THE INDIAN WAR.

Fighting on the Plains—Detailed Account of Forsyth's Fight on the Delaware Fork—The Savage Warriors Try to Run Down the Party—Daring of the Scouts—The Indian Women Chant Victory and Their Songs Turned to Mourning—The Indians Lay Siege to the Scouts—Sufferings of the Wounded—The Men Live on Putrid Meat—The Relief.

FORT WALLACE, Kansas, Oct. 3, 1868.

The opening of the present Indian war has been attended by one of the most daring, heroic and decisive expeditions which have yet characterized our Indian hostilities. Surrounded by vastly superior numbers, without food and shelter, miles away from succor, starving, wounded and sick, the proud and merciless warriors of the Plains were defeated by a little band who knew their only chances of life were in looking death in the face and contesting with him the meed of victory. The expedition of Colonel Forsyth and his trusty band will ever be remembered, and the annals of the frontiers will not fail to record their almost supernatural bravery. As no detailed account has been given of this heroic achievement I will tell the story from the scouts themselves, who are now lying here recovering from their fatigues and preparing for another hunt after redskins.

THE SCOUTING PARTY AND ITS DEPARTURE.

During the latter part of August General Sheridan determined that a thorough scout of the country lying towards the north, between the Smoky Hill and the Republican Fork, should be made in order to detect the movements of the large body of Indians who had committed the depredations and massacred the settlers along the Solomon and the Saline. For this purpose he directed that a body of scouts should be organized. Between forty and fifty picked men were selected. Most of them were old frontiers men and many veterans of the late volunteer army, some coming from forts Harker, Ellsworth, Hays and Sheridan, and a few were men who escaped the massacre on the Solomon and the Saline. No better body of men, in view of the hazardous duty, was ever collected—hardy, muscular men, accustomed to every variety of exposure and hardship, and a majority dead shots. At the earnest solicitation of that gallant young officer, Brevet Colonel George A. Forsyth was appointed to command the party, and was accompanied by Lieutenant Fred. H. Beecher, of the Third infantry, whose reputation as a scout was unequalled in the army. The command as organized comprised forty-six men.

The name which the party assumed was the Solomon Avengers, in allusion to the massacre on that stream. On August 27 the party left Fort Hays, the point at which they were organized, and moved directly north, crossing Big Creek, the muddy branch of Solomon Fork and Prairie Dog creek, striking the Beaver creek and thence south to Fort Wallace. During the entire journey no Indians were seen, although several old trails and abandoned camps were discovered. The country was filled with game and the buffalo roamed over the plains in vast herds, and gave no indications that they had recently been disturbed.

At Fort Wallace, this point, the party refitted, and, with the same officers and men, again started. It was on the morning of September 10 that they moved out of the fort upon the open plain, towards Sheridan, the terminus of the Union Pacific Railway, the Southern road. But a few days before a desultory band of Indians had visited the vicinity of Sheridan and killed a Mexican, who was herding cattle. The trail of this party, which led to the north, was followed for a distance of thirty miles, but the Indians had disappeared. The next day, September 11, Colonel Forsyth took Custer's old trail and camped the same night on Thickwood creek.

GETTING ON THE TRAIL.

On September 12 a small war party of Indians was discovered moving towards the settlements, but were considered not worth following. Forsyth therefore pushed on, reaching the Republican river. He crossed that stream, discovering a recent trail, and the same night camped on the north fork of the Republican.

The next day, September 13, the course was due north, following the windings of the north fork, and by night again struck the Republican. The next day the party struck a trail, which they followed for three days, reaching the Delaware fork of the Republican—also called Bobtail Deer creek. During this time no Indians were seen, but the indications were growing more decided, showing that they were approaching the Indian camp. The trail was broad and freshly made, and the plain was covered with traces of an immense number of animals having passed that way.

SUDDEN APPEARANCE OF THE REDSKINS.

On the morning of September 17, before the Forsyth's had mounted, preparatory to leaving camp, the shouts of "Indians, Indians," were given by the men. The scouts were immediately ordered to prepare for action. About twelve of the savages rushed upon the scouts, yelling fiercely, firing and waving their blankets, with the intention of creating a stampede of the stock. Seven animals were thus driven off. The remainder were seized and retained. The scouts, after some brisk firing, drove the savages back. Orders were now given to saddle the horses, but before the command was entirely complied with the whole vicinity of the place suddenly swarmed with Indians. The position occupied by the scouts was greatly exposed. The valley was covered with a high grass, under cover of which the sharpshooters of the Indians were enabled with comparative safety to approach from all quarters within easy range of the scouts. In the middle of the Delaware fork, about twenty rods distant, was an island formed by the channels of the river. At the time, as is the characteristic of the majority of the Plains rivers at this season, one channel was perfectly dry and the other had but a narrow thread of water but a few inches in depth running in it. The position, however, had the advantage of an open space for some distance around it, and under any circumstances of stealth the savages could not get within twenty rods of the position without being seen.

