



Frontier Feud: 1819-20

How Two Officers Quarreled All the Way to the Site of Fort Snelling

Helen McCann White

DURING THE SUMMER of 1820 Colonel Josiah Snelling was on his way to the junction of the St. Peter's and Mississippi rivers where he would oversee construction of the stone fort that eventually bore his name. He interrupted his journey at the frontier settlement of Prairie du Chien, near where the Wisconsin River joins the Mississippi, to visit Fort Crawford and assume command of the Fifth United States Infantry Regiment, replacing Lieutenant Colonel Henry Leavenworth. At ten o'clock in the morning of August 2, Snelling also convened a court martial at Fort Crawford for the trials of Captain Peter Pelham and Second Lieutenant William G. Oliver, two feuding officers of his new command. Orders for the court martial had been issued by Major General Alexander Macomb, commanding the Fifth Military Department, at his headquarters at Fort Michilimackinac, Michigan, June 29, 1820.¹

A number of the rank and file of the Fifth had trav-

¹ Proceedings of a General Court Martial held at Prairie du Chien, August 2, 1820, Trial of Captain Peter Pelham, W15, in the records of the Judge Advocate General (army), Record Group 153 in the National Archives, hereafter cited as Pelham Trial, W15, NARG 153. Two copies of the record of the trial of Lieutenant William G. Oliver, following that of Pelham before the same court martial, are numbered W16 and hereafter cited as Oliver Trial, W16, NARG 153. The author has a microfilm copy of these records.

² The record of the proceedings in the Oliver Court of Inquiry is filed in Z100, NARG 153. The author has a microfilm copy. The transcript has no page numbers. Whenever possible, citations will refer to the dates when testimony was given.

eled downriver from regimental headquarters at the mouth of the St. Peter's (later the Minnesota) to Prairie du Chien for the trial. Some officers had been ordered to serve on the court martial board, and other officers and men were witnesses. During the next three weeks, events of a year unfolded in the testimony. In a series of flashbacks, in tales told and retold, each witness gave his version of the Oliver-Pelham hostility between May, 1819, and the summer of 1820. This article is based not only on testimony of the court martial but also on the record of a related court of inquiry held at Cantonment St. Peter's (New Hope) and at Camp Coldwater—two forerunners of Fort Snelling—in the spring of 1820. The court of inquiry proceedings carry the Oliver-Pelham story back to the end of 1818 in Pennsylvania.²

The court records tell the story of Oliver and Pelham in the early nineteenth-century vernacular. Amid a mass of trivia, in a variety of simple frontier activities, men and women who are bare names in official records assume human dimension as they submit to, or circumvent, or defy the military system that attempted to govern them. A rare picture emerges of military life during the Fifth Regiment's first year on the Upper Mississippi and of the larger environment of American life and customs during the first quarter of the nineteenth century.

Mrs. White resigned in March, 1970, as associate curator of manuscripts of the Minnesota Historical Society. She is now writing a book on Fort Snelling. Her Ho! for the Gold Fields was published by the society in 1966.

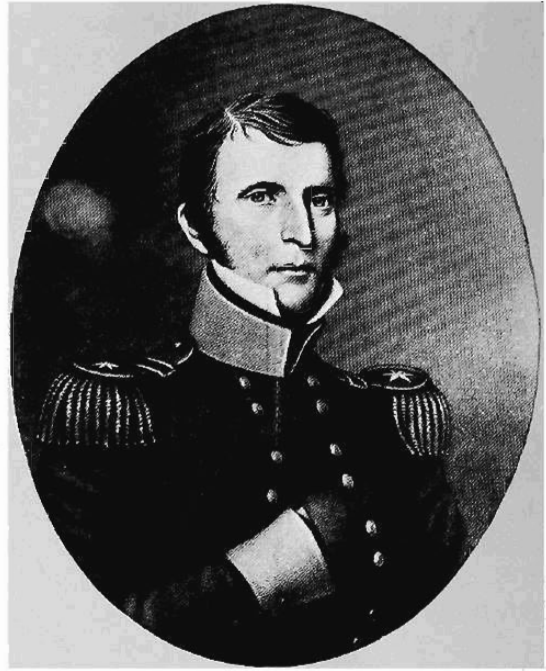
The view of the Fifth Infantry afforded him in the courtroom in the Fort Crawford blockhouse those August days of 1820 must have been very helpful in acquainting Colonel Snelling with his men and the tasks he faced commanding them on the far frontier of the nation. Perhaps he should have seen a warning, through the pall of the unfortunate feud that brought them all together, of the continuing melancholy conflicts in the regiment that would bring disaster to his own career in another court martial seven years later.

Oliver and Pelham were the principals in the courtroom drama. They were among many in the regiment who had served in the War of 1812. Pelham was born in North Carolina and was commissioned a second lieutenant in the Twenty-first Infantry in Massachusetts on March 12, 1812. He became a captain in 1814. Surviving the reduction-in-force that occurred at the end of hostilities in the spring of 1815, he retained his rank and was transferred to the Fifth Infantry. The regiment was stationed near Detroit in the winter of 1818-19 when Pelham was on recruiting duty in the East. He met Oliver, apparently for the first time, in Philadelphia in December, 1818.³

Oliver, born in Pennsylvania, was listed as an accountant and a printer in Philadelphia directories before being commissioned a captain in the Forty-second Infantry in 1813. Dropped from the army in the cut-back of 1815, he was employed at the Philadelphia arsenal until he became a soldier again early in 1819. Having applied for a new commission, Oliver called on recruiter Pelham at the latter's Philadelphia headquarters in December, 1818. There he learned that one John Irvine had made a report unfavorable to Oliver's reputation. Although Pelham advised him to do something about the matter before entering the army, Oliver chose to ignore the report and provided letters of recommendation and character references from other persons. He received a second lieutenant's commission in the Fifth Infantry from Washington and accepted it before the middle of January, 1819, but he resented the reduced rank and hoped eventually to be brevetted a captain in recognition of his earlier service.⁴ Meanwhile, Oliver marched westward across Pennsylvania with other men of the Fifth, acting as adjutant at least part of the way.

The commanding officer of the main body of the regiment in Detroit was Connecticut-born Henry Leavenworth (1783-1834), who had served gallantly in the War of 1812 and was appointed lieutenant colonel of the Fifth in February, 1818. In February, 1819, he received orders to move the regiment to the Upper Mississippi and establish new headquarters at the mouth of the St. Peter's River.⁵

At Pittsburgh, Pelham and other recruiting officers,



LIEUTENANT COLONEL HENRY LEAVENWORTH
commanded the regiment charged with establishing a post on the Upper Mississippi River.

accompanied by Oliver and the new men, boarded the steamboat "Johnson" for a trip down the Ohio River to its mouth. There they would meet other detachments of recruits and move up the Mississippi to join Leavenworth and the core of the regiment. During the Ohio River leg of the journey Oliver apparently treated Pelham at all times with the respect due a superior officer, and there was no trouble between them. Sometime late in May Pelham's party reached Camp Salubrity, near Fort Bellefontaine in the vicinity of St. Louis, and joined other recruits commanded by Lieutenant William Downey. During the rest of May and part of June, 1819, orders to the men of the Fifth In-

³ Information about Pelham is in Francis B. Heitman, *Historical Register and Dictionary of the United States Army*, 1:781 (Washington, 1903).

⁴ A brief sketch of Oliver's military career is in Heitman, *Historical Register*, 1:759. A Philadelphia directory for 1824 (three years after Oliver was honorably discharged from the army) lists William G. Oliver & Co. as auctioneers; in directories of 1825 and 1831 William G. Oliver appears as a teacher in the Kensington Academy. No other information about him has been found.

⁵ Leavenworth remained on the rolls of the Fifth Infantry until his transfer to the Sixth Regiment in 1821. For information on Leavenworth, see Heitman, *Historical Register*, 622, and Elias W. Leavenworth, *Genealogy of the Leavenworth Family*, 10-154 (Syracuse, 1873).



