way and ever ready to steal a horse or anything else of value, and they are ready to kill a white man if they think they will not be detected “

GET DRUNK AND THREATEN.

“They believe it elevating to get drunk and claim to be warriors and threaten to go on the war path when pressed by hunger. They go from one
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lodge to another demanding food and often land in the agency jail, but are ready to repeat their lawlessness as soon as they are at liberty.”
The agent says that they are decreasing in numbers owing to their loose morals and loathsome hereditary diseases.

AS LAND BARONS.

The report shows that the area of the reservation is 864,270 acres. The total Indian population at the agency was 1,493 at the last census: this would give 578 acres to each and every Indian from a papoose to a grandmother, or to a family of six 3,468 acres. With all this land for their use and occupations and rations to live upon, provided by the government, they still deem it necessary to range around the settlements and harass the pioneer white settler living on his little farm of 160 acres.

Truly the Bannock is a “Heap big Indian,” but if the latest from the interior department is true, he never can be good until dead.

MONDAY, AUGUST 19, 1895.

INDIAN WRONGS.

Richard Mansfield White of New Mexico, who is well and favorable known throughout the United States and whose acquaintance many Wyoming people enjoy, publishes the following communication in one of the leading papers of his territory. Mr. White was a member of the Nations World’s Fair Commission. He is thoroughly acquainted with the Indian question and the Indians and knows whereof he speaks. His article is full of good sense. He says: “The accounts from Jackson’s Hole in Wyoming, the seat of the recent Bannock Indian troubles, have been largely of the puffed up, padded or exaggerated order; nevertheless there is not doubt that the Indians were unlawfully killing game; that several parties of them were arrested and that they persisted in their law breaking, and resisted the officers sent to arrest them, and in an attempt to escape after arrest several Indians were shot; that the Bannocks are or were preparing to go on the war path for vengeance, and the country is considerably disturbed over the affair.

These oftentimes recurring Indian outbreaks can be traced without
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doubt to the vicious sentimentality of pallitrating the crimes against law and order by the tribal Indians upon the presumption that they have grievances. Citizens of the United States, white or black, red or yellow, are sometimes unjustly arrested, fined and in rare instances sentenced to imprisonment, but no right minded person would excuse them or their friends taking the law into their own hands and attacking a community whose officers of the law had caused them injustice. There would be fewer outbreaks and Indian atrocities if the Indians were made to understand that they were not in any way superior to the law and would have to suffer for their outrages as well as other malefactors. For the savage black man from darkest Africa, and the semi-save yellow man from sombre Asia, the semi-civilized emigrant from lightest Europe or the British Isles, have been taught that they must obey the laws of the states within the United States, as the bloodthirsty red man of wildest American can be taught that it is perilous to defy the law of the land.

But this important education of the savage aborigines cannot be carried forward with proper progress when such newspapers as the Chicago Chronicle, which aims to speak for a large part of the community in the central part of the country, and other newspapers of like mind in the east, perversely and persistently misrepresent Indian affaires, and with a foolish sentimentality uphold the Indian in doing wrong, opposing with false accusations and harsh statements the people who are supporting the law and endeavoring to live in peace under the law. And yet the Chicago Chronicle devotes an editorial a half column in length to the wrongs of the Indians, to advocating that a regiment of the United States troops should be sent against the white settlers of Wyoming and much more of the same sort.

It is claimed by the newspapers siding with the Bannock Indians that they had a perfect right to hunt and kill game under their treaty with the United States. Their right to hunt is shown by the following clause of the treaty made in July, 1868: The Indians herein named agree that they will make said reservation their permanent homes, and that they will make no permanent settlement elsewhere, but they shall have the right to hunt on the unoccupied land of the United States so long as peace exists among the whites and Indians on the borders of the hunting districts.

Now this certainly does not give in defiance of the laws of any state or of the United States, regulating the hunting and killing of game. That is, while they shall have, under peaceable and other conditions, the right
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to hunt in season, the state has a perfect right to make laws as against the unreasonable destroying of the game; such laws being for the purpose of preserving the game as well for the red man as for the white man or man of any color.

If certain newspapers and persons in the middle and eastern part of the United States would aid their fellow citizens in the rocky Mountains in establishing law and order and to cease to uphold and abet our outlaws of whatever color, the trials and the tribulations of subduing a wild country and education savage aborigines would be greatly lessened.

RICHARD MANSFIELD WHITE

SATURDAY, AUGUST 24, 1895.

NO INDIANS ARE THERE.

NEW ATTORNEY GENERAL OF THE UNITED STATES MAKING A MONKEY OF HIMSELF.


A dispatch sent out from Washington last night states that Attorney General Harmon has instructed United States District Attorney Clark of Wyoming to sue out writs of habeas corpus for the Bannock and Shoshone Indians who are under arrest at Evanston, Wyo., for violation of the state game laws. Attorney General Harmon holds that hunting rights of the Indians, which were obtained by treaty with the United States, cannot be abrogated by the passage of state game laws. It was for violation of the state laws that they were arrested.

The instructions referred to may have been sent out from Washington by mail, but Judge Clark knows nothing of them except what he has seen in the daily papers. There are no Indians of any tribe confined at Evanston or elsewhere for violating the state game law, consequently the writs of habeas
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corpus will not be necessary. Had the Indians been arrested, Judge Clark would have sued out the writs before now without waiting for instructions from Washington.

It is also stated that the arrest and trial of the persons who killed Likaman, the Bannock Indian, and wounded his companion, Nemutz, will follow, but no confirmation of this statement could be had from the United States court officials here.

MORE TROUBLE IN PROSPECT.

A Lander special of last night says it has been learned at Fort Washakie that the Indian bureau and the war department have been discussing a plan to pacify the Indians. Agent Teter of Fort Hall reports that he is helpless from the fact that the Indians are restless and absolutely disregard all orders to remain on the reservation. It is proposed now to give the Indians a big hunt during the month of September in Jackson’s Hole and have the troops there to protect them from the whites. This is to be done regardless of Wyoming law and under the protection of the general government. What Governor Richards will say or do about this, of course, is not known, but if he follows out his idea of enforcing the laws equally against the whites and Indians there will be a conflict of authority that will stir up no little excitement and finally bring about a decision in the courts as to the treaty rights of the Indians under the treaty of 1868, now that the territory is a state.

Investigation shows very clearly that the Indian trouble remains just where it was on the arrival of General Coppinger in Jackson’s Hole, and the condition of things is clearly illustrated by an accident that happened only five days ago. A party composed of a dozen gentleman went over from here into the country to fish in the various tributaries of the Gros Ventre. One day they were surprised by a party of Bannock Indians who rode into the camp and looked each man in the party over very carefully, and the one who spoke English then said: “You are not the men we want. We are looking for the white men who killed the Indians.” Further talk brought out the fact that they were determined to kill every man in Jackson’s Hole who ad anything to do with arresting, killing or wounding of Indians.

This story fairly represents the conditions which prevail in the mountains around Jackson’s Hole at the present time. Not only does it show
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the feeling among the Bannocks, but the Lemhis, the Utes, the Shoshones, and the Arapahoes, and army officers to the large extent are in sympathy with the Indians in this matter. Many of them will admit that certain white men in Jackson’s Hole are marked by the Indians for destruction.

WILL BUILD A ROAD.

Major Kramer, a commander at Fort Washakie, made a special detail yesterday, another dispatch says, of forty men from company F, eighth infantry, to build a road from Washakie into Jackson’s Hole country by way of Union pass. Captain Pitcher has charge of the detail and will leave at once, going up the Big Wind river as far as the Birmingham ranch, where he will stop long enough to construct a supply depot. When that is completed he will push on into the pass and part of the way will build a good wagon road, and the balance of the distance will open a trail so that pack animals may get over it without difficulty, the object being to bring Fort Washakie as possible. It is said by the proposed route that the trail will be straightened so that it will save at least two days in the passage across the mountains. General Coppinger, on the trip from Jackson’s Hole to Fort Washakie, carefully investigated the condition of the various roads and passes, and it is thought the order for the construction of the road comes direct from him.

TUESDAY EVENING, AUGUST 27, 1895.

WILL IGNORE OUR LAWS

INDIAN BUREAU HAS DECIDED THAT NO ATTENTION WILL BE PAID WYOMINGS STATUTES.

For the Present Indians will Not be Granted Permission to Leave Their Reservations and the Bureau will Discourage Hunting by Indians as Far as Possible- A Small Number of Soldiers to Remain at Jackson Hole.
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Washington, Aug. 27.- It has been definitely decided by the Indian bureau that no attention will be paid by the government to the game laws of Wyoming, where they come into contact with the treaty of the United States with the Bannock and Shoshone Indians.

The attorney general after considering the matter has informed the secretary of the interior and the commissioner of Indian affairs that the right of Indians to hunt on unoccupied land in his opinion is unquestioned, and that he considers the state of Wyoming has no power to limit or abridge that right. No definite steps to enforce this determination has been decided upon further than the instructions to the United States district attorneys to secure the release of Indians now in custody on writs of habeas corpus will probably be supplemented by an order to do the same thing in case any arrest is made in the future. The bureau will discourage hunting by the Indians as far as possible and at present no passes will be issued permitting the braves to leave the reservation. It is probably that a small number of soldiers will be kept in the Jackson Hole country during the remainder of the hunting season, and if it should be deemed advisable to leave the reservation to hunt the white settlers will not be permitted to molest them.

It is hoped however that the work on the irrigation ditch soon to be contracted for will furnish occupation and money for the Indians and make hunting unnecessary for maintenance during the winter.

No immediate trouble is anticipated as the Indians are now on their reservation and are likely to remain there for the present.

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RETURNS TO OMAHA.

Gen. Coppinger Arrives Home From His Jackson Hole Campaign.

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 Omaha, Aug. 27.- Gen. Coppinger, Maj. Humphrey and Lieut. Hutchinson, arrived last evening after a month's stay in the Jackson Hole region.

There were four days in making the trip from Fort Washakie, where they arrived on the 19th, to Rawlins, Wyo. Col. Randall and two troops of the Ninth cavalry returned with Gen. Coppinger from Wyoming, and are now at Fort Robinson. Maj. Chaffee was left in command of the troops.
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still in the field. Gen. Coppinger was reticent in discussing the situation at Jackson's Hole, saying only that when the soldiers arrived the settlers were very much frightened and were congregated at two points and were sending out scouting parties.

The conflict he said is between the state laws of Wyoming and the treaty with the United States.

The general saw that work on the military road was being pushed before he left that section as he anticipates further use for it.

THURSDAY, AUGUST 29, 1895.

WILL PROTECT BUFFALO

GOVERNOR RICHARDS SAYS THE INDIANS WILL NOT BE PERMITTED TO HUNT ON THE RED DESERT.

According to official advices all the Bannocks are now on their reservation, and other Indians will not be allowed to masquerade as Bannocks and thus claim privileges under the Treaty of 1868.

Governor Richards went to Wheatland this morning and will return tonight. In conversation with a Sun-Leader man before his departure, the governor stated that if any Indians should attempt to hunt or kill buffalo on the Red Desert in Wyoming, they would at once be arrested, and if they should resist arrest they would be dealt with in precisely the same manner as white men would be treated, who were resisting officers and defying the law.

The governor stated that he had read the dispatch from Lander in yesterday's Sun-Leader, in which it was stated that small bands of Bannocks, Lemhis and Utes had gathered near Oregon Buttes to organize a buffalo hunt on the Red Desert. It could not be that there were any Bannocks there, for official notification has been received here but two days ago that all the Bannocks were on their reservation at Fort Hall, consequently none could now be at or near Oregon Buttes. For the present at least the Bannock will
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not be allowed to leave home, so it will be a little while before they can engage in a hunt on the Red desert.

If any Indians are preparing to hunt Buffalo as stated in the dispatch they are falsely representing themselves as Bannocks, but the thing will not work. The Lemhis and Utes have absolutely no right to hunt in this state. They have no such treaty as the Bannocks and Shoshone, and even the most sincere Indian sympathizer cannot find any justification for them in violating Wyoming's law. If they undertake it they must stand the consequences, and if they resist arrest they do it at their peril.

The officers of this state and of all the counties in it, as has been repeatedly stated, will see that the laws are enforced. Few if any of them can tell a Bannock from a Ute, or a Shoshone from a Lemhi, even at close range, to say nothing of several hundred yards distant. None of them will presume that Bannocks are off their reservation when they have official notification that such is not the case, and the Indian who hunts or kills buffalo on the Red desert at this time is very liable to get himself into serious difficulty.

SATURDAY EVENING, AUGUST 31, 1895.