There was but one thing to be done and that was for the scouts to abandon their dangerous and exposed ground and retire to the island. The order was given, so closely had the savages pushed their advance line and so hurriedly was it necessarily executed in order to avoid being overpowered or cut off, that the few rations the men had were left on the ground of the old camp; also about thirty pounds of bacon and twenty pounds of salt. At the time the Indians appeared these few supplies, the last that were on hand, were about to be distributed, and the intention was to push on regardless of this threatening scarcity of food, not wishing to return without accomplishing something. The Indians captured these supplies and also one panier containing all the medical supplies with the party.

PREPARATIONS FOR THE FIGHT.

Upon reaching the island the scouts tied their horses to a few stunted trees on the island. The men dismounted and were stationed about the island, while a few to positions along its edge.

When the savages discovered themselves foiled in fighting upon their own ground 250 young warriors were dismounted to act as sharpshooters, while at least 500 veteran warriors under the direction of one of their bravest chiefs made preparations to attack the island. The mounted savages, their faces daubed with war paint, disrobed themselves of all useless trappings; their bodies were bare to the waist, their leggings and a clout about their loins alone covering their nakedness; shields and arrows and quivers were fastened to their persons; and, their rifles in hand, they formed for a novel experiment in their system of warfare—a direct charge. The old chief at their head turned to address the savage band, the old men urged the young to deeds of valor; the big medicine man, who held the tribe under the infatuation that he had the power to charm their lives, rode about the field, beating his drum, exclaiming that "the white man's bullets would melt before them." So confident were the savages of the capture of the beleagured band that the women and children were brought down to see the conflict and began their chants of victory. Some danced hideously upon the surrounding hills; others crowded closely upon the rear of the warriors, ready to follow them in the work of blood and spoils.

These were breathless moments on the island. The day was bright and cheerful. More than 700 savages, mounted and on foot, waited upon the plain the signal to launch themselves upon the sturdy forty-six men whom they confronted. The anticipation of the streams of blood about to run and the scalps to attest their heroism stirred the savage breast to fury. A few isolated shots were fired. The women chanted victory; the old men repeated the days of their youth to excite the emulation of the young; the medicine man, frantic with excitement, shouted and beat his drum; the chief, with the claws of birds and animals, the coronet of feathers and the eagle beak upon his head and all the insignia of command, shouted; instantly, with one fierce, responsive shout, across the plain plunged the frantic warriors. From the island came not a whisper. With yells and violent gestures on came the savage horde. The medicine man drummed and shouted his incantations; the chief looked the personification of hellish design.

THE INDIAN ATTACK AND REPULSE.

It was now nine o'clock in the morning. A few moments broke the stillness of the island. As the savage line came within range the quick rifles of the scouts picked their men. Suddenly a wall of fire rose between the savage host and the steady scouts. Many a warrior and horse fell to the dust. Furiously the savages yelled revenge, but their reply was death. They quivered, and for a moment astounded at the opposition, halted, and in an instant staggered back. Within ten feet of the advance scouts the savage dead and wounded were lying. During the charge the Indian sharpshooters also poured in some heavy shots, which fortunately were fired high or the havoc would have been certain defeat to the scouts. In this ordeal of fire and confusion the little band on the island also suffered. About the first person hit was Colonel Forsyth, a ball striking him in the upper part of the leg. He exclaimed "I am shot!" Not three minutes later a ball struck the lower part of the left leg a short distance below the knee, producing a compound fracture and breaking the bone. He coolly said, "I am shot again, and my leg is broken." Apparently in the same volley Lieutenant Beecher was struck in the side, the ball passing through and fracturing the spine, from which he died. Doctor Moores was shot in the head and died three days after.

The three officers were now wounded—two mortally. The Indians, notwithstanding their losses, were bent upon another attempt. Colonel Forsyth, wounded as he was, continued the command, giving his orders through Abner S. Grover, or as he is known among his comrades, "Sharp Grover." Grover's experience, daring and determination fitted him for the desperate work still to be executed. Orders were given to the scouts to improve the lull in the conflict by digging rifle pits. Butcher and jackknives were used. Grover, after digging a place for himself, enlarged it sufficiently and then drew Colonel Forsyth into it. Here the Colonel remained suffering from his wounds, but constantly issuing his orders, which were promptly executed by his trusty scout Grover.

THE ATTACK RENEWED AND REPULSED.

The men were pretty well covered behind the little sand hills they had thrown up, when the Indians gave signs of again attacking the island. The savage leaders made the same efforts at inciting the young warriors to annihilate the white men. The women lent their encouraging words. The chief, from an elevation near the island where he could be seen, checked his horse, and with a bearing of authority and persuasion in his native tongue addressed his warriors. "Young warriors," said he, "we are many and the whites are few. The white bullets are almost all gone. All now that is needed is one more big run to bring the whites in."

The old men whooped at these words of the chief. When partial quiet was restored Grover, understanding the language and what the chief had said, shouted to the chief, "Hello, old fellow, what do you think now? This is pretty tough, ain't it?" The chief, somewhat surprised, looked in the direction of the island and replied, "You speak right straight," meaning that the scout was correct.