COLONEL JOSIAH SNELLING conducted the court martial of Captain Peter Pelham and Second Lieutenant William G. Oliver.

fantry at Camp Salubrity were given first by Downey, then by Pelham, and finally by Captain William Foster who arrived last and outranked both of the other officers.⁶

It was while Pelham was in command that an event occurred that appears to have triggered the protracted and petulant feud between him and Oliver. On May 29, while detachments of the Fifth lay in camp, Oliver got permission from Pelham to take a day's leave of absence. The lieutenant "chose to go a fishing" and, with his waiter (servant), went up Coldwater Creek to a spot about three-fourths of a mile from camp. There they observed Downey, Sergeant William Tummy, and eight or ten men of the Fifth busily removing bricks, brickbats, and lumber from an old dwelling, a sawmill, and a "Still House." Downey was giving directions and Tummy was supervising the men who carried off the plunder in hand barrows. Oliver later saw some of the removed materials at Camp Salubrity.⁷

Oliver was back in camp the next day when Dow-

ney (on Pelham's orders) arrested him, took his sword, and notified him that he was to be confined within a chain of sentinels surrounding the camp. It took nearly one week for Pelham to prepare, or cause to be prepared, five charges and seven specifications against Oliver and still another week for the paper containing the complaints to be delivered to him. Perhaps the delay can be explained by Pelham's illness at the time.⁸

WHY WAS OLIVER ARRESTED? We do not know. Almost nothing about the arrest or the subsequent charges and specifications appears in the more than two hundred pages of testimony comprising the Pelham-Oliver court martial and the related Oliver court of inquiry. Pelham eventually dropped the mysterious charges, and they have been lost to history, but Oliver remembered them bitterly and contended they injured his reputation.

Indeed, the arrest and charges, which Oliver was given no opportunity to refute, provided the basis for the first two specifications of his own charge in the August 2, 1820, court martial at Fort Crawford that Pelham acted in a manner unbecoming an officer. These specifications were rejected by the court. The third and fourth specifications against Pelham blamed him for camp irregularities and elicited considerable testimony from the men. Oliver's charge in these specifications rested on the principle that Pelham, as the highest ranking officer at Camp Salubrity on May 29, was responsible for the behavior of Downey, Tummy, and the others Oliver had seen scavenging for lumber and bricks in the buildings on Coldwater Creek. In Oliver's view the captain was guilty of permitting his men to take private property whether or not he gave them specific orders to do so. Furthermore, Oliver accused Pelham of converting to his own use some of the property collected.⁹

Pelham claimed his actions did not constitute a military offense under the articles of war and asked the court to reject the specifications against him. When the court overruled his request, he pleaded not guilty. A procession of witnesses testified that other officers as well as Pelham, enlisted men, and noncommissioned officers all had a hand in the conversion of private property to public use. Although witnesses were vague about formal orders from any officer to bring in lumber, they tended to agree that it came up from the creek almost every day after the first recruits had settled in at Camp Salubrity. Times were austere and the post-war army operated under strict economy. Camp Salubrity was primitive, lacking most civilized comforts. Under such circumstances men with natural resourcefulness tended to find a local supply of what was needed and wanted. The first concern of the men, said

⁶ Pelham testimony, April 17, Oliver Court of Inquiry, Z100, NARG 153; Downey testimony, Pelham Trial, p. 47, W15, NARG 153. For background on Downey and Foster, see Heitman, *Historical Register*, 381 and 432 respectively.

⁷ Pelham Trial, p. 11.

⁸ Pelham Trial, p. 3, 89.

⁹ Pelham Trial, p. 8, 4.

Tumy, was "fixing as comfortable [a] situation as we could."¹⁰

Although hazy about orders regarding lumber, witnesses agreed that either Downey or Pelham, or both, told them to bring in bricks and brickbats. Sergeant William Ray (or Rhea) recalled that the men had been issued rations of flour and that he thought they should have a brick oven to bake the flour into bread. Ray said he reported to Pelham that he had discovered an uninhabited brick house "very much impaired & destroyed" with windows and doors torn out. Pelham, though, is reported to have said that he could not give the sergeant permission to remove any of the bricks but suggested that Ray look for the owner of the house. The sergeant made a feeble attempt to follow this advice, but by the time he got back to camp some bricks had mysteriously been brought in.¹¹

William D. Adney, acting sergeant major for both the Downey and Pelham detachments, recalled that definite orders were given for fatigue parties to bring in bricks and brickbats. Tumy confirmed Adney's testimony but said the orders came from Downey and the men were already bringing in bricks at the time Pelham and his detachment reached camp. The men built an oven, but it fell down. This necessitated other scavenging trips to bring in more bricks to rebuild it. When the oven was finally completed it was covered with a roof of Coldwater shingles.¹²

Although the men testified that they had received orders only to bring in bricks and brickbats, they agreed that somehow or other a quantity of lumber, particularly black walnut boards, had reached camp from the creek buildings. The lumber was used in many ingenious ways. Downey's detachment built "brush houses" and pitched tents under them for protection from sun and rain. A bowery was erected and sheds were constructed of purloined lumber "as the camp was short of tents." Flooring boards became the walls of a smokehouse "for the purpose of putting meat in." Other boards supplied flooring for the officers' marquees (tents), and perhaps also for the tents of enlisted men.¹³

SOMETIME IN JUNE the troops moved to Camp Johnson near the mouth of the Missouri River. They took with them "all that was good for anything" of their scavenged supplies and used the material there in "like manner." Carpenters among the recruits then utilized some of the black walnut boards, and perhaps some other boards that had been purchased by Lieutenant John McCartney at the rapids of the Ohio River, to make settles (settees, high-backed seats), "draws" (drawers) for writing desks, and a poultry "coop."¹⁴

On or about July 2, 1819, the troops left Camp Johnson to start up the Mississippi. Downey ordered Tumy to put the best of the boards on the boat and leave the rubbish behind. In addition, the men found space on the keelboats for furniture as well as doors and window shutters taken from the Coldwater site. A number of witnesses testified to seeing these items in use at St. Peter's.

As the extended testimony regarding salvage operations at Camp Salubrity drew to a close, Pelham attempted, by asking questions of Downey, to establish the fact that he (Pelham) was "generally confined" to his tent by ill health during the time his detachment was at the camp, and that the relative situation of his tent was such that boards "or any other things" could have been brought to the tents of the rank and file without his knowledge. Downey also affirmed Pelham's statement that he had instructed Downey "to be careful in preventing the Recruits from committing depredations in the neighborhood."¹⁵

Downey was uncertain as to whether Pelham had ever given orders to stop the flow of materials from Coldwater Creek into camp, but he did recall that "the transaction did not meet Pelham's approbation." He did not believe that any articles were made of the scrounged boards for Pelham's personal convenience. Downey testified, however, that when he left the garrison at the St. Peter's in the fall of 1819, the hen "coop" was in the possession either of Pelham or of Captain George Gooding, "I forget which."¹⁶

The court declared Pelham not guilty of specifications three and four relating to the transactions on Coldwater Creek. Few of the witnesses except Oliver appeared to be concerned about whether the buildings there were private or public property. Downey's thinking on this point must have been typical of that of most of his associates. "I do not know," he replied to Oliver's question, "whether I ever passed a thought whether they were or were not."¹⁷

¹⁰ Pelham Trial, p. 11, 21 (Tumy's comment). Leavenworth to the adjutant general, September 10, 1819, L32 in Letters Received of the Secretary of War, NARG 107, comments on the economy practiced by the regiment in its move to the St. Peter's. The author has a photocopy.

¹¹ Pelham Trial, p. 49. Sergeant Ray's name, like the names of a number of men who testified, is spelled two ways. Other variant spellings of men's names are indicated hereafter within parentheses.

¹² Pelham Trial, p. 21, 22, 36, 40, 41.

¹³ Pelham Trial, p. 21, 85-87.

¹⁴ Pelham Trial, p. 22, 23, 66, 70.

¹⁵ Pelham Trial, p. 89.