SCORED THE SETTLERS

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TWO OFFICIAL REPORTS FROM WYOMING ARE RECEIVED AT WASHINGTON.

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Attorney Gibson Clark and One of Marshal McDermitt's Deputies Send Official Communications to the Department of Justice Justifying the Indians' Action in Jackson Hole.

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Washington, Aug. 31. - The department of justice has received from the United States district attorney and marshal of Wyoming the official reports of their investigation into the Bannock Indian troubles made by the direction of the attorney general. The reports are dated August 23rd.

The district attorney for Wyoming reports as follows:

"I have no doubt whatever that the killing of the Indian Tanege on or about the 13th of July, was an atrocious, cold blooded murder; and it
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was murder perpetrated on the part of the constable, Manning, and his deputies, in pursuance of a scheme and conspiracy on their part to prevent the Indians from exercising a right and a privilege which is, in my opinion, very closely guaranteed to them by the treaty before mentioned. Should the prosecution on the part of the United States be determined upon it would be useless to commence it before a commissioner. As the law now is, we are bound to bring prisoners before the United States commissioner nearest to the place of arrest, and in this case it would be before Mr. Pettigrew., the commissioner at Marysvale. I am informed that he advised the constable, Manning, and his posse, that the provisions of the treaty under which the Indians claimed the right to hunt upon the unoccupied lands of the United States had, for some reason, ceased to be operative. Hence, I believe that to cause the arrest of these men and take them before this commissioner would simply result in their discharge.

"It seems to me it is a great pity that there is no national law which can certainly be invoked for the protection of these, our domestic subjects, weak and defenseless as they are, in their right to enjoy those privileges guaranteed to them by a solemn treaty, to the enforcement of which the honor of the country is pledged, and that their only protection against forcible resistance to their enjoyment of this right must be found in the courts of the state wherein the juries will undoubtedly look upon them as possessing no right which a white man is bound to respect."

The district attorney has been advised that the department concurs with him in the opinion that there is no federal statute under which the offenders can be punished.

THE MARSHAL'S REPORT.

Accompanying the report of the district attorney is a scathing arraignment of the Jackson Hole settlers, made in a report of the United States deputy marshal who investigated the trouble. The deputy marshal's report says that after a careful investigation of the whole affair, shows that the report made by the settlers charging the Indians with wholesale slaughter of game, for wantonness or to secure the hides of animals killed, have been very much exaggerated. "During my stay in Jackson's Hole," he says, "I visited many portions of the district and saw no evidences of the slaughter. Lieuts. Gardner, Parker and Jackson of the Ninth United States
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cavalry, who conducted scouting parties of the troops, through all portions of Jackson's Hole, also found this to be the case. On August 13 I visited a camp of Bannock Indians who had just been on a hunting trip in Jackson's Hole. The women of the party were preparing the meat of seven or eight elk for winter use, and every part of the animals ever to the brains, entrails and sinews were being utilized either for future for supply or possible source of profit. In connection with the troubles between the Indians and the whites I spent some time inquiring into the cause for the unconcealed hostility of the Jackson Hole people against the Indians. There was little or no complaint among the settle or no complaint among the settlers of offensive conduct on the part of the Indians. Except in rare instances they have kept away from the house of settlers, and have not been in the habit of begging. In no instance has there ever been a well authenticated case where a settler has been molested by an Indian.

"The killing of game by Indians and the increasing number of tourist hunters threatens to so deplete the regions of big game, deer, elk, moose, etc., as to jeopardize the occupation of the professional guides at Jackson Hole. It was decided at the close of last season to keep the Indians out of the region this year, and the several events this summer are the results of carefully prepared plans. This was admitted by United States Commissioner Pettigrew at Marysvale, and Constable Manning said: "We knew very well when we started in on this things that we would bring matters to a head. Some one was going to get killed, perhaps some on both sides, and we decided that the sooner it was done the better, so that we could get the matter before the courts."

KILLING WAS PREMEDITATED.

Continuing the deputy marshal said: If a full investigation of the Jackson Hole should be made the fact would be established that when Constable Manning and his posse of twenty-six settlers arrested a party of Indians on July 13th, and started with them for Marysvale, he and his men did all they could to tempt the Indians to try to escape in order that there might be a basis of justification for killing some of them.

If the truth of the matter can be reached it will be found that the captors did not care particularly about getting their prisoners safely to the station of Marysvale, where the same formality of finding them and then having to let them escape would be the result, but on the contrary, they
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tempted the Indians to try to escape, first by making them believe that they were to be sent to jail or hung, and then by leading them to believe that if they tried to escape their horses only, and not they, would be shot.

From Mr. Manning I learned that none of the horses of the escaping party of Indians were shot, notwithstanding his order to shoot the horses, but that at least six Indians were hit with bullets. Of these Timega, an old man, was killed; Nimits, about 20, was wounded, so that he could not escape, and the others got away. Timega was an old man, almost blind, and his gun was useless. When the body of this old, sick, blind man was found, after laying unburied in the woods for about twenty days, it was found that he had been shot four times in the back. The boy who was hurt was shot through the body, and arm. He was left on the ground where the shooting occurred and remained there living on some dried meat for ten days. He crawled for three nights to reach the ranch of a man friendly to the Indians, and was seventeen days without medical assistance.”

USELESS TO ATTEMPT TRIAL.

“The whole affair was, I believe, a premeditated and prearranged plan kill some Indians and thus stir up sufficient trouble to subsequently get United States troops late the region and ultimately have the Indians shut out from Jackson's Hole. The plan was successfully carried out, and the desired results obtained. It would, however, be but an act of simple justice to bring the men who murdered the Indian Timega to trial. There are, however, no officials in the Jackson's Hole country, state or nation, who would hold Manning's posse for trial. Either the anti-Indian proclivities of those officers, or the fear of opposing the dominating sentiment of the community in this question would lead them to discharge all of these men should they be brought before them for a hearing.

The name of the district attorney is Gibson Clark, but for prudential reasons the name of the deputy marshal is not yet at the department of justice.”

WEDNESDAY EVENING, SEPTEMBER 4,1895.

COPPINGER AT WASHINGTON
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HE SUGGESTS TO SECRETARY LAMONT THAT JACKSON HOLE BE ADDED TO YELLOWSTONE PARK.

Says the Indians Were Not to Blame for the Late Trouble-Commissioner Browning Thinks Congress of Wyoming Might Object to Uniting the Hole With the Park-Gen. Coppinger Submits His Official Report.

Washington, Sept. 4.-Gen. Coppinger, who had command of the recent military expedition to the Jackson Hole country, is in the city, and today had a conference with Secretary Lamont to which Commissioner of Indian Affairs Browning was invited.

"I do not consider the Indians are to blame for the Jackson Hole affair," said Gen. Coppinger at the close of the conference. "They are entirely quiet now, and have been. If fact they will not say 'boo' to a goose."

One question which the general brought to the attention of Secretary Lamont and Commissioner Browning was the advisability of annexing the Jackson Hole country to the Yellowstone National Park. He suggested that his action would solve the problem, by preventing all parties hunting and fishing in that section, and said that as the country was not densely settled he thought there would be comparatively little difficulty in making the change.

Commissioner Browning replying to the suggestion, said that in the first place it would be a matter for Secretary Smith, and then for congress, adding that he did not know how the people of Wyoming would regard it, as it would deprive that state of territory of which it might not want to part.

Gen. Coppinger had his report on the Indian trouble with him, and it was gone over quite thoroughly. The report has been turned over to Secretary Lamont, and he is not yet prepared to go into it. The general, in reply to a question, said that the report was brief. He declined to say as to whether he had made any recommendations for the continuance in the Jackson Hole country, or for the punishment of those who had participated in the trouble.
CHAPTER TWELVE

THE EPILOGUE

A hundred and ten years have passed. All the participants are dead. Does it really matter? Were there any repercussions or residual effects of the Wyoming conspiracy to deny the American Indians access to their traditional hunting areas? Surely there were.

The cost to the aborigine is almost incalculable both economically and culturally. The court decision made a great change in the Indian life style. Now they were restricted to the reservation on an arid land, without the adequate irrigation long promised, that could not yield enough to sustain them.¹

As more and more of the people were fused on the reservation lands and the population swelled, the food rations were further reduced. The Indians became dependent on the Bureau of Indian Affairs handouts. The people began to lose their self-image and feeling of self-worth.

There was nowhere else to turn. A people that prepared their food by jerking meat and digging camas bulbs for storage, which were the staples of life, tried to adjust to a weekly allocation of food without refrigeration. Hunger abounded. As government ration became meager, poverty and disease swept the reservation.²

In 1913 the remaining part of the reservation (not ceded to white men) was allotted to adults and children. Private land ownership was to encourage the people to become farmers. But lack of training, equipment, seeds and not enough water added to the failure of the endeavor.³ It was another white man’s good intention gone awry.

Indian education experienced many changes in philosophy on what is the best for the education of Indian children. These philosophies were doomed to fail but were practiced anyway. The Shoshone-Bannock pamphlet describes it thusly:

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The Jackson Hole Conspiracy 1895

"To insure the Indians were being ‘civilized’ the promised education was put into practice by forcing Indian children into boarding schools where they were subjected to having their hair cut, their clothing replaced by uniforms, as well as being severely punished when they spoke their native language or practiced their native beliefs. The education consisted of learning domestic training, such as cooking, laundry and sewing for the girls, and the boys were taught agricultural training with very little academic instruction. Harsh and abusive treatment at boarding schools scarred individuals who later viewed education as cruel. This has impacted and influenced the education of their descendants for many generations to come. Similar education practices continued well into the 1950's."4

"After years of lobbying efforts by the Tribes, the Shoshone-Bannock Jr/ Senior High School was finally constructed in 1995, with tribal and BIA funds. Classes opened in the fall of 1996. It provides a tribally based curriculum that meets the State of Idaho educational requirements.5

"As of 2005, there were over one thousand tribal member children attending surrounding nearby public schools, the local Shoshone-Bannock Jr/ Senior High School and off-reservation boarding schools in the states of Oregon, South Dakota, California and Oklahoma. Not only has the retention rates increased but the number of tribal college graduates has substantially increased as well. An increased number of college educated tribal members are now working for the Tribal government, providing the technical expertise for Tribal service."6

The Tribal leaders realize an education is needed to compete in the main-stream of the dominant culture in this digital and electronic age.

The 1869 Executive Order proclaimed 1.8 million acres for the Fort Hall Reservation. However, in 1872 a survey error substantially reduced this to 1.2 million acres. Through a series of cessation the current reservation it now reduced to approximately 544,000 acres, one-third of its original size. The communities of Pocatello, Lava Hot Springs, McCammon and Inkom were ceded from the reservation.7

The Shoshone-Bannock Tribes have a deep attachment to their land. The land is their ancestral home, their mother. There they, their children and fore bearers were born. The people have their memories and loves.8 Such things are priceless.

Ninety-seven percent of the reservation land is now held in Tribal Trust and/or by individual Indian members. Non-Indians hold the remaining 3 percent.9 There is power in controlling the land and the Business Council
The Epilogue

understands this and work hard to see this land remain in Indian hands.

The next looming concern is unemployment, not only on the Fort Hall Reservation, but most reservations suffer high unemployment equating with that of third world countries.

The Indian Gaming Regulatory Act was signed into law in 1988. The Shoshone-Bannock Tribes were one of the first of the Tribes to react by enacting the Tribal Gaming Ordinance on December 19, 1990. The gaming business began cautiously with ‘High Stakes Bingo’ at Timbee Hall.\textsuperscript{10}

This seemingly small operation outgrew its location and the new facility holds two-thousand people and houses and over 900 video gaming machines. The Fort Hall Casino is conveniently located off Interstate Highway 15 Exit 80. There at most any time of day or night you can see white men and women, shoulder to shoulder, feeding their money to the gaming machines.

This operation employs approximately 280 tribal members and has an annual payroll of over seven million dollars.\textsuperscript{11} Some tribes lease their gaming to game syndicates. Not this Business Council; they retain tribal control over this lucrative industry with profits going to the Tribal General Fund. The tribal government’s annually operating budget is an estimated at 52 million dollars from various funding sources.

The Tribes have come a long way from those bleak days of 1895. The Tribes are proud of their administrative abilities and covet their sovereignty. They still have a way to go but seem confident of the future. Success begets success.

What of the conspirators? What of the State of Wyoming? Governor Richards, after due time went the way of all flesh without having been called to task, in this life, for his part in the conspiracy. The State of Wyoming has gone through a series of booms and busts gradually changing from an agrarian economic base of sheep and cattle ranches to the present day title of “The Energy State.” From abundant low-sulfur coal in the Powder River Basin, the extensive oil and gas reserves in the overthrust belt and Pinedale anticline, and the vast deposits of potash in Sweetwater County, the State receives large amounts of revenue that earlier generations could never have conceived of.