At eleven o'clock the savages were again ready and with shouting and brandishing of weapons dashed upon the island. The men, better protected, were enabled to fire with greater precision. The Indian line again reeled, and the warriors dashed back sullenly out of the reach of fire. Another charge was made almost immediately, but in neither did the savages display that determination evinced in the first. They were evidently badly crippled. The scouts fought as bravely as ever, losing two of their number killed.

Failing to accomplish their purpose the savages commenced firing upon the horses and mules tied to the trees. This was a question of time, as it was dangerous to get within too close range for fear of a bullet from the island. Early in the afternoon the last animal was shot down and as he fell a young warrior jumped up and shouted with an air of satisfaction and in good English, "There, their last d—d horse is gone."

Between two and three o'clock a large body of the Indians renewed the attack in their own style of warfare, riding around the island in a circle, each time coming nearer and firing or dropping themselves behind their horses as opportunity or necessity seemed to dictate. This was the last hostile demonstration in force for the day. Firing from the sharpshooters, however, kept up until eight o'clock in the evening.

AFTER THE BATTLE.

As night set in Forsyth found his situation to be anything but cheering. The savages were still around him. Himself was wounded, his lieutenant dead and his surgeon barely alive, two men had been killed and seventeen were wounded. He was without transportation and almost out of food. There was but one thing to be done, that was to get messengers through to Fort Wallace. This was a last act of desperation, and to attempt its execution two experienced young scouts, Stillwell and Trudell, volunteered. Crawling off the island, with nothing but their trusty rifles with them, they were soon lost in the darkness. Those who remained now prepared for a siege. The pockets of the saddles on the horses were searched and all the ammunition brought in. More substantial sand defences were thrown up. The night was warm and pleasant, the wounded were comparatively easy.

During the night, in the stillness of the air, from the savage camp the songs of victory were heard tuned to the mournful strains of sorrow. The dead, who were the evidences of the disasters of the day, were receiving the last offices of the living and the wounded and dying received the tokens of commiseration and sympathy.

On the following morning, September 18, at the dawn of day, the savages came dashing toward the island, in the evident anticipation that the white men had left during the night. A well directed volley, in addition to teaching them the contrary, occasioned several redskins to bite the dust as a consequence of their temerity. During the day two wells were sunk which afforded water. The next thing was something to support life until aid could be had from the fort, at least eighty miles off. There was now scarcely a pound of food left, and that day was sure to see the last morsel consumed, and poor prospect ahead. The savages were still present. During the day there was some sharp shooting, but no one hurt, as the sandworks were a complete protection. The same night it rained heavily, which caused great suffering among the wounded.

On the 19th a few savages were seen peeping over the hills, but a few shots drove them off. About three o'clock in the afternoon twenty-five warriors appeared on a hill opposite the island bearing a white flag. Orders were given to shoot the first person who came within range. One of the men shouted out to keep off; "this is no Indian peace commission." The object the savages pretended to have was to carry off three of their dead who were lying upon the island. When they discovered they could not take advantage in this way they retired.

THE RETREAT OF THE SAVAGES.

It was evident that the savages had enough of the fight, and firing having ceased several of the scouts made a reconnoissance to the old camp. Here they found some coffee pots and out of the sand picked a few grains of coffee. This was like a gift of some benevolent spirit who seemed to watch over the devoted band. Fires were made out of the Indian arrows lying around, and a refreshing stimulant of coffee was given to the wounded, which seemed to refresh their energies and gave a new lease of strength to endure their privations and sufferings. Fires were also built in the trenches, and the scouts, as an alternative between starvation or horseflesh, cut from the dead animals lying around large quantities of meat, which they jerked after the fashion of the Indians, and thus secured a supply of food for several days.

The same night two more messengers were sent to seek relief. These men were Donovan and Pizly. While the scouts were preparing against an enemy more powerful than the red man, the death wail of a few Indian women was again heard. Some other warrior dying of his wounds had gone to the happy hunting ground.

SUFFERINGS OF THE BAND.

Four days had passed. A few shots were exchanged with a party left to watch the movements of the scouts. The main body of the Indians had now retired. The well men having now some respite in the dangers by which they had been surrounded turned their attention to the care of the wounded men. The wounds, which had become very painful from neglect, were rudely dressed. Soup was made for them and the little coffee still left was also served. A shelter was constructed which protected them from the winds. On the 21st two Indians were seen at a distance. The scouts occupied themselves in collecting saddles and bridles so as to have them ready for transportation when relief came.

On the 22d the wounds of the men commenced to show signs of protracted neglect. Maggots infested them and premonitory signs of mortification set in. To render the situation of the party still worse, the presence of the dead animals about the island was grown intolerable. The sixth day had come, and still no relief. The jerked horse meat was well nigh exhausted. Under this trying situation the commanding officer called his men around him. He told them they knew their situation; that there were those who were helpless, but they must not expect aid too soon. It might be difficult to get to the fort, or there might be some mistake in finding the way. The men were as true as when they started, and they resolved upon remaining together and await relief or starve.