¹⁶ Pelham Trial, p. 90.

¹⁷ Pelham Trial, p. 46.

IN THE FIFTH SPECIFICATION of his charge, Oliver accused Pelham of profiteering in tobacco at the expense of his men. Oliver claimed that tobacco was purchased with "public goods" and that Pelham later charged the men for it and pocketed the money. Pelham pleaded not guilty.

Evidence presented by witnesses suggested that Oliver had confused two separate transactions. The first took place after the Fifth Infantry recruits and their accumulated paraphernalia moved up the Mississippi in two keelboats and, by July 9, 1819, reached a point opposite the small village of Clarksville, Missouri. Because the men were "entirely destitute" of tobacco, Pelham ordered William Ray (Rhea), acting quartermaster sergeant, to go ashore and trade an "overplus" of the detachment's flour for tobacco at a Clarksville store. The men had "saved" two or three barrels of flour by baking their own bread at Camp Salubrity. Several days after Ray made the trade, he and Tummy "messed out" part of the tobacco. They "laid the tobacco out in as many heaps as there were men." Tummy called out names from a list and Ray handed each man his portion. Later the rest of the tobacco was issued.

In a second transaction on or about August 5, the detachment acquired additional tobacco as well as sugar and coffee at Rock Island, Illinois, from George Davenport, a contractor for supplying troops, an Indian trader, and one of the founders of Davenport, Iowa. Downey kept a memorandum of all goods that the men (and one woman) bought from Davenport's stock. A copy of the list containing more than a hundred names is filed with the transcript of the court martial. Opposite each name is the sum charged and the initial of the company to which each man was later assigned. On October 4, according to Downey's record, a balance of 56 pounds of tobacco (valued at \$28) and 34 pounds of coffee and other items (worth \$25.50) was delivered to Pelham.

When the regimental paymaster, Benjamin F. Larned, paid the troops at St. Peter's sometime in January, 1820, Pelham was present at the pay table. After the men received their money they in turn gave Pelham what they owed on Davenport's account. It is possible that the cost of the tobacco obtained at Clarksville

could have been made a part of Davenport's bill, but none of those who testified seemed to feel that this was so. The court found Pelham not guilty of the fifth specification.¹⁸

OLIVER'S SIXTH specification held Pelham responsible for a macabre interlude of rank-and-file recreation.

On July 23 or 24, according to the testimony, a pet bear died on the larger keelboat, commanded by Pelham, near the rapids of the Des Moines River in the vicinity of present-day Keokuk, Iowa. Mrs. Reed (probably the wife of Private Joshua Reed) was much affected and cried at the death. Reed (or Reid) skinned the bear and laid it on a board onshore. One witness said Pelham gave orders through Tummy to Private John Sisson (Session) to make a coffin for the bear. The cub was wrapped in white cloth and placed in the coffin, which was then nailed shut.

That same morning Downey had been ordered down the rapids to assist a boat. When he returned, Pelham and Captain Robert A. McCabe (later to be celebrated as the "engineer" of Fort Snelling) informed him that the bear cub was dead. McCabe, however, stated that he had ordered a coffin made and that the noncommissioned officers were going to have a little fun with a burial service. McCabe also said, according to Tummy, that the NCOs might "take a social drink afterwards, as we have brought the Bear so far, and Mrs. Reid [Reed] thought so much of it."

McCabe repeated this information in the presence of Captain Foster, Lieutenant John McCartney, and Oliver, who had been ill and was transferred from Pelham's boat to Foster's smaller one to serve as ordnance officer under Foster for the rest of the journey upriver. McCabe did not mention any orders from Pelham, and most of the officers did not believe that Pelham had given any special directions or permission regarding the burial of the cub. Nevertheless, Oliver considered Pelham responsible.¹⁹

Private Charles Peters, a musician, was then ordered by the detachment doctor [Gebert?] to get his fife and play for the funeral. Peters obeyed, although he did not think it necessary to have orders to participate in this "sport." Peters joined drummer Clement Riggs, whose instrument was muffled with a black handkerchief. A short time later the funeral procession formed either on or near Pelham's boat. Private Cornelius Rorapough, dressed in a "morning gown" and a broad-brimmed "pace [paste] board" hat, led a "kind of a irregular" procession, followed by musicians Riggs and Peters playing the "Dead March." Some of the soldiers carried the coffin.

Testimony is conflicting as to whether two or three

¹⁸ Testimony regarding the Clarksville episode was given by Tummy, Pelham Trial, p. 23-25, 37-39; Downey, p. 44-48; Ray, p. 50; Private John Sisson (Session), p. 78; Private Thomas Morrow, p. 87; and Oliver, p. 4, 13. Lieutenant McCartney testified as to the payment to Pelham at St. Peter's, p. 66-68; and the list of those who bought tobacco and coffee appears after p. 90 of the Pelham Trial, W15, NARG 153.

¹⁹ For Oliver's transfer to Foster's boat, see Oliver Court of Inquiry, April 21, 1820, Z100, NARG 153.

or thirty or forty men followed along behind. Some of them were in uniform, some wore only uniform coats and caps, and others wore gray (fatigue) jackets. None appeared to be carrying arms. The procession, then, was not a formal one. The men moved slowly for some two hundred paces, turned up the edge of the bank, and listened to Rorapaugh conduct the funeral service.

Meanwhile, Pelham was said to have been seen walking from his cabin to the keelboat deck during the time of the procession. While Rorapaugh spoke, Pelham called to one of the soldiers. Downey thought he was telling the men to disperse. Other witnesses said that Pelham told the soldier to tell Rorapaugh that he wanted to see him. Rorapaugh broke off his sermon and reported to Pelham. The captain asked who authorized Rorapaugh to act as priest at the burial. The private's answer is not recorded. Pelham then ordered Rorapaugh to "pull off the gown and hat." The rest of the burial party covered the grave and disappeared. The doctor gave Riggs and Peters half a pint of whisky each when the service was over. It is not clear whether any of the other men who participated were so rewarded.

The fact that Pelham may not have been responsible for the original plan for the burial of the bear, that he stopped the proceedings (although they were almost over at that point), and that the ceremony was not conducted in the full honors of war, all may have influenced the court in declaring Pelham not guilty of the sixth specification of Oliver's charge.²⁰

BY EARLY AUGUST, 1819, the Fifth Infantry's detachments moving upriver were in camp outside Fort Armstrong, which had been established in 1816 on the southern end of Rock Island as a part of the chain of defenses erected after the War of 1812. Samuel A. Moore, a private, was sick with fever and ague and was taken inside the fort to the hospital for treatment. His wife Ruth, to whom he had been lawfully married since December 7, 1818, was also admitted to the garrison to stay with her husband. On the evening of August 4 she was engaged, probably by Pelham, to nurse other sick persons of the captain's detachment. She had not yet begun these duties, however, when events occurred that gave rise to Oliver's seventh specification against Pelham — that he did "with violence and force attempt to seduce the wife of Samuel A. Moore . . . and next morning had her placed over the River, there left to perish[.] Conduct disgraceful for an officer or Gentleman."²¹

Mrs. Moore gave the only detailed account of what happened. Sometime between midnight and morning on August 5, Pelham sent James Staples, a musician, to Moore's room to ask Mrs. Moore to make some gruel for the "very sick" captain. Having no desire to make

gruel at that time of night, Mrs. Moore told Staples that she was sure the captain's sickness "was not so bad but that he could wait until morning." Moore reminded his wife that Pelham was "a difficult man, and might be displeased." He urged her to get up and make the gruel. She did and then, with Staples showing her the way, carried it to Pelham's quarters, probably on the keelboat.