Starting in the mid 1970's and continuing until the present time the demand for Wyoming mineral resources grow. As the energy demands increases the State becomes richer. The largest concern of the State
The Jackson Hole Conspiracy 1895

Legislature seems to be whether to put the acquired wealth into permanent trust funds for a rainy day or spend it on the increased requests of the populace, which is one-half million. It is still the least populated state.

Money is not the problem to this state. But the lack of an adequate labor force is. The energy industry needs a trained labor force and the communities need a labor force to provide services to this trained labor force. The State has taken steps to recruit workers from the depressed central states.

The influx of new workers impacts all aspects of Wyoming living, such as available and reasonably priced housing, transportation, and services. Worse, the new workers, when they reach state residency status, after one year, want to hunt big game and fish Wyoming waters. It seems a vicious circle back to 1895.

Wyoming on the surface looks prosperous and so it is. But not without it’s plague of problems that wealth incurs. Go figure. To the victor goes the spoils. The Lord does not always punish doers of foul deed. Or does He?

What of settlers in Jackson Hole? Did they ride victoriously off into the sunset as in a John Wayne movie? Over the years Jackson Hole changed from a sleepy peaceful valley to a bustling, year around resort area. The aim of the settlers remains the same, “Exploitation of the Dudes.” As the population grew the accessibility of land declined with parcels being excluded for Grand Teton National Park, the U.S. Forests that surround Jackson Hole, and Fish and Game Departments big game feed grounds.

By the early 1900’s the automobile came into its own in America. Yellowstone National Park became now easily accessible by car. Where there were once only horse trails now exist major highways, all leading the tourist to Yellowstone National Park through Jackson Hole. One to two million visitors annually grace the right of ways.

The main drag of Jackson, Wyoming runs for two and a half miles along the route to Yellowstone National Park. The route is crowded with commercial enterprises done in cowboy motif and western facade to attract the traveling public. The design is dictated by the rules of an active County Planning Board.

One must agree the Tetons are beautiful and attract those of wealth desiring to purchase their own exclusive part of paradise. Prominent names come to mind such as the Rockefellers, U.S. Vice President, movie stars and corporate CEO’s. On any given day, corporate jet aircraft can be seen
on the tarmac of the Jackson Hole airport.

Herein lies a problem. Real Estate business is a major industry in the valley. Land is downright expensive. Realtors now only list those properties in their printed brochures that sell for a million dollars or more. Housing for the middle class families is limited and expensive. Low income housing is practically non-existent. The demand for housing for the labor force far exceeds the availability.

The cost of living index for Teton County Wyoming is the highest of all Wyoming counties. Costs are equivalent the resort communities of Vail and Aspen, Colorado, Tahoe, California and Sun Valley, Idaho. It is certainly too expensive for the working men and women to live well in the community. There is always a shortage of qualified workers. The Jackson Hole Daily, the local newspaper, carries a classified section that is mostly dedicated to Help Wanted ads.

Wages in Jackson Hole are phenomenal, as well they have to be to draw a work force from the surrounding counties. A stream of cars can be seen early every morning coming through the Snake River Canyon from north Lincoln County, Wyoming. A similar commuting procession comes from Teton County, Idaho winding its way to the east down through Teton Pass, where the Ninth U.S. Cavalry descended into the valley. They come not just by the tens but by the hundreds. And then at evening, five to seven, the convoys repeat the journey in reverse. Both counties refer to themselves as the bedroom communities of Jackson. And they are!

The original settlers of the valley wanted a neighborly peaceful mountain home free of all the hustle and bustle of the city. They wanted a free, laid back society where they could do as they please. Many of the descendents of the Manning Posse live in the valley today and for the most part are oblivious to the past. They are too busy working and/or counting their money.

The newcomers moved to the valley for the same reasons and for the tranquility and beauty it affords. They loved the area and it is too bad for they love it to death, squeezing the life from it. The problems from whence they came follow them here.

So the story ends. The earth still turns from west to east. The deeds of the past, both good and bad, fade from memory, then are soon forgotten. The one lesson derived from this tale may be to have compassion upon the Nemutses’ of the world. “BE OF GOOD HEART.”
Notes:

1 Pamphlet, Shosone-Bannock Tribes, Fort Hall, Idaho, 2005-2006 page 3

2 Ibid page 3

3 Ibid page 13

4 Ibid.

5 Ibid page 19

6 Ibid

7 Ibid page 5

8 Ibid page 11

9 Ibid page 5

10 Ibid page 23

11 Ibid

12 Jackson Hole Daily, Jackson Wyoming, Monday 12, 2007 page 6 states that according to the Wyoming Department of Workforce Services in the fourth quarter of 2005 Teton County had 11,454 incoming commuters on the average day.
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PRESENTATIONS

Louise Edmo-Dixey, Treaty impacting the Fort Hall Reservation, a slide presentation, August 9, 2006, at Fort Hall.
APPENDIX A

ARMY UNIT RETURNS

The United States Army had a propensity to keep records of events. The separate units of regimental size or equivalent were required to submit reports to the commanding officer routinely on a monthly basis. These reports were referred to as the Unit Returns or more formally as Record of Events. The commanding officer or post commander then consolidated the reports and transmitted them to the next higher command. The returns here at the courtesy of the Fort Robinson Museum, Crawford, Nebraska.

Part 1. These are copies of the returns of Fort Robinson, the permanent station of the Ninth U.S. Cavalry Regiment. The returns cover the period of calendar year 1895.

Part 2. These are copies of the original Record of Events of the Ninth U.S. Cavalry Regiment for July, August, September and October of the year 1895. This was the duration of the Ninth’s stay in Wyoming. The record of events was submitted by Philip P. Powell, 1st Lt. and Adjutant of the Ninth U.S. Cavalry signed and approved by James Biddles, Colonel, Commanding the Ninth U.S. Cavalry.
APPENDIX A

PART 1. ARMY RETURNS, FORT ROBINSON, NEBRASKA

-1895-
January:
(same) Transfer of horses to Q.M.

February:
(same)

March:
(same)

April
(same)

One public horse for which 1st Lt John Gardner 9th Cav is responsible was killed by jumping hurdle while troop was at drill April 9/95. One public horse for which Capt. C.A. Stedman 9th Cav responsible died in troop stable April 3/95. Cause unknown.

May
(same)

June
(same)

July
In compliance with telegraphic instructions from Hdqts. D.P. of the 24 inst and Orders #48 cs Post, the 1st Squadron, Major A.R. Chaffee, 9th Cav comdg consisting of Troops DEH & I 9th Cav as follows - Troop "D" Capt J.S. Loud with Lieuts Gardner and Preston 43 enlisted men and 48
Army Unit Returns

public horses; Troop "E" Capt C.A. Stedman comdg Lieuts Jackson and Hartwick 44 enlisted men and 46 public horses; Troop "H" Capt E.D. Dimmick comdg with Lieuts Stevens and Hamilton 43 enlisted men and 46 public horses; Troop "I" Capt John F. Guilfoyle comdg with Lieuts Parker and Hickok 51 enlisted men and 52 public horses, Hospital Corps 1st Chas. Lynch, Asst. Surgeon U.S.A. with Acting Hospital Steward Sinnell and one Pvt. of the Hosp. Corps, Mr. C. Gilson with 21 pack mules accompanied the command. All left ACG & K performed the usual garrison duties during the month

46 public horses of the post for which troop commanders are accountable turned over to Post Qt Master during the month.

August

Troops ACG & K 9th Cav performed the usual garrison duties during the month. Troops DEH & I 9th Cav remained in the field during the month.

September

Troops A and G in compliance with Orders #58 cs Post, the troops consisting of 4 officers, 86 enlisted men and 83 public horses left post Sept 9/95 under command of Major Isley and marched to Hot Springs, S.D. arriving Sept 11 95. Went into camp remained till Sept 21/95 when the troops left camp and marched to Fort Robinson arriving Sept 23/95. Total distance marched about 140 miles.

Troops C and K 9th Cav in compliance with 0 #67 cs Post, the troops consisting of 3 officers, 92 enlisted men and 90 public horses left post enroute to Hot Springs, S.D. Sept 26/95. Sergt. Washington, Troop K, 9th Cav returned to post from his troop sich Sept 26/95.

Troops E & H remained in the field during the month. Troops D & I 9th Cav assigned to station at Fort Washakie, Wyo. per S. O. cs Department of the Platte.

September Return - Camp near THAYNE, WYO.

Sept 1st detachment of H Troop went out under Lt. Hamilton for party of Indians reported by civilians as crossing Salt R. Mts & east near Strawberry Creek trail. Sept 2nd detachment returned not having found Indians. Sept 3rd Troop H Capt. Dimmick left camp for the party reported above following trail over McDougals Pass as far as Cotton Wood
The Jackson Hole Conspiracy 1895

a tributary of Green River. Sept 8 Capt Dimmick with H Troop returned having learned that the Indians were on pass traveling to Ft. Washakie. Sept 3rd detachment E Troop Lt Jackson sent to Montpelier Idaho to escort paymaster from there to camp. Sept 9 Lt Jackson and detachment returned escorting paymaster. Sept 10 command left camp moving north along Salt River halting for camp about 3 miles N. of Freedom, Wyo on the rt bank of Salt River. Distance marched 17 miles. Sept 11 Maj. Chaffee with E Troop Major Bisbee. Camp moved north east two miles to north of Murphy's Pass. Sept 16 Major Chaffee with E Troop returned with paymaster from Teton Basin and Swan Valley. Sept 17 Paymaster with detachment from H Troop under Lt Hamilton left camp for Montpelier, Idaho. Sept 18 Command left camp moving along Salt River halting for camp about one mile north of Thayne P.O. at which place the command is now encamped. Sept 19 detachment under Lt. sent out to investigate the trail up Elk Creek into Jackson's Hole. Elk Creek is an Eastern Tributary of Salt River.

Sept 26 Lt Hamilton sent out with detachment from H Troop to investigate a report by a civilian of a part of Indians south of camp. Lt. Hamilton returned same day having found a party of Indians returning to their reservation.

September Return - Camp of Cavalry at Hot Springs

In accordance with Par. 2 0# 58 cs Fort Robinson, the command consisting of Troop A 9th Cav 2 officers 42 enlisted men 42 public horses and 4 private horses; Troop G 9th Cav 2 officers 43 enlisted men 41 public horses; Actg. Hosp. Steward C.L. Oltmans 1 civilian teamster (W.H. Clark) 1 water wagon, 5 army wagons 2 escort wagons & 44 mules all under the command of Maj. C.S. Isley 9th Cav left Fort Robinson about 9:30 AM Sept 7 and established this camp on Sept 10/95. Total distance marched about 72 miles. Troops A & A 9th Cav, Actg. Hosp. Steward with 5 army wagons 2 escort wagons, 38 mules under command of Capt. L.H. Rucker left camp Sept 21 1895 en route to Fort Robinson.

In accordance with Par. 4 0#67 Fort Robinson Sept 24/95 the command consisting of Troop K 1 officer & 44 enlisted men 43 public $ 1 private horse; Troop C 9th Cav 2 officers 47 enlisted men 47 public and 2 private horses, Actg. Hosp. Steward Oltmans 4 army wagons 2 escort wagons 32 mules all under command of Capt. C.A. Taylor 9th Cav left Fort Robinson about 9:00 AM Sept 26 en route to Hot Springs, arriving here

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Army Unit Returns

at 10:30 AM Sept 29 and reported for duty to Major C.S. Ilsley, 9th Cav command camp.

October

Troops C and K in compliance with 0#67 cs Post and verbal orders of the camp commander, the troops under command of Major C.S. Ilsley left Hot Spring S.D. at 7 o’clock Oct 6/95 and proceeded to post arriving here at 2:45 P. 8th inst.

The command consisted of 5 commissioned officers and 95 enlisted men and 90 public horses. Total distance traveled to & from Hot Springs about 140 miles. The troops have performed the usual garrison duties since date of return to post.

Troops E & H 9th Cav in compliance with letter from Hdqts D.P. of date Oct 12/95 Major A.R. Chaffee 9th Cav left Thayne, Wyo. with the two troops at 5 AM Oct 22/95 and marched to Montpelier, Idaho about 60 miles. Embarked the train at that point & proceeded by rail to this post about 750 miles, arriving here at 7:45 A, Oct 28/95. Total distance traveled about 810 miles. The command consisted of the following strength: 7 officers, 110 enlisted men and 90 public horses.

Troops A & G 9th Cav performed the usual garrison duties during the month.