On the seventh day the jerked horse meat was out. The animals from which they had taken their supply were now a mass of corruption. There was no alternative. What is not preferable to the insidious march of such a death. Hunger is a great sharpener of appetite, but starvation has no bounds to the limits of its cravings. From the remains of the horse strips of putrid meat were taken and eaten. The effect of this offensive diet was nauseating. An effort was made to improve the flavor by pouring gunpowder upon it, but with no result. The men allayed hunger as far as possible in this revolting way, and trusted with a last hope for succor before their last strength was gone.

On the morning of September 25 the sun rose with unusual brightness, and the solitary plain, receding in all directions, seemed to possess unusual interest. Across its dim distances the eyes of the little band wandered, wondering what the next moment might bring to view. Towards nine o'clock several dark moving objects were discernible on the horizon. The question was, were they savages or the messengers of relief.

RELIEF AT HAND.

As time wore on Brevet Lieutenant Colonel L. H. Carpenter, Assistant Surgeon Fitzgerald, United States army, accompanied by the second scout—Donovan—who was sent out for relief and thirty men, could be seen approaching, and as they discovered the little party dashed ahead at the top speed of their animals and were soon in the midst of those who saw in their presence the first ray to cheer the termination of their sufferings.

The next day Brevet Colonel H. C. Bankhead arrived from Fort Wallace with an abundance of supplies for the wounded and well. Colonel Brisbin, Second cavalry, also reached the camp.

As soon as the more immediate wants of the relieved scouts were satisfied and the wounded had their wounds temporarily dressed, Colonel Bankhead assumed command and commenced the homeward march. The severely wounded were put into ambulances, and those slightly, as well as the well who could not be remounted, were placed in wagons. Several days march without an event worthy of note found the rescued and the rescuers safely back at Fort Wallace.

Interesting Letter from General Brisbin.

General Brisbin, writing to a friend in St. Louis, under date September 8, says:—

I got here this forenoon, after a most fatiguing march by day and night. By order of General Bradley, we pressed forward to the relief of Colonel Forsyth, of General Sheridan's staff, who was surrounded by Indians on the morning of the 17th inst. He tells me that, as he was at breakfast on that morning, about a dozen Indians suddenly charged through his camp, stampeding and capturing seven head of horses. In a few minutes afterwards a large body of savages, dressed with feathers and painted for war, were seen coming down a ravine on his left. Having a bad position, Colonel Forsyth fell back a few hundred yards to a little island in Dry creek, where the men began throwing up sand breastworks with their hands. Before, however, they could make any shelter, fully 600 warriors charged them, and killed all their horses and several men. The Indians fell back a little way after the first charge, and the Indian women and children appeared on the hill, chanting the war song, dancing, clapping their hands, and apparently encouraging the warriors to renew the attack. The Indians evidently intended to make a Fort Phil Kearny affair of it and the most skilful and determined fighting only prevented them from killing every man in Colonel Forsyth's command. Colonel Forsyth fell at the first fire, receiving a ball in the right thigh, and one in the left leg, breaking it below the knee. Two companies of Indian Dog soldiers presently advanced to the attack, supported by three hundred warriors, principally Sioux and Cheyennes. For two hours the battle raged with great fury, the Indians charging the little sand breastworks repeatedly. Hundreds would dash up on ponies, and having got near the works suddenly throw themselves off on the ground, fire and sneak away in the tall grass. Finding they could not carry the works by charging, the hills and ravines were filled with sharpshooters, and then Indians on horses would ride through the fort in a circle to attract the attention of the besieged, and as they raised up to fire, Indian sharpshooters would pick them off.

By noon on the first day the Indian women changed their war song to wailing for the dead, and one woman was heard exclaiming, "Oh, my child! my child!" The battle lasted all day, Lieutenant Beecher, Fifth United States infantry, being mortally wounded by a ball in the back and dying a few hours afterwards in great agony. Before he died he repeatedly begged to be shot and put out of his misery. While attempting to dress the wound of Colonel Forsyth Dr. Moore received a shot in the head, fell and expired almost instantly. On the night of the 17th Colonel Forsyth sent out two scouts with directions to get through to Fort Wallace if possible and secure assistance. They found watchfires on all the hills, but by crawling on their hands and knees and travelling only at night they on the fifth day reached Fort Wallace, 110 miles distant. General Sheridan ordered neither money nor horseflesh to be spared in rescuing Colonel Forsyth and his men. Colonel Carpenter, Tenth United States cavalry, at once started with a company, and Colonel Bankhead set out with one hundred men from Wallace. General Bradley nor himself knew anything of the affair until the evening of the 20th, when a scout reached us, and I immediately saddled Max's and Bone's companies, Second United States cavalry, and started for the scene, fifty miles distant. At three o'clock this morning I met Colonel Bankhead, who was marching with all his might for Forsyth. At ten o'clock a scout met us and told us that Colonel Carpenter had reached Forsyth yesterday.