The captain lay on a blanket or mattress on the floor. Mrs. Moore put the container of gruel next to him and returned to her own room. "I had not more than got into bed," she recalled, when Staples appeared again to say that Pelham wanted her to come back and give him the gruel. She returned to find Pelham still in bed on the floor. He recalled that the doctor had not sent him his laudanum and ordered Staples to get it. The musician was back before long, not with laudanum but with what was probably a very satisfactory substitute painkiller — a demijohn of rum. Pelham then dismissed Staples, got up "in his shirt," and fastened the door. Mrs. Moore was standing by the window "fanning the gruel." She may have been nervous, as it is not clear how, after all that had transpired, the porridge could still have been hot. Pelham turned to her and asked her to "turn out some spirits out of the demijohn and mix for him [a drink]." This she did, after which he offered her some of the drink, but she refused.

At this point, Mrs. Moore recalled, "he furthermore requested that I would leave my husband . . . and sleep with him which I refused and said to him such behaviour was not right." Pelham persisted, saying that if she did not consent she would be sorry for it. She replied that if she did she would be sorry for it. Then "by arguing and reasoning with him along time" she "found means to get out of the door" and returned to her room.

It was still the dead of night when the corporal of the guard came bearing orders to take Mrs. Moore to the guardhouse, where Pelham stood with sword in hand and Private Edward Britton held a stick. Pelham ordered Britton to strike Mrs. Moore twenty-five times with the stick or the captain would "run him through with his sword." Mrs. Moore asked Pelham why he was treating her this way, and he answered it was for her "impudence in not complying with what he wished." After striking Mrs. Moore several times under orders,

²⁰ Pelham Trial testimony on the funeral of the bear included that of Downey, p. 44-46; Tummy, p. 24-30, 37-38; McCabe, p. 69; Rorapaugh, p. 78; Reed (Reid), p. 79; Peters, p. 55; McCartney, p. 68, 71-72; and Oliver, p. 18-19.

²¹ Pelham Trial, p. 5.

Britton put down the stick, saying that he could not strike her again.

Pelham then ordered the corporal to put Mrs. Moore across the river. Mrs. Moore said that she was denied permission to get a shawl from her room and that Pelham ordered the corporal to take her immediately, alone or with the help of other men if need be. They put her, protesting and "blackguarding" all the way, into a canoe. As the canoe shoved off, Pelham called to Sergeant Tamy and explained that the doctor had pronounced Mrs. Moore injured and that she must not remain with the detachment any longer. Word also went to Lieutenant McCartney that Mrs. Moore would not be permitted to go up the river with the troops. She said that she was left on an island "where there was nothing but savages and dum beasts."

Mrs. Moore's husband, meanwhile, had heard nothing from his wife since the corporal of the guard had taken her away. He got up from his sick bed, went down to the river at sunrise or shortly after, and saw his wife on the other side. Mrs. Moore estimated that it was an hour and a half or two hours before she was rescued. An Indian found her and, noting that she was very much afraid of him, summoned two squaws who allayed her fears. The Indians took her in their canoe back across the river to the "civilized" forces on the other side.

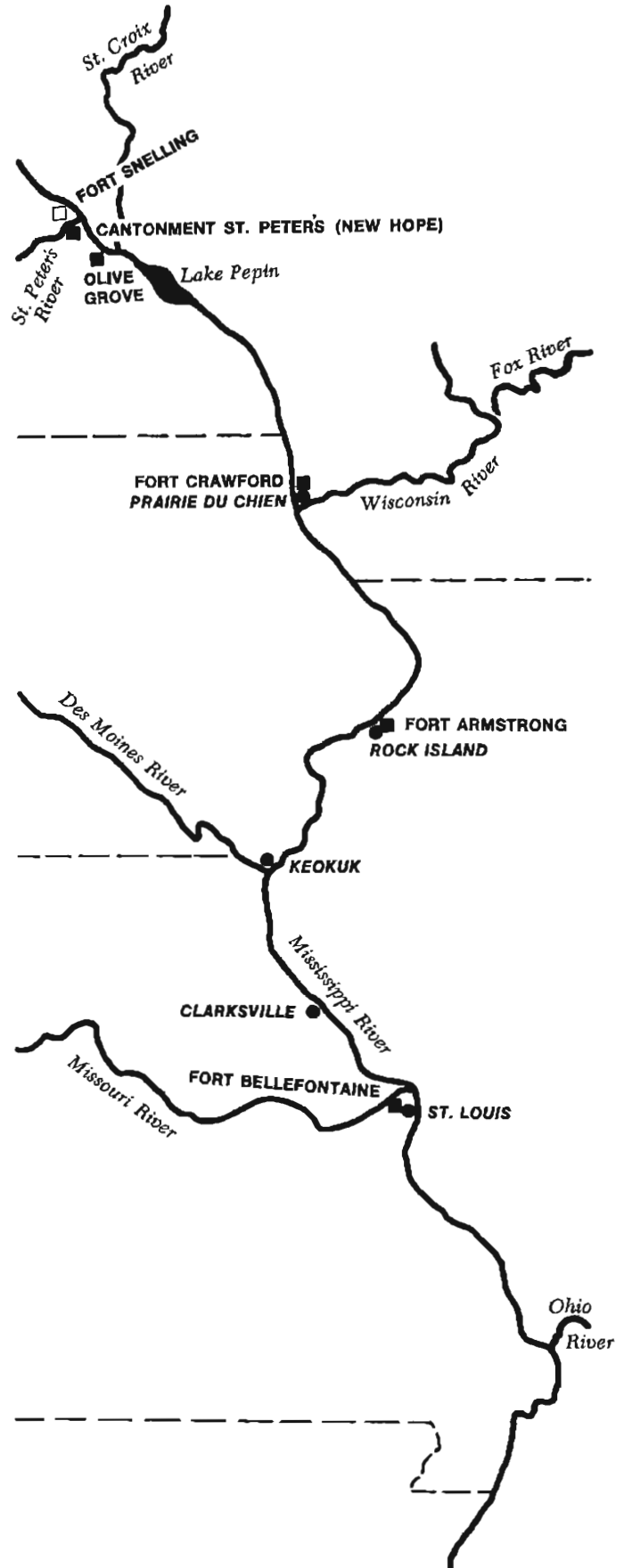
When Mrs. Moore completed her testimony she was asked whether Pelham had used any force or violence upon her person. She answered that he had not. Pelham asked the court to reject the specification against him because there was no such offense under the articles of war. The court overruled his request, so he pleaded not guilty. The court so found him, concluding, it would seem, that he did not attempt to seduce Mrs. Moore with violence and force.²²

No other incident in the catalog of events appears in the court martial record between Rock Island and the St. Peter's River, where the detachment arrived in September, 1819.

THE RECRUITS were still far down the Mississippi when Leavenworth and the main part of the regiment reached Prairie du Chien. They had started from Detroit on May 14, 1819, and, traveling by way of Green Bay and the Fox and Wisconsin rivers, arrived at Fort

²² Mrs. Moore's testimony appears on p. 58-63 of the Pelham Trial, W15, NARG 153.

THE NEW RECRUITS traveled down the Ohio River to the Mississippi and then proceeded upriver, joining Colonel Leavenworth at the mouth of the Wisconsin.



Crawford on June 30.²³ A few days later, Major Thomas Forsyth, United States Indian agent from St. Louis, joined them with supplies and orders to make a belated payment to the Sioux Indians for lands on which Leavenworth hoped to locate his St. Peter's fort. Forsyth planned to go upriver with Leavenworth and pay the Indians under terms of the treaty made with them some fourteen years earlier by the late Zebulon M. Pike.²⁴

Leavenworth had had no word from the missing recruits since early spring when they were sailing down the Ohio. Finally, on August 2 and again on August 4 boats reached Prairie du Chien carrying ordnance and other supplies and provisions, but no recruits. Re-enforced with supplies, if not with men, Leavenworth decided to go forward.

On the morning of August 8 the Leavenworth flotilla of seventeen (or eighteen) boats, ninety-eight rank and file of the Fifth, Forsyth, and twenty boatmen set out from Prairie du Chien for the St. Peter's.²⁵ Some two weeks later, on August 23 and 24, the boats reached their destination — the place where the St. Peter's River joins the Mississippi. In the next few days, while Forsyth met with the nearby Indian tribes, Leavenworth and his officers chose a site for a temporary winter encampment. It was on dry sandy ground between the St. Peter's and a pond of spring water. Some timber was at hand, but the site was comparatively open against the danger of sudden attack. The men were immediately put to work cutting down trees and making roads up the bank.