One public horse Capt. Dimmick accountable died Oct 7/95. Cause “colic.”

November
(same)

December
(same)
APPENDIX A

PART TWO - RETURNS OF THE NINTH CAVALRY 1895
The Jackson Hole Conspiracy 1895

RECORD OF EVENTS.

RECEIVED - REMUNERATION

N.C.S. - 6525 - U.S. PAYMENT CIRCULAR

Date: August 17, 1895

HEADQUARTERS OF THE TENTH REGIMENT OF U.S. INFANTRY

STATION: Fort Robinson, Nebraska.

DATE: August 17, 1895

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Returns of the Ninth Cavalry 1895

RECORD OF EVENTS.

[Content of the document is not legible, but appears to be a record of events for the Ninth Cavalry in 1895.]

[Signatures at the bottom of the page, indicating the approval of the record.]
The Jackson Hole Conspiracy 1895

RECORD OF EVENTS.

[Text content is not legible due to the quality of the image provided.]

HEADQUARTERS OF THE U.S. ARMY

STATION: Fort Robinson, Nebraska

DISTRICT: 226
Returns of the Ninth Cavalry 1895

RECORD OF EVENTS.

[Handwritten text continues below]

[Signatures and dates at the bottom]

HEADQUARTERS OF THE NINTH REGIMENT OF U. S. CAVALRY.

[Signatures]

DATE: [Handwritten date]
APPENDIX B

COURT OPINIONS

Part One - Opinion of Judge John A. Riner
Federal Circuit Court, Cheyenne, Wyoming.
Cite as 70 F. 598, October 1895
The Jackson Hole Conspiracy 1895

IN RE RACE HORSEC. Wyo. 1895.
Circuit Court, D. Wyoming.
In Re RACE HORSE.

Habeas Corpus.
West Headnotes
Habeas Corpus 197 C 620(1)

197 Habeas Corpus
197I Jurisdiction, Proceedings, and Relief
197I(B) Jurisdiction and Venue
197I(B1) In General
197k617 Federal Courts
197k620 Detention by State or Territorial Authorities
197k620(1) k. In General. Most Cited Cases
(Formerly 197k45(3))

The United States circuit court has jurisdiction, under Rev.St. § 753, 28 U.S.C.A. § 2241, to inquire upon habeas corpus whether a member of an Indian tribe, in custody of state officers for violation of a state statute, is illegally restrained of his liberty, in violation of a treaty with the Indian tribe, by virtue of which such Indian claimed a right to do the act alleged to be a violation of the state statute.

Indians 209 C 12

209 Indians

209k9 Lands

209k12 k. Reservations or Grants to Indian Nations or Tribes. Most Cited Cases

A tract of land 30 by 36 miles in extent, within the boundaries of a state, a small portion of which has been surveyed and opened to settlement, the rest being unsurveyed, and upon which a few settlers have located themselves, but the greater part of which is mountainous and wooded, and abounding in wild game, is unoccupied land of the United States, within the meaning of the treaty of 1868, 15 Stat. 673, with the Bannack Indians, giving them a right to hunt on such lands.

Indians 209 C 12

209 Indians

209k9 Lands

209k12 k. Reservations or Grants to Indian Nations or Tribes. Most Cited Cases

The treaty of 1868, 15 Stat. 673, with the Bannack Indians, giving them a right to hunt on the unoccupied lands of the United States, is inconsistent with the statute of Wyoming prohibiting hunting at certain seasons, within that state, and, being paramount thereto, the statute cannot be enforced against the Indians.

*599 Gibson Clark, U.S. Atty., for petitioner.
Benjamin F. Fowler, Atty. Gen., Willis Van Devanter, and John C. Ham, for respondent.
RINER, District Judge.

On the 7th day of October, 1895, the petitioner, Race Horse, filed in this court his petition and application for a writ of habeas corpus. He sets forth in his petition that he is a Bannack Indian, and a member of that certain tribe of Bannack Indians which entered into and concluded a treaty with the United States of America at Ft. Bridger, in the territory of Utah, on the 3d day of July, A.D. 1868, and that he resides upon what is known as the 'Fort Hall Indian Reservation,' situate in the eastern part of the state of Idaho. He further represents in his petition that he was born a member of said tribe of Indians, that he was a member thereof at the time of the making of said treaty, and has at all times and still does maintain tribal relations with said tribe of Bannack Indians. He further sets forth in his petition that he is unjustly and unlawfully, and in violation of the constitution of the United States, and in violation of article 4 of the treaty entered into between the Bannack Indians and the United States, restrained of his liberty and held in custody by one John H. Ward, the sheriff of Uinta county, in the state of Wyoming, at the town of Evanston, in said county, by virtue of a warrant of commitment issued out of and under the seal of the district court of the Third judicial district of the state of Wyoming, within and for the county of Uinta in said state. He further alleges and sets forth in his petition that Mr. John C. Ham, county and prosecuting attorney of Uinta county, on the 3d day of October, 1895,
filed in said court an information charging that the petitioner did, on the 1st day of July, 1895, at the county of Uinta, in the state of Wyoming, seven elk, unlawfully, wantonly, and in excess of the number he could immediately use for food purposes, take, capture, destroy, and kill, contrary to the form of the statute of the state of Wyoming, and that thereafter a warrant was duly issued out of the clerk's office of the said district court, and under the seal thereof, for his arrest; that he was thereupon arrested, and brought before the clerk of the district court, and was held to bail in the sum of $500, for his appearance before the said district court on the first day of the next term thereof; that he failed to give the bond required, and was, in default thereof, committed to the custody of the sheriff of Uinta county, to be by him safely kept, until discharged by due process of law. Copies of the information and warrant are attached to the petition. The petitioner admits that he did pursue, hunt, and kill the seven elk mentioned in the information, and alleges that he killed the said seven elk at a point about 20 miles southeast of Mt. Hoback, in the county of Uinta and state of Wyoming, on or about the 1st day of July, 1895. He then alleges that the place where he killed the elk was about 60 miles distant from any ranch or settlement of any kind whatever, and was upon unoccupied*600 lands of the United States; that there were no occupied or settled lands nearer than 60 miles to the point where said act of killing was done; that, at the time said elk were killed by him, there was wild game in abundance upon the lands just mentioned, and in the immediate vicinity of the point at which he killed the elk in question; that the lands over which he was at that time hunting constituted and were lands which the said tribe of Indians had for a great many years last past been in the habit of hunting over and upon; that along and upon the borders of said hunting districts, and of said lands over which the said Indians had been in the habit of hunting, peace between the whites and Indians had for many years subsisted, and was subsisting, and did subsist at the time the petitioner was hunting thereon, and at the time he killed the seven elk mentioned in the information or complaint. He admits that the seven elk were in excess of the number he could immediately use for food purposes, but he alleges that he killed these elk solely for the purpose of furnishing means of subsistence for himself and family, and for other members of the Bannack tribe of Indians, saving, curing, and preserving the meat of the animals so killed, so that it might be and constitute a food supply for the use of himself, his family, and others of said Bannack tribe of Indians, during the following winter. He then sets out in his petition article 4 of the treaty between the United States and the Bannack Indians, which is in the following words:

'Art. 4. The Indians herein named agree, when the agency house and other buildings shall be constructed on their reservations, named, they will make said reservations their permanent home, and they will make no permanent settlement elsewhere; but they shall have the right to hunt on the unoccupied lands of the United States so long as game may be found thereon, and so long as peace subsists among the whites and Indians on the borders of the hunting districts.'

He then alleges that the complaint and information, to answer which he is unlawfully and wrongfully held in custody, is based upon an act of the legislature of the state of Wyoming approved February 20, 1895, entitled 'An act for the preservation of game and fish,' being chapter 98 of the Session Laws of Wyoming of 1895. He then alleges that his detention, restraint, and imprisonment are illegal, for the reason that, under and by virtue of the treaty provision above quoted, he had the right, under the constitution and laws of the United States, to hunt and kill said seven elk upon the unoccupied lands of the United States, and that this right was a right guaranteed to him by the laws and constitution of the United States; that the act of the legislature of the state of Wyoming, in so far as it in any manner whatsoever related to him, was and is wholly and absolutely void, being in derogation of, and contrary to, the provisions of the treaty, and especially to article 4, above quoted. He further asks that a writ of habeas corpus may issue out of this court, directed to the sheriff of Uinta county, Wyo., to the end that he may forthwith be brought before the court, to so submit to and receive what the law may direct.

Upon the filing of this petition the writ was duly issued out of this *601 court, directed to the sheriff of
Uinta county, Wyo., directing him to have the body of the petitioner before the court at Cheyenne, Wyo., on the 26th day of October, 1895, at 10 o'clock in the forenoon of that day. Upon application duly made, and at the request of both counsel for the petitioner and the sheriff, the hearing was, on the 26th day of October, continued until the 2d day of November, 1895, and the sheriff was given until that day to make his return to the writ. Upon the last-named day Mr. Ward, the sheriff, produced the body of the petitioner, as directed by the writ, and made return thereto that he held the petitioner in custody under and by virtue of a warrant of commitment under the hand and seal of the clerk of the district court of the county of Uinta, in the state of Wyoming; that the said warrant of commitment was duly and regularly issued upon a criminal information theretofore duly and regularly made, presented, and filed in the said district court of the county of Uinta, in the state of Wyoming, by the county and prosecuting attorney of said county, and that he did, prior to and at the time of the service of the writ of habeas corpus, hold and detain, and that he still holds and detains, the said petitioner, Race Horse, in his custody, under and in pursuance of the command of the said warrant of commitment, and not otherwise. He then alleges that the accusation and charge against the petitioner is still depending and not disposed of by the district court of that county, and that the cause of the detention of petitioner by him, as sheriff of Uinta county, is that he may have petitioner before the said district court at the next term thereof, on the first Monday in April, A.D. 1896, then and there to answer the charge and accusation made in the said criminal information filed by the county and prosecuting attorney. He then admits that the petitioner is a Bannack Indian, and a member of the Bannack tribe, which concluded a treaty with the United States at Ft. Bridger on the 3d day of July, 1868, and that the petitioner resides at Ft. Hall Indian reservation; that the petitioner was born a member of that tribe; that he was a member thereof at the time of making the said treaty; and that at all times mentioned in the petition or application the petitioner maintained tribal relations with said tribe of Bannack Indians. He further admits that the elk were killed by the petitioner at the place mentioned in the petition, and that they were killed on public lands of the United States, which had not been entered under the land laws of the United States, and which had not been settled upon. He then alleges, in substance, that the public lands of the United States, at the place and in the vicinity where the elk were killed, had been surveyed, subdivided and platted by the United States, and had been so subdivided and platted long before the time of the commission of the alleged offense by petitioner, and long before then, and ever since, had been opened to entry and settlement under the land laws of the United States. He further alleges that a considerable portion of the public lands in and near the vicinity of the place where the elk were killed had been, before the time of the commission of the offense, settled upon, and duly entered under the land laws of the United States, and were occupied and used by the persons making such entry as homes. He then *602 alleges that the place where the alleged offense was committed, and the country adjacent thereto, at the time of the commission of the offense, constituted a part of the state of Wyoming, and a part of the county of Uinta, and was included in, and constituted a part of, the school districts and election districts in which said county had been theretofore, and was then, duly and regularly subdivided, pursuant to the laws of the state of Wyoming. He further alleges that the lands at the place where the alleged offense was committed, and in the country adjacent thereto, which were not then inclosed and fenced by settlers and entrymen thereon, were, at the time of the commission of the offense, used as an open and common grazing ground for the grazing of live stock by the citizens of the state of Wyoming and citizens of other states, who had and owned live stock in large numbers at that time grazing, running, and ranging thereon; that the country adjacent thereto was, in the year 1895, and other years previous thereto, divided into round-up districts, pursuant to the laws of the state of Wyoming; and that the cattle ranging thereon were, in the year 1895, and in other years previous thereto, rounded up, gathered, and handled, according to the long-established custom prevailing upon such round-ups, and pursuant to the laws of said state. He then admits that, at the time of the commission of the alleged offense by petitioner, peace between the white persons residing in the vicinity of the place of the commission of said offense and the said Bannack In-
diants, and all other Indians, had for many years subsisted, and was then subsisting. He then denies, by reason of the matters and things set out in his return, that the said petitioner, Race Horse, is or has been wrongfully and unlawfully held in custody; and concludes his return in the following words:

'Nevertheless, the body of the said Race Horse I have now here before this honorable court, as in said writ of habeas corpus commanded, to be dealt with according to law, and herewith I return the said writ of habeas corpus, with this my return thereon.'