The attack was made on the 17th, and on the 18th, 19th, 20th and 21st there was fighting. Forsyth had with him sixty men, all scouts, hardy frontiersmen, who fought desperately, killing and wounding many of the Indians. After the first day Colonel Forsyth subsisted his men on horse meat. Colonel Carpenter found them eating putrid meat, and in a terrible condition, the wounded having been eight days without food or medical attendance. To-day we are burying the dead and caring for the sick and wounded. Dead Indians lay within fifteen feet of the breastworks, and the stench from their swollen and bloated bodies and the dead horses is terrible. Out of the sixty men in the fight Colonel Forsyth lost five killed and sixteen wounded. The bodies of all our dead are too much decomposed to be removed. Colonel Forsyth is doing well and will recover. This is the hardest Indian fight we have had for years, and reflects great credit on all engaged. Colonel Forsyth retained command of his men all the time, lying on his back and giving orders. To-morrow we will remove the wounded to Fort Wallace. The Indians lost a Cheyenne and Sioux chief. The Sioux also lost their great medicine man, whose drum and shield were captured by Colonel Carpenter. * * * * * *

JAS. S. BRISBIN.

IMPORTANT MILITARY ORDER.

Reclamation of the Women and Children of the Navajo Indians from Slavery or Peonage in Territories Adjacent to Their Homes.

GENERAL ORDERS—NO. 27.

HEADQUARTERS, DISTRICT OF NEW MEXICO, SANTA FE, New Mexico, Sept. 22, 1868.

The following resolution and instructions of Lieutenant General Sherman are published for the information and government of all concerned:—

(PUBLIC RESOLUTION, No. 65.)

Joint resolution to aid in relieving from peonage women and children of the Navajo Indians:—

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Lieutenant General W. T. Sherman be and is hereby authorized and requested to use the most efficient means his judgment will approve to reclaim from peonage the women and children of the Navajo Indians now held in slavery in the territory adjacent to their homes and the reservation on which the Navajo Indians have been confined.

Approved, July 27, 1868.

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI, ST. LOUIS, Mo. Sept. 8, 1868.

Brevet Major General GEORGE W. GETTY, Commanding District of New Mexico (through Major General Sheridan, Commanding Department of the Missouri).

General:—The joint resolution of both Houses of Congress, approved July 27, 1868, embodied in General Orders, No. 69, from the Headquarters of the Army, Adjutant General's office, under date of August 14, 1868, has already been sent you, and is again herewith enclosed. By this resolution I am authorized and requested to use the most efficient means my judgment will approve to reclaim from peonage the women and children of the Navajo Indians now held in slavery in the territory adjacent to their homes, and the reservation on which the Navajo Indians have been confined. By the fourteenth amendment to the constitution of the United States no person can be held as a slave in any part of the United States; but as the language of this resolution is restricted to the "women and children" of the Navajo Indians, I infer that the Navajo men restrained of their liberty, either as slaves or as peons, have full protection under a former law, and are construed as perfectly able to take care of themselves without our assistance; but that the women and children so held as slaves, or as peons, need the friendly assistance of the officers of our government.

I am not lawyer enough to say how far the steps to carry out this act of Congress, approved by my "judgment" and executed by my military subordinates, should override the local laws and customs of New Mexico; but inasmuch as New Mexico and Colorado are Territories of the United States, and Congress has the constitutional power to make "all needful rules and regulations respecting the Territory or other property of the United States," I infer that my power is sufficient, and that you may proceed to execute the instructions herein set forth, and should resistance occur in any case consult the United States District Attorney, if at hand, or report the case for my special consideration.

In the first place convey to the Navajoes themselves the substance of this law, and of our purpose to execute it in a spirit of fairness to them and in justice to the women and children affected. If they as a tribe, or any of them in their private capacities, wish to search for missing women or children supposed to be held in bondage, you may permit them to make search and provide for it out of the moneys held by you on account of the Navajo nation.

In like manner if you know or learn of the whereabouts of such women or children, or if any officer of your command obtain such knowledge, you or they may act in the nature of guardian to such women or children till they make election to remain where they are or to rejoin their tribe, in which case you may provide for their removal out of the money held by you as described.

If any woman be married away from her tribe, she should be permitted to have free choice of action. If unmarried and held as a servant, the officer should explain to her her rights under the law and leave her free to choose, satisfying himself that she receives wages and understands her true position.

If children, male or female, under the usual ages of manhood or womanhood, be held as slaves, peons or servants, they should be dealt with according to their age and intelligence. If old enough to form a reasonable judgment of their own interests, they should be allowed to choose their own course; but if too young or too obtuse the officer should himself judge of their true interests. If on inquiry their parents can be found and if they claim the restitution of their children, such restitution must be made without further question.