By August 30 Forsyth had distributed his gifts and was ready to return downriver. Leavenworth decided to accompany him as far as Prairie du Chien to arrange for sending up other supplies. He put Major Josiah Vose in charge of the cantonment and Lieutenant Joseph Plympton at the head of the work parties for the construction of the temporary buildings.

Traveling swiftly, Leavenworth and Forsyth were at the upper end of Lake Pepin by September 1 when they heard the sound of a cannon. "We met two large boats and a batteau with 120 recruits on board, bound to river St. Peter's," wrote Forsyth. The men from Camp Salubrity had finally met their chief.²⁶ Leavenworth conferred with the officers for an hour or so and then continued on toward Prairie du Chien. The three boats and their cargo went upstream to their new home on the St. Peter's.

NO EXISTING reports tell us whether it was rainy, cloudy, or sunny that early September day when the Fifth Infantry recruits stepped off their boats at St. Peter's. It was, surely, a good day for the regiment when the recruits arrived, although many of them were

sick upon arrival.²⁷ The names of the hardy, resourceful carpenters, lime burners, masons, bricklayers, stonemasons, and other artisans among them — the men who had so quickly made themselves comfortable at Camp Salubrity — became familiar ones on the extra-duty rosters at St. Peter's in the next few years. Skilled craftsmen working at minimum wages, they helped build two temporary posts and a permanent fortification (first called Fort St. Anthony and then Fort Snelling) and sang and drank and feuded through the harsh days of their frontier service.

When Captain Foster turned over recruits and supplies to Major Vose, he reported that Oliver, freed from bondage for the upriver journey, was again arrested under Pelham's order of May 30. Vose then called on Pelham for an explanation of the charges against Oliver. Pelham said he did not care to press them, so Oliver was released from arrest and assigned to duty. Lieutenant McCabe, too, was immediately put to work. He and the men of his detail erected a lime kiln, began to burn lime, quarried stone, and built chimneys for the cantonment.²⁸

Work on the temporary camp proceeded amazingly well in spite of an October sick call that averaged forty to sixty soldiers. Four men died. In an undated October letter to Leavenworth, who was at Prairie du Chien until later in the month, Vose reported that forty-five quarters had been assigned, windows made, floor boards sawed, and that the companies were all engaged in finishing the interiors of their quarters. Either Captain George Gooding or Pelham had the hen "coob" mentioned earlier, but where the settees, drawers, walnut panels, sashes, and other materials from Coldwater Creek were utilized at St. Peter's is not recorded.

²³ Leavenworth to Daniel Parker, adjutant general, July 1, 1819, Letters Received by the Adjutant General 1812, NARG 94. A consolidated collection of Leavenworth's letters to the adjutant general is contained in files 1494-1502.

²⁴ Major Thomas Forsyth, "Fort Snelling, Col. Leavenworth's Expedition to Establish It, in 1819," in *Minnesota Historical Collections*, 3:139-167, is largely an account of Forsyth's journey to the St. Peter's and back to St. Louis.

²⁵ Leavenworth to Parker, August 6 and 24, 1819, L1500, Letters Received, NARG 94. The colonel expected to take some 150 men to St. Peter's from Prairie du Chien, but Forsyth says there were only 98. Forsyth, in *Minnesota Historical Collections*, 3:149.

²⁶ Forsyth in *Minnesota Historical Collections*, 3:156.

²⁷ Forsyth said (*Minnesota Historical Collections*, 3:159) that "upwards of one-half" of Leavenworth's men were sick upon arrival at St. Peter's, a result of the hardships of traveling during the warm season, sleeping out "in the dews," little rest, mosquitoes, and bad water.

²⁸ Vose to Leavenworth, October, 1819, enclosed in Leavenworth to Parker, October 25, 1819, Letters Received, NARG 107.

When Leavenworth returned he was informed of the state of affairs between Pelham and Oliver and of the events of the Mississippi journey. This information prompted him to put Pelham under arrest. Oliver also told of the unfavorable reports that were circulated about him in Philadelphia — reports that Oliver said he did not consider pursuing, as they very likely began “over a glass of wine.”²⁹

Although free from arrest and reportedly making extra money on watch chains he carried from St. Louis and sold at a good profit, Oliver seethed with anger. He felt that his name had been tarnished by Pelham’s charges, which though now dropped had neither been publicly proved nor refuted. Then one evening in the fall Oliver and his roommate, Lieutenant McCartney, called on Lieutenant William G. Camp, the quartermaster officer, who was living in a room later used as the commanding officer’s kitchen. Leavenworth and other officers were in the room, and Oliver and McCartney took seats by the fire. Before long Oliver spoke of how badly he had been treated by Pelham. Witnesses differed somewhat about what Oliver said next, but all agreed that he spoke heatedly and rapped on the table with his cane.

McCartney quoted Oliver as saying, “I will paint Capt Pelham’s conduct as dark as the shades of colours can make it.” Others said he spoke of Pelham’s *character* being painted the darkest shades of night. At this point, according to the testimony, Leavenworth “hallowed out ah, ah, Mr. Oliver you are too warm or too fast.” Oliver said no more at the time, but later, after Leavenworth left, repeated his statement. There was much “disputation,” and some officers remarked that Oliver would not have dared say what he did if either Pelham or Lieutenant Downey had been present.³⁰

Lieutenant Platt R. Green, adjutant of the regiment, called Oliver a “contemptible scoundrel and Puppy.” Lieutenant Camp also showed his dissatisfaction with Oliver’s remarks and “treated him coolly.” Dr. Edward Purcell stated later that Camp had asked his

waiter to break a bottle of whisky, but not to bring it in until Oliver had left. Camp further asked Oliver to leave, stated that if he returned he would be kicked out, and showed him the door. It was clear that the officers who treated Oliver with such contempt expected him to challenge them to a duel in the old army way of obtaining satisfaction for an insult.³¹

The next sorry episode occurred on November 24. Boats bringing additional provisions had been unable to reach the St. Peter’s and were aground at a place called Olive Grove, or the Little Store, near present-day Hastings.³² On November 24 Leavenworth gave orders to Oliver to go with Lieutenant Camp to that place and to take command of a provision guard which would stay with the boats until the supplies could be moved to headquarters. That evening Oliver went to Camp’s quarters to make arrangements with him for their departure in the morning. The two men were sitting at a table when there was a knock at the door. Camp said, “Walk in.” It was Pelham. Both Camp and Oliver rose from the table. Camp requested the captain to take a seat, but Pelham appeared not to hear him. Pelham then declared, “Mr. Oliver, I have nothing to say to him. I consider him a perfect scoundrel.” Oliver thought that Camp appeared to be “somewhat mortified” at Pelham’s remarks. Stepping around the table, Camp “with a quick motion” took the captain’s arm, said something, and walked out of the room with him.³³

Camp and Oliver, the latter’s waiter, and the provision guard consisting of a sergeant, two corporals, and six privates were in the party that started for Olive Grove the next day. They reached the provision boats, some 30 to 40 miles away by river, on November 27. Camp went back to headquarters, but he visited Olive Grove at least two other times while Oliver was on duty there. He and Oliver were “merry” and drank and sang together on one trip, but their association was an uneasy one. Camp had criticized Oliver for his remarks against Pelham. Now Camp found other reasons for disapproving of the lieutenant, and he compiled a list of them assisted by two disaffected men of the provision guard.

ONE OF THE FIRST tasks of the men at Olive Grove was to protect the provisions moved from the boats. From a keelboat sail they made a tent covering under which they laid skids that supported the barrels of pork, flour, and whisky. They also built themselves shelter — a log cabin whose dimensions were given as 14 by 18 feet by one witness and 16 by 20 feet by another. Because the men were “destitute of tools” and, more important, because he hoped he would not be at Olive Grove very long, Oliver did not have a separate

²⁹ Oliver Court of Inquiry, April 18, 1820, Z100, NARC 153.