To this return the district attorney, who appeared for the petitioner, filed the following reply:

'Comes now the said Race Horse, and, replying to the return of John H. Ward, the respondent herein, denies that the public lands of the United States, at the place where the killing of said elk, mentioned in the petition herein, occurred, have been surveyed, subdivided, and platted by the United States, or had been so surveyed, subdivided, and platted long before the time of the commission of the said offense, or that at the said time, or for any period before said time, said lands were open to entry and settlement under the land laws of the United States. The petitioner admits that a small portion of the lands had been so, as aforesaid, surveyed and platted and opened for settlement under the land laws of the United States, but that the same were and constituted a very inconsiderable portion of the entire body of public lands in that vicinity. He denies that in the near vicinity of the place of killing said elk there were any lands which had been settled upon and entered under the land laws of the United States prior to the commission of said offense. He denies that there were any ranches or settlements of any kind within five miles of said place, but, on the contrary, he alleged the fact to be that the said act of killing said elk was committed at a point much more than five miles distant from any ranch or settlement whatever.'

The sections of the statute which it is alleged the petitioner violated are as follows:

*603 'Sec. 6. The wanton destruction or the wasting of the game and fish of this state during any period of time when the taking or capture of such game or fish is permitted is hereby prohibited and declared a misdemeanor; and any person who shall at any time take, capture, or destroy any game or fish in excess of the number or quantity thereof which he can immediately use for food purposes shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten, nor more than fifty dollars and costs of prosecution for each and every animal, bird or fish, which he or she may take or destroy, contrary to the provisions of this section.'

'Sec. 14. It shall be unlawful to pursue, hunt or kill any deer, elk, moose, mountain sheep, mountain goat or antelope at any time except during the months of September, October and November in each year, during which months the males only of such animals may be killed or hunted under the conditions and restrictions imposed by this section. It shall be unlawful at any time whatever to kill or capture any of the above-named animals mentioned in this section, by means of any pit, pitfall or trap. Any person may during the period permitted and prescribed by this section, pursue, hunt and kill any of the males of the animals mentioned in this section, for the purposes only of supplying himself with food, but not for speculative purpose or wantonly. In order to prevent more effectively the hunting and slaughter of the animals mentioned in this section for speculative purposes, it is hereby declared to be unlawful for any nonresident of this state to hunt, kill or pursue any of the male animals permitted by this section to be hunted, killed or pursued herein, without having first procured a license therefor, so to do from a justice of the peace of the county wherein said animals are to be hunted. The justices of the peace of this state are hereby authorized and directed to issue such licenses upon the payment of twenty dollars for each license, which shall be good in their county. Such license shall permit such nonresident to pursue, hunt or kill, any of the males of the animals mentioned in this section during the months of September, October and November of the current year for the purpose of supplying himself or his family with food during such period.'

The petition, return, and reply in this case draw in question, upon the one hand, the validity of a treaty
made by the United States with the Bannack and Shoshone Indians, or, at least, a construction of that treaty, and of the rights and privileges claimed under it. And they also draw in question, upon the other hand, the validity of a statute of the state of Wyoming, on the ground of its being repugnant to the constitution, laws, and treaties of the United States.

The task for the court, therefore, as can be readily seen, is a delicate one, and only to be entered upon with reluctance and hesitation. It must be evident to any one that the power to declare either a treaty made by the general government or a legislative enactment void is one which the court will shrink from exercising in any case where it can, with due regard to duty and official oath, decline the responsibility; but the duty to do this in a proper case the courts cannot decline. They have no discretion in selecting the subjects to be brought before them, and the duty, however unpleasant, cannot be avoided.

No question has been raised as to the jurisdiction of the court in this case, but the courts of the United States are courts of limited jurisdiction, and, in ordinary cases, can have no control of the courts or judicial officers of the states while engaged in enforcing their criminal laws. It may be well, therefore, to consider briefly the statute under which this proceeding was brought. Section 604 753 of the Revised Statutes of the United States provides that a writ of habeas corpus may issue from the circuit court of the United States in all cases where the petitioner is in custody for an act done or committed in pursuance of a law of the United States, or is in custody in violation of the constitution of the United States, or of a law or treaty of the United States. The constitution of the United States declares:

'This constitution and the laws of the United States which shall be made in pursuance thereof and all treaties made or which shall be made under the authority of the United States shall be the supreme law of the land and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.' Article 6, Sec. 2.

Under this provision of the constitution, and the section of the Revised Statutes above referred to, I think it is perfectly clear that this court has jurisdiction, and that it was not only its right, but its duty, to issue the writ, in a case such as is presented by the petitioner here, and to proceed to determine whether or not he was restrained of his liberty in violation of the laws or of a treaty of the United States. In re Brounaban, 18 Fed. 62; In re Parrutt, 1 Fed. 481.

At the hearing some testimony was taken upon the question as to whether or not the public lands at or near the place where this alleged offense against the state law was committed were occupied by actual settlers, or otherwise. I think the evidence shows that in a region of country 30 miles wide by 36 miles long, which includes the place at which this Indian killed the elk mentioned in the information referred to by the sheriff in his return, a very few settlers, not to exceed seven in number, have established ranches at different places on the different streams flowing through this region, and that cattle owned by residents of this state and other states range in the valleys, and along the streams, and also that game animals are found there in large numbers; that this entire scope of country is what would be known and understood as a mountainous country, with occasional valleys, and that on the mountains and in the timber, elk, deer, and other game animals, in very considerable numbers, are found; that a portion of the lands within the territory above described have been surveyed, subdivided, and platted by the United States, and were open to entry and settlement under the land laws of the United States; that other portions of it remain unsurveyed; that this Indian killed the seven elk mentioned in the information in the mountains at some point within the territory above described. Upon this point the plat exhibited by the sheriff at the hearing does not tend to throw much light. The only direct evidence is that of the Indian, who testified that he killed the elk in the mountains at a point several miles distant from any ranch or human habitation, while the line indicated upon the plat (which is imaginary, and taken, I presume, from a general allegation in the petition that the point at which the elk were killed was in a general southeasterly direction from Hoback peak or Hoback mountain) would locate the place at which the elk were killed in the valley of Horse
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creek, at a point under G. W. *605 Hartley's ditch, in
section 14, and near the Hartley ranch. That this
could not be the place is, I think, clearly established
by the evidence. Not only have we the Indian's testi-
mony that he killed these elk in the timber on the
mountain, but it is clearly shown by the testimony of
other witnesses, who testified for the sheriff, that elk
are not usually found in the valleys or open country.
Their habits, in this respect, are so well known that
when the district attorney asked this Indian, while
upon the witness stand, whether he killed these elk in
the open country, or in the timber on the mountain, it
not only caused the Indian to smile, but also almost
every other person seated in the court room, and the
witness very promptly answered: 'In the timber on
the mountain.' Article 4 of the treaty guaranties to
these Indians that they shall have the right to hunt
upon the unoccupied lands of the United States so
long as game may be found thereon, and so long as
peace subsists among the whites and Indians on the
borders of the hunting districts. It is contended that
there is no such country within the state of Wyoming,
and that the unoccupied lands of the United States,
mentioned in the treaty, were of that character of un-
occupied lands of the United States which constitute
hunting districts beyond the borders of white settle-
ment. Such is not the language of the treaty provi-
sion. By the treaty they are to have the right to hunt
on the unoccupied lands of the United States so long
as game may be found thereon, and so long as peace
subsists among the whites and Indians on the borders
of the hunting districts. To say that these hunting dis-
tricts must be beyond the borders of white settlement
would be adding to the treaty words which are not
there, and giving to it a construction which, as it
seems to the court, would not be warranted by its
terms and provisions. In construing the treaty, we
must give to the words used their ordinary and accep-
ted meaning. In the case of Worcester v. Georgia, 6
Pet. 515, the supreme court announced even a broader
rule, when applied to Indian treaties, in the follow-
ing language:

'The language used in treaties with the Indians
should never be construed to their prejudice. How the
words of the treaty were understood by these un-
lettered people, rather than their critical meaning,
should form the rule of construction.'

Again, in the case of Haupstein v. Lynham, 100
U.S. 483, the court said:

'Where a treaty admits of two constructions, one re-
strictive as to the rights that may be claimed under it,
and the other liberal, the latter is to be preferred.
Such is the settled rule of this court.'

The treaty authorized these Indians to hunt (1) upon
the unoccupied lands of the United States (2) so long
as game may be found thereon, (3) and so long as
peace subsists among the whites and Indians on the
borders of the hunting districts. The words 'hunting
districts' must, I think, be construed to mean districts
of country upon which wild game exists and roams,
notwithstanding the fact that there may be white set-
tlers here and there within such districts. Any other
construction would, it seems to me, be equiva-
 lent*606 to saying that the words, at the time
they were inserted in the treaty by the parties making
it, had no meaning whatever. For several years prior
to that time, and certainly at the date of the treaty,
there were occasional white settlers located at differ-
ent points within the territory which now comprises
the state of Wyoming. It seems to me equally clear
that it would be an unwarranted construction to say
that, because this region of country, 30 by 36 miles,
contains a few white settlers, and because cattle
owned by citizens of this and other states range in the
valleys and along the streams within this region, that
it is therefore not unoccupied lands of the United
States, within the meaning of the terms and provi-
sions of the treaty, especially when the testimony, as
it does in this case, further shows, beyond all ques-
tion, that game animals are also found there in very
considerable numbers, especially in the timber on the
mountains. By the constitution the power to make
treaties is expressly delegated to the United States
and prohibited to the states. Hence, the power to enter
into treaty relations rests exclusively with the general
government, and, by the express terms of the constitu-
tion, every treaty made under the authority of the
United States is made the supreme law of the land;
and, therefore, so long as the provisions of a treaty
are in force, if they are in conflict with a law of any
state, the state law must give way to its superior au-

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authority. This rule is essential to the existence of the federal government. Without it, the constitution, laws, and treaties of the United States would be subject to overthrow at any time, at the will of a state. The supreme court of the United States, in the case of Ware v. Hylton, 3 Dall. 192, says:

'Here is a treaty, the supreme law, which overrules all state laws upon the subject, to all intents and purposes. To effect the object intended, there is no want of proper and strong language, there is no want of power; the treaty being sanctioned as the supreme law by the constitution of the United States, which nobody pretends to deny to be paramount and controlling to all state laws, and even state constitutions, wheresoever they interfere or disagree.'

In the case just referred to, the commonwealth of Virginia, in 1777, then being at war with Great Britain, passed an act sequestrating British property within her limits, and providing, among other things, that debts due from citizens of Virginia to British subjects should be paid into the treasury of the commonwealth, and that such payment should operate as an extinguishment of the debt. In 1780 a citizen of Virginia paid into the treasury of the state a debt due from him to a British subject, pursuant to the provisions of the state law. In 1782 a treaty of peace was concluded between the United States and Great Britain, which contained the following provision: 'It is agreed that creditors on either side shall meet with no lawful impediment to the recovery of the full value in sterling money of all bona fide debts heretofore contracted.' After the adoption of the constitution in 1789, suit was brought by a British subject in the circuit court for the district of Virginia, against this citizen of Virginia, to recover upon the debt contracted in 1774. The defendant pleaded payment into the treasury of the state in *607 1780, and the supreme court in that case held: (1) That the state of Virginia had the right to enact the sequestration act of 1777; (2) that payment into the state treasury would be a bar to subsequent actions upon the debt, unless the creditor's right was revived by the treaty; (3) that the treaty became the supreme law of the land, the constitutional provisions applying alike to treaties made and to be made; (4) that the provisions of the treaty of peace with Great Britain, above quoted, nullified the law of Virginia, destroyed the payment made under it, revived the debt, and gave a right of recovery against the debtor, notwithstanding the payment by him into the state treasury under the authority of the state law, and the court gave the plaintiff a judgment for the amount of the debt. There are other cases to the same effect. See Hauenstein v. Lynum, 100 U.S. 483; The Peggy v. U.S., 1 Cranch. 103; Fellows v. Blacksmith, 19 How. 366.

There can be no doubt but what the United States may enter into treaty relations with an Indian tribe, and that the treaty provisions are binding alike, both upon the government and the Indians, to the same extent that they would be in case of a treaty made with one of the civilized nations. Thus in the case of Worcester v. Georgia, 6 Pet. 515, Chief Justice Marshall, in speaking of the treaty relations with these Indian tribes, says:

'The very term 'nation,' so generally applied to them, means a people distinct from others. The constitution, by declaring treaties already made, as well as those to be made, to be the supreme law of the land, has adopted and sanctioned the previous treaties with the Indian nations, and consequently admits their rank among those powers who are capable of making treaties. The words 'treaty' and 'nation' are words of our own language, selected in our diplomatic and legislative proceedings by ourselves, having each a definite and well-understood meaning. We have applied them to the Indians, as we have applied them to the other nations of the earth. They are applied to all in the same sense.'