When children are held not as slaves, peons or servants, but at school or in good families with the usual care of other children, with reasonable certainty of being improved in their condition, the case should be specially reported to you, and you may take from the person or persons in charge of such child or children an obligation to educate and rear them to maturity, with the right then to rejoin their tribe if so inclined. In this case you should furnish the party or parties so holding the child or children a written permit to be their warrant for so holding the child, and should report the case to the agent of the Navajoes, that the knowledge thereof may reach the parents and chiefs of the tribe and their consent if possible obtained.

It may be well for you to give publicity to this in New Mexico, in English and Spanish, and to request all parties holding women and children supposed to be of Navajo origin, to give prompt notice thereof to the nearest commanding officer, or to yourself, that the case may be at once examined into and decided.

All expenses arising under this order you may charge to the appropriation of $200,000 for the benefit of the Navajoes, subject to your control, unless the agent should consent to allow the expenses to come out of the appropriation of $150,000 for the removal of the Navajoes, which was clearly intended to cover the case.

Should your better knowledge and judgment on the spot suggest any modification in the foregoing instructions please communicate the same to me for my consideration, and after a reasonable time report to me your acts under this letter that I may communicate the same to the Congress of the United States. I am, with great respect, your obedient servant,

W. T. SHERMAN, Lieutenant General.

By command of

Brevet Major General GETTY.

EDWARD HUNTER, First Lieutenant Twelfth infantry, Acting Assistant Adjutant General.

The Paris *Figaro* reports the death of Count Bobutoff, private coachman to the Emperor of Russia. He was very recently appointed Counsellor of State.

THE GAMBLE POISONING CASE.

Eleventh Day's Proceedings—The End of Margaret Winkler's Cross-Examination—Important Facts Elicited—Dr. R. D. Bogert on the Stand—He Testifies that He Was Present When Margaret Winkler was Questioned by the Prosecuting Counsel Outside of Court—Arrest of Margaret Winkler on the Charge of Larceny.

The eleventh day's proceedings of the preliminary examination of this peculiar case of alleged poisoning before Justice Bogert, Nanuet, Rockland county, N. Y., elicited testimony of material interest. In the progress of the cross-examination of Margaret Winkler, the German domestic in the Gamble family, much was adduced that contradicted her testimony on the direct examination. While she was upon the stand her examination was temporarily suspended in order to give one Dr. R. Bogert, a nephew of Justice Bogert, an opportunity to testify to the contents of a bottle which he furnished the prosecution and was shown Margaret Winkler the previous evening, which she recognized as looking like and smelling like the liquid given to Mrs. Gamble by Mr. Gamble the Saturday preceding her death. The defence proved by Dr. Bogert that in the presence of himself, the court interpreter, Mr. Eichoff, and the counsel of the prosecution Margaret Winkler had been questioned about the contents of this same bottle before she testified to its alleged similarity in smell and color to the liquid she saw and assisted Mr. Gamble in giving the deceased woman, and this in contradistinction to Margaret Winkler's testimony that neither before nor during her examination had she ever said anything to anybody or anybody said anything to her, or in her hearing or in her presence, regarding the color or smell of the liquid drank. In addition to her testimony, Margaret Winkler was the cause of some considerable excitement immediately after the adjournment of the court, as before she could leave the room after her examination had rested, constable Demorest, of New City, Rockland county, stepped up to her and arrested her on the charge of larceny, the execution of the warrant in his possession being purposely stayed until she "should tell her story" for the prosecution before the Justice. Margaret's exit with the constable was the closing scene of the day.

There was on hand the usual array of lawyers and during the day the same group of interested country people thronged the court room, the hallway and every available place either for hearing or seeing being occupied.

CROSS-EXAMINATION OF MARGARET WINKLER CONTINUED.

I heard the clock strike one as I entered Mrs. Gamble's room on the Saturday preceding her death; I did not do anything in the kitchen that afternoon; I was up stairs; I did not get dinner that afternoon, I got it in the forenoon; I don't know the time; I only know it was in the forenoon, as dinner is always got then; I have noticed other days the hour the clock struck; don't know what days.

Q. Can you tell the time of any other event or circumstance during that time by your having heard the clock strike? Objected to.

Mr. Clinton—The ground on which we have a right to ask this question is the ordinary ground taken in a cross-examination. We have a right to sift the evidence of the witness and to go into irrelevant and and immaterial matters for that purpose. It is usually the case where a witness comes upon the stand intending to commit perjury that she has learned the main facts by heart, and will tell them, and therefore it is perfectly proper to ask her about other events and circumstances with a view to see whether her memory was wholly confined to particular facts, and is wholly vacant as to other facts of like importance and just as well calculated to arrest her attention. Take it here. If, as we shall contend hereafter, this witness has deliberately intended to testify to that which is not true, from motives which I will not discuss now, then we have a perfect right to sift her evidence, by showing that, although she recollects here, to an hour and to a minute, whatever is now material to the prosecution, which, she says, she never before disclosed to a human being; yet if it follows that she paid no attention to the time of other events, which were just as much calculated to arrest her attention as this, it is a material argument to use in testing her credibility. She recollects the minute the clock struck on every occasion where it may further the interests of this prosecution, but in regard to other events she cannot possess or exhibit any accuracy whatever. It is always allowable to sift the evidence of a witness under such circumstances. Objection overruled.