³⁰ Oliver Court of Inquiry, April 15, 18, 19, and 26, 1820. For information on Camp, see Heitman, *Historical Register*, 1:276.

³¹ Oliver Court of Inquiry, April 15, 18, and 19, 1820.

³² Oliver may well have named the spot Olive Grove, but nowhere in the Court of Inquiry does the name appear to be *Oliver Grove*, as is suggested in John H. Case, “Historical Notes of Grey Cloud Island and Its Vicinity,” in *Minnesota Historical Collections*, 15:377. Warren Upham quoted Case in *Minnesota Geographic Names*, 165 (St. Paul, 1920 and 1969).

³³ Oliver Trial, p. 14; Pelham Trial, p. 14, 73–74.

hut built for himself. Instead, he quartered with the men. Although a practical arrangement for the dead of a northern winter, it was a serious breach of military etiquette even in the lonely wilderness. The living conditions certainly contributed to lax discipline.

It could hardly have been surprising to the men that Oliver and his bullying sergeant were at loggerheads before the cabin was completed. Sergeant Nathan Hewitt was heard to mutter and grumble early about Oliver. He threatened more than once to take the whole guard back to the St. Peter's if the lieutenant did not please him. The sergeant, whose rather unsavory military record was said to have included desertion, recapture, and confinement in ball and chain, obeyed orders only when they were repeated a number of times. Although it was not clear who was the more displeased, Oliver left no doubt about his feelings toward the sergeant. Hewitt, he wrote later, "made his appearance in human shape . . . [as a] modest and unassuming lad who undertook the Herculean task to lay all prostrate before him." During the Olive Grove sojourn Hewitt saw "what other eyes could not see," heard "what other ears could not hear," and uttered "abominable falsehoods." Oliver reprimanded Hewitt for being noisy in the cabin and for wasting food. Hewitt threatened to break open the flour and pork barrels and take what he wanted if Oliver "stunted" the rations.³⁴

Discipline may have been loose, but the men were kept busy. They stood guard in the daytime, and some remained awake on a kind of semi-duty in the cabin at night. They cut firewood, went hunting and fishing, butchered meat, and salted fish. Oliver supervised the construction of the cabin, lending a hand now and then. When it was completed, he swept the parade, got meat from the marquee for breakfast, read, wrote, walked up and down the river two or three hundred yards or as far as the boats, and sang songs. Some said he sang to himself on his bunk; others said he sometimes asked the men to sing along with him. But the chief amusement of Oliver and his men at Olive Grove, according to later testimony at Cantonment St. Peter's, was drinking.

Liquor, of course, was a common fortification against the rigors of frontier life. The provision guard led by Oliver was issued at least two gills (or a half pint) of whisky per man per day. Leavenworth gave permission for the ration — double that of the men at headquarters — and told Oliver that he himself would arrange for payment if necessary. One soldier said that part of the liquor ration was given out in the morning and that other portions were distributed at 11 A.M., 3 P.M., and in the evening. After the men had been "a butchering in the pra[j]rie and came home cold," or

had carried logs all day, they were given part of an extra gill.³⁵

The men were frequently allowed to go in pairs to Jean Baptiste Faribault's trading post some eighteen miles away — a day and a half journey, coming and going. For two men the two days' ration totaled a quart of whisky and twelve pounds of pork. The soldiers often traded at least part of their rations for fresh meat and other supplies they brought back to camp for personal use or to share with the rest of the guard.

Evidence was in conflict as to how much whisky they got and how it affected them. One witness reported that Oliver urged liquor on the men with the observation that they must be dry as often as he was. Oliver was drunk on more than one occasion, said other witnesses. He was either drunk or close to it one time when a Private Bevin was "unruly." After speaking to the private several times, Oliver is said to have chased after Bevin with a ramrod, then with the oar of a boat, and finally with his pistol. Another time Bevin and a second enlisted man were quarreling in the cabin while in their cups and were ordered by Oliver to go outdoors "to fight." All three were reportedly drunk.

Another time, the story goes, Oliver was "beastly drunk" when Faribault's boatman, a Frenchman named Lavine, arrived in camp. Oliver could not stand alone and ordered Lavine to lead him around outdoors until the fresh air sobered him. At this time Oliver is supposed to have sent some of the guard out to find shoes he lost in the snow. Lavine flatly denied seeing Oliver drunk, and so did Oliver's waiter, Alexander Campbell. The latter also testified that the lieutenant certainly did not lose his shoes or he (Campbell) would have known about it. After all, he was the person who cleaned and polished Oliver's footwear. Still another time when Sergeant Hewitt said that Oliver had been drinking, the lieutenant told him to make the men drunk "if it took five Gall[on]s."

In other testimony it was asserted that a man *could* become "beastly drunk" in a short time if he drank a pint of whisky all at once rather than spread his intake out over a day. Some men said that Oliver was only "high" or "merry" when other officers visited camp and that neither he nor the men normally drank to such excess that they could not perform their duties.

³⁴ Hewitt's testimony was given on April 4, 6, 7, and 11, 1820, Oliver Court of Inquiry. Hewitt's military record and the characterization of him appear in Oliver's defense, p. 4, of the Court of Inquiry.

³⁵ Leavenworth explained his permission in testimony on April 20. Other testimony relating to the whisky issue was given on April 4, 6, 22, and 24, 1820, at the Oliver Court of Inquiry.

TESTIMONY at the St. Peter's court of inquiry brought out a few inconclusive figures on liquor consumption at Olive Grove. During Oliver's tour of duty there, twenty-eight barrels of whisky were sent up to headquarters. Lieutenant Nathan Clark, commissary officer, reported that a number of barrels were short in content and that two had "wantages" of as much as ten gallons. The normal wantage of barrels received from downriver averaged from two to five gallons. Thus, although ten gallons was an excessive amount to be missing from an individual barrel, the total for all barrels was not unreasonable. A possibility, too, was that stealing or "honest wantages" (caused by careless packing, handling, and storage) could have occurred at any point between the place of origin of the supplies and their arrival at Olive Grove and, finally, at St. Peter's.³⁶

The night of December 23, 1819, Captain Benjamin Larned, the regimental paymaster, arrived at Olive Grove, guided by Faribault's boatman, Lavine. Larned seems to have brought with him, in addition to money to pay the troops, much-needed stationery including a record book for Oliver's accounts, and a letter to Oliver from Colonel Leavenworth. Oliver had lost track of time, the men said, and they were celebrating Christmas early. The lieutenant had given them an extra allowance of liquor that he insisted was from his and his servant's rations. The conviviality of officers and men included some banter about Oliver's singing and unfortunately gave Larned occasion to notice some laxity of discipline in camp.³⁷

Leavenworth's letter was full of melancholy news. The temperature was ten degrees below zero at headquarters, and ink froze in the colonel's pen as he wrote. Dysentery still raged in camp and there were "strong symptoms" of scurvy among the troops. "Death's details for pest hill are too heavy," Leavenworth wrote. He ordered Oliver to obtain as much fresh produce as possible for the health of the guard but cautioned him to receive a fair equivalent from Frenchmen or Indians

for what he traded. The colonel hoped to have the provisions from Olive Grove brought up to headquarters soon and expected to relieve Oliver in January.³⁸

Oliver welcomed word of his possible relief from commanding the guard and the arrival of stationery. Before he received the paper supplies, Oliver kept his accounts on scraps of paper stored in the back of a "looking glass case." On Christmas day he put his accounts in order and entered them in the new record book. The provisions issued to the credit of Indians, he noted in the book, were given as "acts of friendship and hospitality . . . with a view to cultivate the friendship and esteem of the savages and others in this part of the country."³⁹

Oliver viewed his task of being in charge of a small force of men "on a distant command" as a formidable one upon which "depends the honor, credit, reputation, fate and lives of the 5th Regt. at Head Quarters." In case he died or was the victim of some other casualty, Oliver hoped that the record book containing his entries and remarks would explain his transactions.