Again, in the case of Fellows v. Blacksmith, 19 How. 366, Mr. Justice Nelson, delivering the opinion of the court, said:

'An objection was taken on the argument to the validity of the treaty, on the ground that the Tonawanda band of the Seneca Indians were not represented by the chiefs and head men of the band in the negotiation and execution of it (referring to the treaty); but the answer to this is that the treaty, after executed and ratified by the proper authorities of the government, becomes the supreme law of the land, and the courts can no more go behind it, for the purpose of an-
nulling its effect and operation, than they can go behind an act of congress."

If any doubt existed as to the power and competency of these Indian tribes to enter into treaty relations with the government prior to the decisions just quoted, the question was certainly set at rest by these cases. Be that as it may, however, it is well settled that this court has no power to question it. When a treaty has been ratified by the proper formalities, it is, by the constitution, the supreme law of the land, and the courts have no power to inquire into the authority of the persons by whom it was entered into on behalf of the foreign nation. Doe v. Braden, 16 How. 635. There can be no doubt, I think, of the power of the United States to enter into the particular treaty stipulation here involved. It *608 violates no provision of the constitution, nor is it in any way inconsistent with the nature and structure of the government, or of the objects for which it was formed, and falls, therefore, strictly within the limits of the treaty-making power. This right to hunt, although not always expressed in the same language, has been recognized and expressly granted in various treaties made with Indian tribes ever since the foundation of the government. See article 11 of the treaty with the Kiowas and Comanches; article 11 of the treaty with the Cheyenne Indians; article 11 of the treaty with the Sioux Indians; article 4 of the treaty with the Crow Indians; article 2 of the treaty with the Northern Cheyenne and Arapahoe Indians; article 9 of the treaty with the Navajo Indians.

That this stipulation of the treaty, that the Indians shall have the right to hunt upon the unoccupied lands of the United States so long as game may be found thereon, was considered important by the parties to the treaty in question, finds support in the fact that this, or similar provisions, are found in almost every Indian treaty. The manner and habits of life of these Indians are matters of common knowledge, and it is not difficult to understand how they would consider this right or privilege to hunt of supreme importance to them, and why, in negotiating a treaty, they would insist that this right be recognized and guarantied to them. This treaty was entered into long prior to the admission of Wyoming as a state, and this brings us to a consideration of the question of whether or not the provision under consideration remains in full force and effect within the territorial limits of the state, notwithstanding the changed conditions. As we have already seen, the power to make treaties is by the constitution expressly delegated to the United States and prohibited to the states, and that a treaty executed and ratified by the proper formalities is the supreme law of the land, and that, so long as the treaty provision is in force, any state law in conflict with it must give way to its superior authority, because the power to abrogate or place limitations upon the treaty provisions is by the constitution expressly delegated to the United States and prohibited to the states. The power, therefore, and the only power, which can abrogate the treaty, or any provision of the treaty, is the treaty-making power,—the United States. The act admitting Wyoming into the Union admits it upon an equal footing with the original states, and makes no reservation whatever regarding the treaty relations then existing between the United States and these Indians. Neither does it, in express terms, abrogate the treaty, or any of its provisions. Hence, if the treaty provisions have been abrogated or repealed by the act admitting Wyoming into the Union of states, it is by implication, because of inconsistent congressional legislation. While repeals by implication are not favored, yet that treaty provisions are repealed by subsequent inconsistent congressional legislation is well settled. See U.S. v. Ward, Woolw. 17, Fed. Cas. No. 16,639; U.S. v. McBratney, 104 U.S. 621; Cherokee Tobacco, 11 Wall. 616. The rule was clearly stated by Judge Hoffman in the case of In re Chin A On, 18 Fed. 506, in the following words:

*609 'It is not disputed that if the stipulations of the treaty and the requirements of the act of congress are found to be irreconcilably conflicting, it is the duty of the court to obey the law, as being the latest expression of the legislative will, and to leave the question of the breach of the treaty stipulation to be settled by the political branch of the government. But, before we can impute to congress an intention to violate an important article of a treaty with a foreign power, that intention must be clearly and unequivocally manifested.'

It is urged at the argument that, upon the admission
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of the state, the preservation of game was within the police power of the state, it having always been within the police power of the original states to regulate the taking and killing of game and fish, and therefore, upon its admission as a state, Wyoming became possessed with a like police power, without which it would not be upon an equal footing with the original states; that the possession of this police power in the new state upon its admission was inconsistent with the exercise of any authority on the part of the United States over such game and fish, and inconsistent with any unrestrictive right in the Indians, or any other persons, to hunt or fish within the state, and therefore necessarily repealed or abrogated any treaty or congressional enactment upon this subject. It is undoubtedly true that, upon its admission into the Union, Wyoming became vested with all the powers of a sovereign state, and, among the powers thus conferred, was the police power, under which the state may unquestionably pass laws which are essential to public safety, health, and morals. Thus it has been held that the state may pass laws providing for the destruction of decayed or unwholesome food, the slaughter of diseased cattle, prohibition of wooden buildings in cities, placing restrictions upon objectionable trades in certain localities, compulsory vaccination of children, the confinement of the insane or those afflicted with contagious diseases, prohibition of gambling houses and places where intoxicating liquors are sold, etc. The limitations upon this power are: First, that the interests of the public generally, as distinguished from those of a particular class, require such interference; and, second, that the means are reasonably necessary for the accomplishment of the purpose, and not unduly oppressive upon individuals. Under this power the state has the unquestioned right to pass laws placing restrictions and limitations upon the time and manner of taking wild game and fish. In the case of Lawton v. Steele, 152 U.S. 133, 14 Sup.Ct. 499, Mr. Justice Brown, speaking for a majority of the court, says:

'The preservation of game and fish, however, has always been treated as within the proper domain of the police power, and laws limiting the season within which birds and wild animals may be killed or exposed for sale, and prescribing the time and manner in which fish may be caught, have been repeatedly upheld by the courts.'

The wisdom of such legislation is apparent. The killing of game at certain seasons of the year tends to the destruction of the privilege or right, by the destruction consequent upon the unrestrained exercise of the right. Another sovereign power, which is even broader than the police power, if possible, is the power, to impose taxes, as *610 stated by Judge Cooley, in his work on Constitutional Limitations, at page 479:

'The power to impose taxes is one so unlimited in force, and so searching in extent, that the courts scarcely venture to declare that it is subject to say restrictions whatever, except such as rest in the discretion of the authority which exercises it. It reaches to every trade or occupation, to every object of industry, use, or enjoyment, to every species of possession, and it imposes a burden which, in cases of failure to discharge it, may be followed but seizure and sale or confiscation of property. No attribute of sovereignty is more pervading, and at no point does the power of the government affect more constantly and intimately all the relations of life, than through the exactions made under it.'

But that these powers are subject to the right of the general government to exercise the power conferred upon it by the constitution is perfectly clear. Thus, in the case of Worcester v. Georgia, Mr. Justice Washington says:

'The state claims the right of sovereignty commensurate with her territory, and the United States claim it, in their proper sphere, to the extent of the federal limits. This right or power in some cases may be exercised, but not in others.'

The power to dispose of the public domain is undoubtedly an attribute of sovereignty, yet a new state cannot dispose of the lands within its limits which are owned by the federal government. The power to tax is also an attribute of sovereignty, but a new state cannot tax the lands of the United States. Judge Cooley, in his work on Constitutional Limitations, discussing this subject, says:
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'In American constitutional law, however, there is a
division of the powers of sovereignty between the na-
tional and state governments by subjects; the former
being possessed of supreme, absolute, and uncontrol-
able power over certain subjects throughout all the
states and territories, while the states have the like
complete power, within their respective territorial
limits, over other subjects. In regard to certain other
subjects, the states possess powers of regulation
which are not sovereign powers, inasmuch as they are
liable to be controlled, or, for the time being, to be-
come altogether dormant, by the exercise of a super-
or power, vested in the general government in respect
to the same subjects.'

The power to levy and collect taxes is undoubtedly a
power which a state may properly exercise, as is also
the authority to regulate the taking of game under the
police power. Both are unquestionably sovereign
powers possessed by the states, and, as it seems to
me, stand upon an equal footing. Certainly the exer-
cise of the police power is not superior to the power
to collect taxes, for the very existence of the state
government depends upon its power to provide a rev-


e"
tribe of Indians. In the case of Worcester v. Georgia, Mr. Justice Washington, who delivered a concurring opinion in that case, said:

'A state claims the right of sovereignty commensurate with her territory, as the United States claim it, in their proper sphere, to the extent of the federal limits. This right or power in some cases may be exercised, but not *612 in others. Should a hostile force invade the country at its most remote boundaries, it would become the duty of the general government to expel the invaders. But it would violate the solemn compacts with the Indians, without cause, to dispossess them of rights which they possess by nature, and have been uniformly acknowledged by the federal government.'

Again, in the course of his opinion, the same learned judge says:

'Why may not a state coin money, issue bills of credit, enter into a treaty of alliance or confederation, or regulate commerce with foreign nations? Because these powers have been expressly and exclusively given to the federal government. Has not the power been as expressly conferred on the federal government to regulate intercourse with the Indians, and is it not as exclusively given, as any of the powers above enumerated? There being no exception to the exercise of this power, it must operate on all communities of Indians exercising the right of self-government, and, consequently, include those who reside within the limits of a state, as well as others. Such has been the uniform construction of the power by the federal government and of every state government, until the question was raised by the state of Georgia.'

Wyoming was admitted upon the same footing with the original states. Does it put it upon any other or different footing to say that it cannot so exercise this power, that it will affect persons or subjects which are within the treaty-making power conferred upon the United States by the constitution, and which have been, as in the case at bar, the subject of treaty stipulation? In the case against the state of Georgia the court said:

'When Georgia sanctioned the constitution, and con-
the act admitting Wyoming into the Union of states is not so inconsistent with the provisions of the treaty as to make it impossible for the court, by fair construction, to give effect to both, as was undoubtedly true in the cases of U.S. v. McBratney and The Cherokee Tobacco. Applying the rules of construction which I think must be applied to this treaty, and to the act of congress admitting Wyoming, I am inclined to the view that effect can be given to both, and, therefore, that the act admitting Wyoming into the Union does not, by necessary implication, repeal or abrogate the treaty, and that the treaty provision remains in force.

The state law being in conflict with the provisions of the treaty, it cannot be enforced against these Indians, parties to the treaty. The petitioner must therefore be discharged. And it is so ordered.

C.C.Wyo. 1895.
In re Race Horse
70 F. 598

END OF DOCUMENT
APPENDIX B

COURT OPINIONS

WARD v. RACE HORSE. U.S. 1896
Supreme Court of the United States
WARD, Sheriff,
v.
RACE HORSE.
No. 841.
May 25, 1896.

Appeal from the Circuit Court of the United States for the District of Wyoming.

**1076 Proceeding by Race Horse against John H. Ward, sheriff of the county of Uinta, in the state of Wyoming. There was an order discharging appellee from custody (70 F. 598), and said sheriff appeals. Reversed.

This appeal was taken from an order of the court below, rendered in a habeas corpus proceeding, discharging the appellee from custody. 70 F. 598. The petition for the writ based the right to the relief which it prayed, and which the court below granted, on the ground that the detention complained of was in violation of the constitution and laws of the United States, and in disregard of a right arising from and guaranteed by a treaty made by the United States with the Bannock Indians. Because of these grounds the jurisdiction below existed, and the right to review here obtains. Rev. St. § 753; Act March 3, 1891 (36 Stat. 826). The record shows the following material facts: The appellee, the plaintiff below, was a member of the Bannock tribe of Indians, retaining his tribal relations and residing with it in the Ft. Hall Indian reservation. This reservation was created by the United States in compliance with a treaty entered into between the United States and the Eastern band of Shoshonees and the Bannock tribe of Indians, which took effect February 24, 1869. 15 Stat. 673. Article 2 of this treaty, besides setting apart a reservation for the use of the Shoshonees, provided:

'It is agreed that whenever the Bannocks desire a reservation to be set apart for their use, or whenever the president of the United States shall deem it advisable for them to be put upon a reservation, he shall cause a suitable one to be selected for them in their present country, which shall embrace reasonable portions of the 'Port Neuf' and 'Kansas Prairie' countries.'

In pursuance of the foregoing stipulation the Ft. Hall Indian reservation was set apart for the use of the Bannock tribe.