Yes, I heard the hour strike the other day. Question repeated. I don't take sense out of that; I don't remember nothing about any other event before this Saturday at Mrs. Gamble's by hearing the clock strike; I was in Mrs. Gamble's room that Saturday keeping the flies off her; Mr. Gamble gave her something to drink that looked red.

At this juncture Dr. R. D. Bogert, who had been in court from its opening, arose and was walking to the door, when Mr. Clinton said, "Doctor, just one moment; I desire you to testify to the contents of that bottle you furnished the prosecution and that was shown to Margaret Winkler last evening."

Dotor—"Well, hurry; my time is precious."

Mr. Clinton (sotto voce)—"This is the first time he has been in a hurry since the case commenced."

The examination of Margaret Winkler was here suspended, and Dr. R. D. Bogert was sworn.

TESTIMONY OF DR. R. D. BOGERT.

Q. (By Mr. Daily). What is your profession? A. Physician; reside in Orangetown, Rockland county, N. Y.; have been a practising physician since the 8th of March, 1861.

Q. Look at that bottle and its contents and state what it contains? A. Laudanum—the tincture of opium is the same; that is the way we generally express it.

Cross-examination—I was present when that bottle with its contents were shown Margaret Winkler in the course of her evidence on Wednesday evening last; I heard her testify that the contents of a glass were given Mrs. Gamble by Mr. Gamble; she assiting; the bottle shown me with its contents is the same shown her and it contains laudanum in the same quantity now as then; the bottle did not contain anything else but laudanum, or the tincture of opium.

Q. Was the bottle containing the laudanum shown to the witness, Margaret Winkler, furnished by you in the prosecution for the purpose of being shown to said witness? A. Yes, sir.

Q. Was the bottle containing the laudanum shown to the witness on the stand shown to her by you or in your presence before it was so shown to her on the stand? A. Yes, sir, in my presence.

Q. Was the interpreter (Mr. Eichoff) present? A. Yes, sir.

Q. Was the witness, Margaret Winkler, questioned, through the interpretor or any other person, in respect to the similarity in color or smell between the contents of any drink said to have been given by Mr. Gamble to Mrs. Gamble on the Saturday afternoon preceding her death, and the contents of the bottle? Objected to by the prosecution, that the counsel must first show that the witness (Dr. Bogert) understood the German language of Margaret Winkler and the interpreter before he can assume that the present witness (Dr. Bogert), now on the stand, knew whether Margaret Winkler was questioned or not about the bottle and its contents; and secondly, that the defendants cannot go into their defence until the prosecution is closed; and thirdly, that they cannot contradict the witness (Margaret Winkler), unless it be a material allegation, and the party cross-examining upon an irrelevant issue must be satisfied with the answer and cannot afterwards adduce evidence to contradict her.

Mr. Hoffman—Now if the Court please, there is nothing at all in this objection. The witness (Dr. Bogert) is in a position to known whether the witness (Margaret Winkler) was questioned through the interpreter. If she not care in what language the questions were put, but if the witness (Dr. Bogert) was present, and if Mr. Daily, or any other person representing the prosecution, asked the interpreter (Mr. Eichoff) to put that question, he asked it in English, and the interpreter could understand it; and if the interpreter spoke in the German to the witness, and the interpreter gave the answer of the witness in English, I fancy the Doctor is sufficiently intelligent to understand that, and from that the Doctor can now know whether she was questioned or not.

Mr. Clinton—Now, if the Court please, here is a witness who testified yesterday in your Honor's presence that never had she said a word to a human being in regard to her testimony, or any portion of it, and respecting any portion of the facts to which she testified during her examination until she came upon the stand as a witness. We have a right to cross-examine her upon that subject. This is not new matter at all upon the part of the defence. The fact was brought out by the prosecution that a certain liquid smelled like the contents of this bottle. If your Honor believes this witness spoke the truth when she said she had not mentioned one word about her evidence till she came on the stand; if you believe that the counsel, by intuition or inspiration, divined these facts and asked as to the particular things, the times they occurred to a minute and without any clue whatever, the witness having buried them in her own breast and never having breathed the subject to any person; if you believe that testimony, then it is proper for us to put the question. I am free to say that as to certain facts our theory of this case is that the most wicked perjury ever concocted by any human being has been spread out in the five evidence before your Honor. Suppose the defence as to this witness be that she comes upon the stand to commit deliberate perjury, and if you believe that the witness for a price or for any consideration, whether of revenge or otherwise, has come upon the stand and wilfully committed perjury, the rule of law is, if she be such a witness, that you must discard her evidence altogether. (Objection overruled.)