In carrying out his assignment, Oliver established friendly relations with Indians and with Faribault and other French traders and their employees. On at least one occasion Faribault sent venison, bear meat, potatoes, and onions to the soldiers as gifts, and another time he traded bear and buffalo meat and a goose "in pickle" for pork and flour rations.⁴⁰ Oliver noted that Leavenworth had given him permission to trade rations and to issue extra whisky. The measures were designed to keep the men of the guard in good health and spirits to the end that provisions vital to the wellbeing of the whole regiment would be safeguarded. Nevertheless, the relaxation of rules made Oliver especially vulnerable to criticism for alleged carelessness. The casual way he kept records during his first month at Olive Grove, and perhaps later, too, and the lack of an account book, scales, weights, and measures for determining exact amounts issued made close accounting difficult.

The fact that the men remained healthy, that practically all provisions reached headquarters safely, and that friendly relations with the Indians and the French brought a generous return in good will and fresh supplies argued in Oliver's favor. Leavenworth was satisfied with the lieutenant's performance in most respects.

Early in January, 1820, Leavenworth went down to Olive Grove with horses, sleigh, and men for provisions and to inspect the camp. The camp and the men he found in good order but not the arms and accouterments. The colonel told Oliver what should be done and, on a later trip, found that improvements necessary to pass his inspection had been made. Nevertheless the colonel thought Oliver was too kind to his men. Al-

³⁶ Clark told of the whisky "wantages" on April 11, 1820.

³⁷ Larned's testimony was given on April 16 at the Oliver Court of Inquiry. The paymaster himself was in difficulty and was arrested by Leavenworth for insubordination caused by "Bacchus."

³⁸ Leavenworth to Oliver, December 23, 1819, quoted in Leavenworth's testimony of April 18, 1820, at the Oliver Court of Inquiry.

³⁹ Testimony regarding Oliver's methods of keeping records was given on April 13, 19, 20, and 23, 1820, at the Oliver Court of Inquiry. Oliver's memorandum is in the record following the testimony of April 27.

⁴⁰ Faribault testified in Oliver's behalf on April 27, the trader's man Lavine on April 18 and 19, 1820.

though his concern had kept the guard from getting scurvy, it was not good to be so considerate generally. When Oliver complained that it sometimes seemed that the more pains he took with the men the worse they behaved, Leavenworth replied that it was Oliver's fault and "they would pay him . . . with ill treatment if not mutiny." Oliver's behavior, he noted, was typical of young officers unaccustomed to strict discipline. Yet Leavenworth asserted that, in spite of this weakness, Oliver performed competently all the duties he was assigned.⁴¹

Unfortunately, Leavenworth did not bring the hoped-for relief, and Oliver had to remain at Olive Grove until the middle of February. He had adequate time to brood over the indignities he felt he had suffered at the hands of Captain Pelham and other officers. Time and again he vowed before his men that he would write to the secretary of war and have Pelham's name stricken from the rolls of the army. According to some of the men, he damned and cursed Pelham and, remembering that Pelham had had him "fixed so he could not get out nor in" at Bellefontaine, expressed some satisfaction that the captain was now "fixed in the same way." Others reported that Oliver was critical of all the officers of the Fifth and did not give a damn for any of them but Leavenworth and that the colonel was his only friend at St. Peter's.⁴²

About February 16 Lieutenant Camp and Sergeant Stephen Spaulding arrived at Olive Grove with orders for Oliver's relief. Spaulding was assigned to stay on with a few men and guard the provisions. Oliver was rather casual about turning over his records, the men said. Undoubtedly eager to get away, he left his record book stuck in the "staves" between the roof and the head of his bunk.

Among the men who returned from Olive Grove was Sergeant Hewitt. Still harboring a grudge against Oliver, he was heard to say one day that he was about to injure the lieutenant if he could. When he saw Oliver come out of a door, Hewitt observed, "there is that damned old rascal."⁴³

Late in March, Camp, with the obvious assistance of Hewitt and Private Bevin, presented to Leavenworth his bill of particulars against what he claimed was unofficerlike conduct on the part of Oliver at St. Peter's and Olive Grove. Oliver in reply asked for a court of inquiry, and Leavenworth ordered it to meet at once. The court began meeting on April 1, 1820, at St. Peter's and finally returned its decision on May 17 at the cantonment's "successor," Camp Coldwater. The testimony relived the events of the winter and prepared the way for the final indignities of the Oliver-Pelham feud which took place outside the courtroom in April and May.

THE COURT OF INQUIRY at Cantonment St. Peter's met part of the time in Leavenworth's quarters and the rest of the time in Captain Foster's quarters. Oliver was resourceful in his own defense. He exercised his right to question witnesses; he attempted, both directly and through Leavenworth, to move testimony in directions useful to his defense; and he called for additional witnesses from among the recruits who had come with him from Pennsylvania to speak of his character as an officer and a gentleman who had "used" them well. He also introduced into the record certain documents offering respectable glimpses of his past.⁴⁴

The testimony of the men of the provision guard was not generally damaging to Oliver's case — only Hewitt and Bevin were actively hostile witnesses. Lieutenant Camp, the accuser, and other officers — Lieutenant Clark, Dr. Purcell, Captain Larned, and Captain Pelham — made damaging or critical statements, but Lieutenant McCartney and Captain Foster strongly defended Oliver. Leavenworth's criticism of the lieutenant as a "recruit" officer did not detract from the forthright support he gave him as a gentleman and officer of competence. He not only testified twice in Oliver's behalf but he also intervened in the court proceedings over the objections of Lieutenant Plympton.⁴⁵ A lawyer as well as a competent soldier, Leavenworth made clear his belief that differences between men of a command could better be settled by the intervention of the commanding officer than by disastrous "affairs of honor."

The colonel further expressed his confidence in Oliver by giving him additional responsibilities. Ever since his arrival at St. Peter's Leavenworth had been troubled because he had received no specific instructions for building the permanent fort that would be needed for his regiment's headquarters. No engineer had been assigned to the regiment, and Leavenworth the lawyer-turned-soldier was not particularly qualified to direct the building of a fortification. Lieutenants Plympton and McCabe had performed well in building the cantonment, but it was to Oliver, perhaps because of his arsenal experience, that he assigned the task of drawing up the plans for a permanent post. And Leavenworth put Oliver in charge of the cantonment when headquarters moved to Camp Coldwater.

⁴¹ Oliver Court of Inquiry, April 18, 20, 1820.

⁴² Oliver Court of Inquiry, April 6, 13, 14, 24, 1820.

⁴³ Oliver Court of Inquiry, April 24, 1820.

⁴⁴ The documents, including testimonials from men who knew Oliver and for whom he worked, were introduced into the Court of Inquiry record following the testimony of April 27, 1820.

⁴⁵ Plympton, a member of the court, entered his objections on April 22, 1820.

Oliver must have done his drafting work shortly after his return from Olive Grove, for his fort plan (not the one eventually used by Snelling) is dated, "March, 1820." On April 14 Leavenworth wrote Adjutant General Daniel Parker in Washington, stating that he was forwarding a copy of the plan to him.⁴⁶

On the same day that he wrote Parker about Oliver's plan, Leavenworth ordered Camp to Prairie du Chien with the provision boats. Camp was quartermaster officer and responsible for supplies, so it was logical for him to be sent, but his removal from the cantonment at this time left the court of inquiry without Oliver's major accuser. Camp attempted to put his case in good hands by writing another list of accusations against Oliver and appointing Lieutenant Clark to represent him in court. Clark, a mild, conciliatory man, never achieved the belligerent stance of Camp, and the change obviously benefited Oliver's case.

Pelham, testifying on April 17, said nothing to enlighten the court (or twentieth-century researchers) about the original charges he lodged against Oliver at Fort Bellefontaine. He did, however, recall the anti-Oliver statements made by certain persons in Philadelphia, and he reiterated his belief in the military code that required an officer to seek satisfaction against insults leveled at him. He nevertheless admitted that, during the Ohio River trip and on the way up the Mississippi after the stay in the Bellefontaine area, Oliver's behavior toward him had been dignified and officer-like.