Article 4 of the treaty provided as follows:

'The Indians herein named agree, when the agency house and other buildings shall be constructed on their reservations named, they will make said reservations their permanent home, and they will make no permanent settlement elsewhere; but they shall have the right to hunt upon the unoccupied lands of the United States so long as game may be found thereon, and so long as peace subsists among the whites and Indians on the borders of the hunting districts.'

In July, 1868, an act had been passed erecting a temporary government for the territory of Wyoming (15 Stat. 178), and in this act it was provided as follows:

'That nothing in this act shall be construed to impair the rights of persons or property now pertaining to the Indians in said territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians.'

Wyoming was admitted into the Union on July 10, 1890. 26 Stat. 222. Section 1 of that act provides as follows:

'That the state of Wyoming is hereby declared to be a state of the United States of America, and is hereby declared admitted into**1077 the Union on an equal footing with the original states in all respects whatever; and that the constitution which the people of Wyoming have formed for themselves be, and the same is hereby, accepted, ratified, and confirmed.'

The act contains no exception or reservation in favor of or for the benefit of Indians.

The legislature of Wyoming on July 20, 1895 (Laws
Court Opinions - Part Two

Wyo. 1895, p. 225, c. 98), passed an act regulating the killing of game within the state. In October, 1895, the district attorney of Uinta county, state of Wyoming, filed an information against the appellee (Race Horse) for having killed in that county seven elk, in violation of the law of the state. He was taken into custody by the sheriff, and it was to obtain a release from imprisonment authorized by a commitment issued under these proceedings that the writ of habeas corpus was sued out. The following facts are unquestioned: (1) That the elk were killed in Uinta county, Wyo., at a point about 100 miles from the Ft. Hall Indian reservation, which is situated in the state of Idaho; (2) that the killing was in violation of the laws of the state of Wyoming; (3) that the place where the killing took place was unoccupied public land of the United States, in the sense that the United States was the owner of the fee of the land; (4) that the place where the elk were killed was in a mountainous region, some distance removed from settlements, but was used by the settlers as a range for cattle, and was within election and school districts of the state of Wyoming.

Mr. Justice Brown dissenting. 70 Fed. 598, reversed. West Headnotes

Indians 209 C--3(2)

209 Indians

209k3 Treaties or Engagements, in General

209k3(2) k. Alteration or Abrogation. Most

Cited Cases

(Formerly 209k3)

The provision in the treaty of February 24, 1869, 15 Stat. 673, with the Bannock tribe of Indians, that they "shall have the right to hunt upon the unoccupied lands of the United States so long as game may be found thereon, and so long as peace subsists among the whites and Indians on the borders of the hunting districts," was intended to confer a privilege of merely limited duration, and was repealed by the subsequent act admitting the territory of Wyoming into the Union with an express declaration that it should have all the powers of the other states, and making no reservation in favor of the Indians.

*507 Benj. F. Fowler and Willis Van Devanter, for appellant.


Mr. Justice WHITE, after stating the case, delivered the opinion of the court.

It is wholly immaterial, for the purpose of the legal issue here presented, to consider whether the place where the elk were killed is in the vicinage of white settlements. It is also equally irrelevant to ascertain how far the land was used for a cattle range, since the sole question which the case presents is whether the treaty made by the United States with the Bannock Indians gave them the right to exercise the hunting privilege, therein referred to, within the limits of the state of Wyoming, in violation of its laws. If it gave such right, the mere fact that the state had created school districts or election districts, and had provided for pasturage on the lands, could no more efficaciously operate to destroy the right of the Indian to hunt on the lands than could the passage of the game law. If, on the other hand, the terms of the treaty did not refer to lands within a state, which were subject to the legislative power of the state, then it is equally clear that, although the lands were not in school and election districts, and were not near settlements, the right conferred on the Indians by the treaty would be of no avail to justify a violation of the state law.

The power of a state to control and regulate the taking of game cannot be questioned. Geer v. Connecticut, 161 U. S. 519, 16 Sup. Ct. 600. The text of article 4 of the treaty, relied on as giving the right to kill game within the state of Wyoming, in violation of its laws, is as follows:

"But they shall have the right to hunt on the unoccupied lands of the United States, so long as game may be found thereon, and so long as peace subsists among the whites and Indians on the borders of the hunting districts."

It may at once be conceded that the words "unoccupied *508 lands of the United States," if they stood alone, and were detached from the other provisions of the treaty on the same subject, would convey the meaning of lands owned by the United States, and the title to or occupancy of which had not been disposed of. But, in interpreting these words in the treaty, they cannot be considered alone, but must be construed with reference to the context in which they

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are found. Adopting this elementary method, it becomes at once clear that the unoccupied lands contemplated were not all such lands of the United States, wherever situated, but were only lands of that character embraced within what the treaty denominates as 'hunting districts.' This view follows as a necessary result from the provision which says that the right to hunt on the unoccupied lands shall only be availed of as long as peace subsists on the borders of the hunting districts. Unless the districts thus referred to be taken as controlling the words 'unoccupied lands,' then the reference to the hunting districts would become wholly meaningless, and the cardinal rule of interpretation would be violated, which ordains that such construction be adopted as gives effect to all the language of the statute. Nor can this consequence be avoided by saying that the words 'hunting districts' simply signified places where game was to be found, for this would read out of the treaty the provision as 'to peace on the borders' of such districts, which clearly pointed to the fact that the territory referred to was one beyond the borders of the white settlements. The unoccupied lands referred to being therefore contained within the hunting districts, by the ascertainment of the latter the former will be necessarily determined, as the less is contained in the greater. The elucidation of this issue will be made plain by an appreciation of the situation existing at the time of the adoption of the treaty, of the necessities which brought it into being, and of the purposes intended to be by it accomplished.

When, in 1868, the treaty was framed, the progress of the white settlements westward had hardly, except in a very scattered way, **1078 reached the confines of the place selected for the Indian reservation. While this was true, the march of advancing civilization foreshadowed the fact that the wilderness,*509 which lay on all sides of the point selected for the reservation, was destined to be occupied and settled by the white man, hence interfering with the hitherto untrammeled right of occupancy of the Indian. For this reason, to protect his rights, and to preserve for him a home where his tribal relations might be enjoyed under the shelter of the authority of the United States, the reservation was created. While confining him to the reservation, and in order to give him the privilege of hunting in the designated districts, so long as the necessities of civilization did not require otherwise, the provision in question was doubtless adopted, care being, however, taken to make the whole enjoyment in this regard dependent absolutely upon the will of congress. To prevent this privilege from becoming dangerous to the peace of the new settlements as they advanced, the provision allowing the Indian to avail himself of it only while peace reigned on the borders was inserted. To suppose that the words of the treaty intended to give to the Indian the right to enter into already established states, and seek out every portion of unoccupied government land, and there exercise the right of hunting, in violation of the municipal law, would be to presume that the treaty was so drawn as to frustrate the very object it had in view. It would also render necessary the assumption that congress, while preparing the way, by the treaty, for new settlements and new states, yet created a provision, not only detrimental to their future well-being, but also irreconcilably in conflict with the powers of the states already existing. It is undoubted that the place in the state of Wyoming, where the game in question was killed, was, at the time of the treaty, in 1868, embraced within the hunting districts therein referred to. But this fact does not justify the implication that the treaty authorized the continued enjoyment of the right of killing game therein, when the territory ceased to be a part of the hunting districts, and came within the authority and jurisdiction of a state. The right to hunt, given by the treaty, clearly contemplated the disappearance of the conditions therein specified. Indeed, it made the right depend on whether the land in the hunting districts was unoccupied *510 public land of the United States. This, as we have said, left the whole question subject entirely to the will of the United States, since it provided, in effect, that the right to hunt should cease the moment the United States parted with the title to its land in the hunting districts. No restraint was imposed by the treaty on the power of the United States to sell, although such sale, under the settled policy of the government, was a result naturally to come from the advance of the white settlements in the hunting districts to which the treaty referred. And this view of the temporary and precarious nature of the right reserved in the hunting districts is manifest by the act of congress creating
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the Yellowstone Park reservation, for it was subsequently carved out of what constituted the hunting districts at the time of the adoption of the treaty, and is a clear indication of the sense of congress on the subject. 17 Stat. 32; 28 Stat. 73. The construction which would affix to the language of the treaty any other meaning than that which we have above indicated would necessarily imply that congress had violated the faith of the government and defrauded the Indians by proceeding immediately to forbid hunting in a large portion of the territory where it is now asserted there was a contract right to kill game created by the treaty in favor of the Indians.

The argument now advanced in favor of the continued existence of the right to hunt over the land mentioned in the treaty, after it had become subject to state authority, admits that the privilege would cease by the mere fact that the United States disposed of its title to any of the land, although such disposition, when made to an individual, would give him no authority over game, and yet that the privilege continued when the United States had called into being a sovereign state, a necessary incident of whose authority was the complete power to regulate the killing of game within its borders. This argument indicates at once the conflict between the right to hunt in the unoccupied lands within the hunting districts and the assertion of the power to continue the exercise of the privilege in question in the state of Wyoming in defiance *511 of its laws. That 'a treaty may supersede a prior act of congress, and an act of congress supersede a prior treaty,' is elementary. Fong Yue Ting v. U. S., 149 U. S. 698, 13 Sup. Ct. 1016; The Cherokee Tobacco, 11 Wall. 621. In the last case it was held that a law of congress imposing a tax on tobacco, if in conflict with a prior treaty with the Cherokees, was paramount to the treaty. Of course, the settled rule undoubtedly is that repeals by implication are not favored, and will not be held to exist if there be any other reasonable construction. Cope v. Cope, 137 U. S. 682, 11 Sup. Ct. 222, and authorities there cited. But, in ascertaining whether both statutes can be maintained, it is not to be considered that any possible theory by which both can be enforced must be adopted, but only that repeal by implication must be held not to have taken place if there be a reasonable construction by which both laws can co-exist consistently with the intention of congress. U. S. v. Sixty-Seaven Packages Dry Goods, 17 How. 87; District of Columbia v. Hutton, 143 U. S. 18, 12 Sup. Ct. 369; Frost v. Wenig, 157 U. S. 46, 15 Sup. Ct. 532. The act which admitted Wyoming into the Union, as we **1079 have said, expressly declared that that state should have all the powers of the other states of the Union, and made no reservation whatever in favor of the Indians. These provisions alone considered would be in conflict with the treaty, if it was so construed as to allow the Indians to seek out every unoccupied piece of government land, and thereon disregard and violate the state law, passed in the undoubted exercise of its municipal authority. But the language of the act admitting Wyoming into the Union, which recognized her co-equal rights, was merely declaratory of the general rule.

In Pollard v. Hagan (1845) 3 How. 212, the controversy was as to the validity of a patent from the United States to lands, situate in Alabama, which, at the date of the formation of that state, were part of the shore of the Mobile river between high and low water mark. It was held that the shores of navigable waters and the soil under them were not granted by the constitution to the United States, and hence the jurisdiction exercised thereover by the federal government, before the formation of the new state, was held temporarily *512 and in trust for the new state to be thereafter created, and that such state, when created, by virtue of its being, possessed the same rights and jurisdiction as had the original states. And, replying to an argument based upon the assumption that the United States had acquired the whole of Alabama from Spain, the court observed that the United States would then have held it subject to the constitution and laws of its own government. The court declared (page 229) that to refuse to concede to Alabama sovereignty and jurisdiction over all the territory within her limits would be to 'deny that Alabama has been admitted into the Union on an equal footing with the original states.' The same principles were applied in Louisiana v. First Municipality, 3 How. 589.

In Withers v. Buckley (1857) 20 How. 84, it was held that a statute of Mississippi, creating commissioners for a river within the state, and prescribing their
powers and duties, was within the legitimate and essential powers of the state. In answer to the contention that the statute conflicted with the act of congress which authorized the people of Mississippi territory to form a constitution, in that it was inconsistent with the provision in the act that 'the navigable rivers and waters leading into the same shall be common highways, and forever free, as well to the inhabitants of the state of Mississippi as to other citizens of the United States,' the court said (page 92):

'In considering this act of congress of March 1, 1817, it is unnecessary to institute any examination or criticism as to its legitimate meaning, or operation, or binding authority, further than to affirm that it could have no effect to restrict the new state in any of its necessary attributes as an independent sovereign government, nor to inhibit or diminish its perfect equality with the other members of the confederacy with which it was to be associated. These conclusions follow from the very nature and objects of the confederacy, from the language of the constitution adopted by the states, and from the rule of interpretation pronounced by this court in the case of Pollard's Lessee v. Hagan, 3 How. 223.'