A. Mr. Eichoff (the interpreter) asked her whether that medicine in the bottle shown to her looked like and smell like that which Mr. Gamble gave to Mrs. Gamble at half-past five o'clock and her answer was "Yah, yah," ("Yes, yes"), and that was all she said in my presence.

Q. At whose suggestion, if you know, was this question put by Mr. Eichoff (the interpreter) to her? A. Mr. Daily's (counsel for prosecution).

MARGARET WINKLER'S CROSS-EXAMINATION RESUMED.

There is something I can understand of the English language; I can't mention any words; when Mr. Gamble gave Mrs. Gamble the four drinks on Saturday before her death the glass was full every time; she drank each time all that the glass held; I did not taste it; I smelled it, "but don't recollect it no more;" never saw any liquid like it before; the four drinks Mr. Gamble took out of a demijohn; a gobler, ordinary tumbler and a wine glass were successively shown witness, and she recognized the latter, out of which Mrs. Gamble drank at that time; I don't know how long it was between these drinks taken by Mrs. Gamble (wine glass with liquid, apparently whiskey, shown witness); "that does not look like the liquid Mrs. G. drank; it has not such a smell altogether;" I did not smell any of the four drinks; "I had little taste of the smell;" Mr. Gamble gave Mrs. Gamble the fifth drink at five o'clock; he gave it to her in a wine glass; it was full; she drank it all; I did not put the glass to my nose, it was right over (here the witness showed about how near her nose was to the glass when she was assisting Mr. Gamble to give it to Mrs. Gamble, and it was found to be about six and a half inches); the smell was very offensive; I never smelt beef tea; I don't know what it is.

Here the defence rested their cross-examination, and the court adjourned with the stipulation of the prosecution that with four hours additional time they would close their case. The defence will then bring forward their witnesses. Before Margaret Winkler could leave the court room she was arrested for larceny and taken to New City for examination, as above alluded to.

THE DESTRUCTION OF ARICA.

Interesting Particulars of the Earthquake—Its Commencement and Incidents—Statements by an Eye-Witness.

In the columns of the HERALD the fearful and, indeed, overawing terrestrial convulsions on the Pacific coast of South America have already been fully described. But the reports to hand up to the latest publication were of general impressions and general effects only. An event of such magnitude, one which will retain a prominent place in the physical history of the world for centuries to come, must, in the very nature of things, have been accompanied by incidents not only of dramatic power, but also of heroic exertion and self-abnegation. The details of these weeks of suspense between life and death are yet to be written. The many harrowing circumstances in which individuals were placed, the heart-rending manner in which they met with death, the many self-sacrificing efforts to rescue people from impending destruction, will undoubtedly fill many a page of history and give food to the imaginative field of romance. Always contributing in so far as it lies in the power of the press to the sources of history and to a truthful account of the events of these tremendous visitations of nature on the South American coast, the following experience of an eye-witness of the destruction of the city of Arica, in Peru, is published from the statements as made by him at the HERALD office yesterday. It will be recollected that the city of Arica was entirely destroyed—that mummies, who had been hid in the rocky cliffs for, probably, more than a thousand years, were suddenly exhumed, or rather exposed to the eye, and that it was here where the two American vessels-of-war, the Wateree and the Fredonia, came to grief, and that a Peruvian iron-clad, the America, and a merchant vessel, the Chanarsilla, were also lost. Arica was a seaport town of the republic of Peru—it is now no more—in the department of Moquehua, about 200 miles southeast of Arequipa, and its population was about 19,000 souls. The gentleman who gave us the information had been in the port of Arica for some time, and at the hour when the destructive convulsions of the earth's surface began he was on board of a vessel in the harbor. The day before, on the 12th of August last, he and several others slept at their lodgings in town, when about midnight a slight commotion occured which caused him and some other inmates of the same building to rush out into the lane in their night clothes; but they were only laughed at for their foresight.

On the following afternoon they were just finishing dinner on board of a vessel in the harbor, when about twenty minutes past five o'clock in the afternoon immense clouds of dust were seen at a distance of some ten miles south of Arica. This, of course, attracted attention as a matter of unusual occurrence. The volume of clouded dust came nearer and nearer, and it was observed from the deck of the vessel, on which our informant took his stand, that the peaks of mountains in the chain of the Cordilleras began to wave to and fro like reeds in a storm. There could have been no optical delusion about it, for the sea was calm and the vessel was perfectly quiet. A few minutes after it was observed that from mountains nearer to Arica whole piles of rock rent themselves loose and large mounds of earth and stone rolled down the sides. Very soon it was noticed that the whole earth was shaking, and that a good old-fashioned earthquake was in progress. By comparing distances of ports reached by the earthquake successively and computing the time by exact measurement it was ascertained that the volcanic element under the surface of the globe at that particular spot travelled at the rate of between 600 and 700 miles an hour. When the convulsion reached the Morro, a rocky precipice lining one side of the harbor, it also began to move. Pieces of from ten to twenty-five tons in weight began to move from their base and fell, altering the whole front view of that part of the coast. At the same moment the town, being in full view of our informant on board of the