*S513* A like ruling was made in *Escanaba & L. M. Transp. Co. v. City of Chicago* (1882) 107 U. S. 678, 2 Sup. Ct. 185, where provisions of the ordinance of 1787 were claimed to operate to deprive the state of Illinois of the power to authorize the construction of bridges over navigable rivers within the state. The court, through Mr. Justice Field, said (page 683, 107 U. S., and page 185, 2 Sup. Ct.):

'But the states have full power to regulate within their limits matters of internal police, including in that general designation whatever will promote the peace, comfort, convenience, and prosperity of their people.'

And it was further added (page 688, 107 U. S., and page 185, 2 Sup. Ct.):

'Whatever the limitation upon her powers as a government while in a territorial condition, whether from the ordinance of 1787 or the legislation of congress, it ceased to have any operative force, except as voluntarily adopted by her, after she became a state of the Union. On her admission she at once became entitled to and possessed of all the rights of dominion and sovereignty which belonged to the original states. She was admitted, and could be admitted, only on the same footing with them. * * * Equality of the constitutional right and power is the condition of all the states of the Union, old and new.'

In *Cardwell v. Bridge Co.* (1884) 113 U. S. 205, 5 Sup. Ct. 423, Escanaba & L. M. Transp. Co. v. City of Chicago, supra, was followed, and it was held that a clause, in the act admitting California into the Union, which provided that the navigable waters within the state shall be free to citizens of the United States, in no way impaired the power which the state could exercise over the subject if the clause in question had no existence. Mr. Justice Field concluded the opinion of the court as follows (page 212, 113 U. S., and page 423, 5 Sup. Ct.):

'The act admitting California declares that she is 'admitted into the Union on an equal footing with the original states in all respects whatever.' She was not, therefore, shorn, by the clause as to navigable waters within her limits, of any of the powers which the original states possessed over such waters within their limits.'

A like conclusion was applied in the case of *S514 Bridge Co. v. Hatch.* 125 U. S. 1, 8 Sup. Ct. 811, where the act admitting the state of Oregon into the Union was construed.

Determining, by the light of these principles, the question whether the provision of the **1080 treaty giving the right to hunt on unoccupied lands of the United States in the hunting districts is repealed, in so far as the lands in such districts are now embraced within the limits of the state of Wyoming, it becomes plain that the repeal results from the conflict between the treaty and the act admitting that state into the Union. The two facts, the privilege conferred and the act of admission, are irreconcilable, in the sense that the two, under no reasonable hypothesis, can be construed as co-existing.

The power of all the states to regulate the killing of
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game within their borders will not be gainsaid, yet, if the treaty applies to the unoccupied land of the United States in the state of Wyoming, that state would be bereft of such power, since every isolated piece of land belonging to the United States as a private owner, so long as it continued to be unoccupied land, would be exempt in this regard from the authority of the state. Wyoming, then, will have been admitted into the Union, not as an equal member, but as one shorn of a legislative power vested in all the other states of the Union, a power resulting from the fact of statehood and incident to its plenary existence. Nor need we stop to consider the argument, advanced at bar, that as the United States, under the authority delegated to it by the constitution in relation to Indian tribes, has a right to deal with that subject, therefore it has the power to exempt from the operation of state game laws each particular piece of land, owned by it in private ownership within a state, for nothing in this case shows that this power has been exerted by congress. The enabling act declares that the state of Wyoming is admitted on equal terms with the other states, and this declaration, which is simply an expression of the general rule, which presupposes that states, when admitted into the Union, are endowed with powers and attributes equal in scope to those enjoyed by the states already admitted, repels any presumption that in this particular case congress intended to admit Wyoming to the state of Wyoming with diminished governmental authority. The silence of the act admitting Wyoming into the Union, as to the reservation of rights in favor of the Indians, is given increased significance by the fact that congress, in creating the territory, expressly reserved such rights. Nor would this case be affected by conceding that congress, during the existence of the territory, had full authority, in the exercise of its treaty-making power, to charge the territory, or the land therein, with such contractual burdens as were deemed best, and that, when they were imposed on a territory, it would be also within the power of congress to continue them in the state, on its admission into the Union. Here the enabling act not only contains no expression of the intention of congress to continue the burdens in question in the state, but, on the contrary, its intention not to do so is conveyed by the express terms of the act of admission. Indeed, it may be further, for the sake of the argument, conceded that, where there are rights created by congress, during the existence of a territory, which are of such a nature as to imply their perpetuity, and the consequent purpose of congress to continue them in the state, after its admission, such continuation will, as a matter of construction, be upheld, although the enabling act does not expressly so direct. Here the nature of the right created gives rise to no such implication of continuance, since, by its terms, it shows that the burden imposed on the territory was essentially perishable, and intended to be of a limited duration. Indeed, the whole argument of the defendant in error rests on the assumption that there was a perpetual right conveyed by the treaty, when, in fact, the privilege given was temporary and precarious. But the argument goes further than this, since it insists that although, by the treaty, the hunting privilege was to cease whenever the United States parted merely with the title to any of its lands, yet that privilege was to continue, although the United States parted with its entire authority over the capture and killing of game. Nor is there force in the suggestion that the Cases of the Kansas Indians, 5 Wall. 737, and the New York Indians, Id. 761, are in conflict with these views. The first case (that of the Kansas Indians) involved the right of the state to tax the land of Indians owned under patents issued to them in consequence of treaties made with their respective tribes. The court held that the power of the state to tax was expressly excluded by the enabling act. The second case (that of the New York Indians) involved the right of the state to tax land embraced in an Indian reservation, which existed prior to the adoption of the constitution of the United States. Thus these two cases involved the authority of the state to exert its taxing power on lands embraced within an Indian reservation,—that is to say, the authority of the state to extend its powers to lands not within the scope of its jurisdiction,—while this case involves a question of whether, where no reservation exists, a state can be stripped, by implication and deduction, of an essential attribute of its governmental existence. Doubtless the rule that treaties should be so construed as to uphold the sanctity of the public faith ought not to be departed from. But that salutary rule should not be made an instrument for violating the public faith by distorting the words of a treaty, in order to imply

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that it conveyed rights wholly inconsistent with its
government, and in conflict with an act of congress, and
also destructive of the rights of one of the states. To
refer to the limitation contained in the territorial act,
and disregard the terms of the enabling act, would be
to destroy and obliterate the express will of congress.

For these reasons the judgment below was erroneous,
and must therefore be reversed, and the case must be
remanded to the court below with directions to dis-
charge the writ **1081 and remand the prisoner to
the custody of the sheriff, and it is so ordered.

Mr. Justice BREWER, not having heard the argu-
ment, takes no part in this decision.

Mr. Justice BROWN, dissenting.
As the opinion of the court seems to me to imply and
to sanction a distinct repudiation by congress of a
treaty with the Bannock Indians, I am unable to give
my assent to it. The facts are in a nutshell.

*517 On July 3, 1868, the United States entered into
a treaty (15 Stat. 673) with the Shoshonees and Bann-
nock tribes of Indians, by which the latter agreed to
accept and settle upon certain reservations, and the
former agreed that the Indians should have 'the right
to hunt on the unoccupied lands of the United States,
so long as game may be found thereon, and so long
as peace subsists among the whites and Indians on
the borders of the hunting districts.'

A few days thereafter, and on July 25, 1868, congress
passed an act 'to provide a temporary government for
the territory of Wyoming' (15 Stat. 178), within
which the Bannock reservation was situated, with a
proviso 'that nothing in this act shall be construed to
impair the rights of person or property now pertaining
to the Indians in said territory, so long as such
rights shall remain unextinguished by treaty between
the United States and such Indians.'

So far as it appears, the above treaty still remains in
force, but the position of the majority of the court is
that the admission of the territory of Wyoming as a
state abrogated it pro tanto, and put the power of the
Indians to hunt on the unoccupied lands of the United
States completely at the mercy of the state govern-
ment.

Conceding, at once, that it is within the power of con-
gress to abrogate a treaty, or, rather, that the exercise
of such power raises an issue, which the other party
to the treaty is alone competent to deal with, it will be
also conceded that the abrogation of a public treaty
ought not to be inferred from doubtful language, but
that the intention of congress to repudiate its obliga-
tion ought clearly to appear. As we said in Huen-
stein v. Lynham, 100 U. S. 483, 'where a treaty ad-
mits of two constructions, one restricted as to the
rights that may be claimed under it, and the other lib-
eral, the latter is to be preferred. Such is the settled
rule of this court.' See also, Chew Heong v. U. S.,

It appears from the first article that this treaty was
entered into at the close of a war between the two
contracting parties; that the Indians agreed to accept
certain reservations of land, and the United States, on
its part, 'solemnly agreed' that no *518 persons, with
certain designated exceptions, 'shall ever be permit-
ted to pass over, settle upon, or reside in the territory
described in this article for the use of said Indians,
and * * * they shall have the right to hunt on the un-
occupied lands of the United States so long as game
may be found thereon, and so long as peace subsists
between the whites and the Indians on the borders of
the hunting districts.' The fact that the territory of
Wyoming would ultimately be admitted as a state
must have been anticipated by congress, yet the right
to hunt was assured to the Indians, not until this
should take place, but so long as game may be found
upon the lands, and so long as peace should subsist
on the borders of the hunting districts. Not only this,
but the territory was created with the distinct reserva-
tion that the rights of the Indians should not be con-
strued to be impaired so long as they remained unex-
tinguished by further treaty. The right to hunt was not
one secured to them for sporting purposes, but as a
means of subsistence. It is a fact, so well known that
we may take judicial notice of it, that the Indians
have never been an industrial people, that even their
agriculture was of the rudest description, and that
their chief reliance for food has been upon the chase.
The right to hunt on the unoccupied lands of the
United States was a matter of supreme importance to
them, and, as a result of being deprived of it, they can
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hardly escape becoming a burden upon the public. It is now proposed to take it away from them, not because they have violated the treaty, but because the state of Wyoming desires to preserve its game. Not doubting for a moment that the preservation of game is a matter of great importance, I regard the preservation of the public faith, even to the helpless Indian, as a matter of much greater importance. If the position of the court be sound, this treaty might have been abrogated the next day by the admission of Wyoming as a state, and what might have been done in this case might be done in the case of every Indian tribe within our boundaries. There is no limit to the right of the state, which may, in its discretion, prohibit the killing of all game, and thus practically deprive the Indians of their principal means of subsistence.

*519 I am not impressed with the theory that the act admitting Wyoming into the Union upon an equal footing with the original states authorized them to impair or abrogate rights previously granted by the sovereign power by treaty, or to discharge itself of burdens which the United States had assumed before her admission into the Union. In the Cases of the Kansas Indians, 5 Wall. 737, we held that a state, when admitted into the Union, was bound to respect an exemption from taxation which had been previously granted to tribes of Indians within its borders, because, as the court said, the state of Kansas 'accepted this status when she accepted the act admitting her into the Union. Conferring rights and privileges on these Indians cannot affect their situation, which can only be changed by treaty stipulation, or a voluntary **1082 abandonment of their tribal organization. As long as the United States recognizes their national character, they are under the protection of the treaties and laws of congress, and their property is withdrawn from the operation of state laws.'

I understand the words 'unoccupied lands of the United States' to refer, not only to lands which have not been patented, but also to those which have not been settled upon, fenced or otherwise appropriated to private ownership, but I am quite unable to see how the admission of a territory into the Union changes their character from that of unoccupied to that of occupied lands.

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163 U.S. 504, 16 S.Ct. 1076, 41 L.Ed. 244

END OF DOCUMENT
SETTLERS MASSACRED

AT LEAST SIXTEEN FAMILIES BUTCHERED IN JACKSON'S HOLE BY THE RED DEVILS.

SMOKE OF BURNING SETTLEMENTS SEEN FROM THE GRAND TETON. REPORTS FROM ALL POINTS STATE THE MASSACRE HAS TAKEN PLACE, BUT THE DETAILS ARE NOT YET OBTAINABLE - TROOPS MAY ARRIVE TOO LATE.

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Undoubtedly the white settlers would sooner or later come into disagreement with the Native Americans over subsistence hunting in the national forests. In 1868 when the treaty was first negotiated, little thought was given to the rapidly expanding western migration of the white men. By treaty, the Indians had been given a right to hunt on federal lands. Such a right has monetary value, and to arbitrarily deny that right under guise of "Eminent Domain" without just compensation seems most incredible.

This is a tale of one such incident wherein the citizens of Jackson Hole, Wyoming conspired with the Governor of Wyoming to deny the Native Americans their treaty hunting right by enforcing the game laws of the state. In doing so lives were needlessly lost and suffering was inflicted upon the innocent. Before the incident or war was over the Calvary was called into the fray to protect the citizenry. The lawsuit that followed reached the Supreme Court of the land for arbitration. The adjudication of the court was a surprise.