The next day, probably after court had recessed, Oliver and Pelham met. The confrontation must have been highly disturbing to both antagonists. Upon meeting Oliver, Pelham burst out, "If you dare to Speak (or order) any of my men I will by God pull your nose." Oliver retorted, "I should then return the compliment," and then went to his quarters to draw up the first charge and specifications for the court martial of Pelham.⁴⁷

The court continued to meet at St. Peter's until May 1. On that day, after all witnesses had been heard,

Oliver presented a fifteen-page summary of the proceedings and commentary on the evidence presented. Oliver quoted Thomas Hobbes's *Leviathan* on the significance of language and truth and one of the anonymous *Letters of Junius* which cautioned prudence in not attracting "public attention to a character which will only pass without censure when it passes without Observation" — an oblique reference to the shortcomings of his accusers. Oliver heaped scorn on those whose allegations against him had no foundation except in an "insidious heart" and "foul tongue." Here he rested his case.

At this point the court was given permission to transfer its meetings to Camp Coldwater. It met intermittently as its members studied the transcript of the trial and Oliver's summary. The vote of the court was taken at Coldwater on May 17. Lieutenant McCarty, Oliver's roommate, voted for acquittal on all charges. Lieutenant Plympton, who had objected to Leavenworth's intervention in the court proceedings, voted for censure on all points. Captain Foster thought that the evidence presented was insufficient for pressing any charges. Oliver had won a small, paper victory and gained courtroom experience that he put to good use a few months later at Prairie du Chien.⁴⁸

The day after the court's decision was announced, the Oliver-Pelham feud reached a disgraceful climax on the parade ground at Cantonment St. Peter's, where many officers and men were still quartered despite the progress in building Camp Coldwater.

Lieutenant Clark recalled that he and Pelham were talking in Dr. Purcell's room when Oliver's name was mentioned. Pelham remarked that he had promised to pull the lieutenant's nose and then headed for the door. He ignored Clark's attempts to stop him, spotted Oliver from the doctor's doorway, and started after him. Oliver, who now commanded the cantonment, stood locking the door of his room, five doors east of Purcell's quarters. According to Clark, Oliver was advancing toward the guardhouse, a few steps from his quarters, when Pelham spoke to him from a distance of about two yards. Oliver turned around and Pelham grabbed his nose. Oliver asked him what he meant by such behavior and called to Clark to take Pelham away. Oliver raised his hand toward Pelham's face and scratched his cheek, but Pelham held him by the arms. Clark approached the men and begged them to go into some room of the barracks to settle their differences in a less "exposed" spot.

Meanwhile, Oliver called for the corporal of the guard. If it was Oliver's intention to arrest him, Pelham said, he would wait for the guard. He sat down on a bench but got up and approached Oliver again when no guard appeared. Oliver warned him not to touch

⁴⁶Leavenworth to Parker, April 14, 1820, Letters Received, NARC 94, includes a list of supplies needed for building the new fort. Oliver's drawing of the proposed fort is filed among the cartographic records of the National Archives in the Engineer Department collection, NARC 77. The Minnesota Historical Society has photocopies of these records.

⁴⁷The charges and specifications Oliver preferred against Pelham, and which were the basis of the August trial, were dated this day — April 18, 1820, Pelham Trial, p. 6, W15, NARC 153.

⁴⁸Oliver's summation, the decision, and the individual votes are recorded at the end of the record of the Oliver Court of Inquiry.

him. Pelham said not to be alarmed as he had no intention of doing so. The conversation between the two was harsh, Clark said, but became milder as they walked toward the sundial on the parade. Clark then went out of the north gate for a few minutes. When he returned he saw Pelham going out of the west gate, and Oliver was back at his quarters.⁴⁹

The testimony of others who witnessed the fracas differed somewhat in details. Private Patrick McBride said Pelham approached Oliver with both hands raised and caught the lieutenant by the neck, saying: "Now I have got you & I will wring your nose." Both officers fell down, McBride said. Oliver's face and nose were blackened, skin was off Pelham's cheek and nose, and a little blood appeared on Pelham's face. Oliver threw back his hand to ward off Pelham's attack but he did not try to defend himself with a cane he had in his hand, McBride said.

Private John Randal (Randall or Randle) of Captain Foster's company saw Oliver "have" Pelham by the collar and heard Pelham call Oliver a damned scoundrel. Private Walter McCool saw Pelham walk up behind Oliver and make a "grab" over the lieutenant's shoulder to "latch" him by the nose. He could not say whether Pelham actually pulled Oliver's nose or not. The two men scuffled and Oliver twisted his right hand "underhanded" and caught Pelham by the nose until blood ran, but McCool could not say whether the blood came from Pelham's cheek or his nose.

William Ray (Rhea) saw Pelham "clench" Oliver with his hands and heard Oliver call for the corporal of the guard and for Clark. Later he saw Oliver take something out of his pocket and hand it to Pelham as the two men stood near the sundial. Ray could not say whether either officer's nose was actually pulled, nor did he see Pelham's nose bleed.⁵⁰

TWO DAYS after the quarrel, Oliver wrote his version of what happened in a letter to Leavenworth. He told the colonel that Pelham came up behind him, attempted to pull his nose, and said, "The other day I promised to pull your nose in public, and now I shall try it." Before Pelham could do so, Oliver claimed, he managed to wring the captain's nose "to that degree, with a small scratch I had given him in the face &c, that the blood began to flow very profusely." Oliver thought that Pelham appeared to feel "much better satisfied." Oliver then informed Pelham in an "easy & good natured way" that if he wanted a second lesson in Oliver's "new military Discipline" the lieutenant would give it to him immediately "as willingly as at any other time."

He called Pelham's attention to the fact that he,

Oliver, was commanding the cantonment and regulating its operations. He gave the captain three choices: behave himself more civilly in the future, take a second lesson in Oliver's "Discipline," or be put in the guard-house until Oliver thought he was sober. Oliver said Pelham chose the first alternative.

At that moment Oliver rummaged his pocket for some tobacco to chew. Pelham also appeared to be searching his pockets for the same purpose. Unable to find a chew, Pelham said, "I don't care if I do take a little of your tobacco." Oliver then handed the captain the tobacco remaining in his hand and said, "You are quite welcome." Pelham then walked off into Clark's quarters, and Oliver concluded that "I have not been troubled with his presence since."⁵¹

Oliver further embellished his story in August at the trial of Pelham at Prairie du Chien by stating that he had asked Clark to take Pelham away or "I shall certainly be under the necessity of doing him an injury." He described a second attack by Pelham that prompted Oliver to seize the captain and hold him at arm's length by the cravat. At this time, Oliver recalled, Pelham chose the alternative of going to the guard-house — a decision more in character than meekly agreeing to behave himself.⁵²

The truth obviously lay hidden somewhere in the midst of the testimony, but Pelham declined to add either light or confusion to what witnesses already had said. He contented himself with insisting that Oliver had "certainly not" twisted his nose.⁵³

Between May 20 and the end of July, 1820, Oliver was said to have circulated "false" stories that he had pulled Pelham's nose, while Pelham was said to have circulated false stories that he had pulled Oliver's nose. To the request for a court martial, Oliver added another charge and more specifications against Pelham, and the captain remained under arrest. The whole unpleasant series of events came to the attention of Major General Alexander Macomb at Fort Michilimackinac, and on June 29 he ordered the court martial.

AT LAST the accusers and accused and the host of witnesses gathered with Josiah Snelling, the new colo-

⁴⁹ Clark's testimony is recorded in Pelham Trial, p. 74-76, and repeated in substantially the same form in Oliver Trial, p. 5-10.

⁵⁰ McBride's testimony appears in Pelham Trial, p. 84-85, and Oliver Trial, p. 23-27; Randal's is in Pelham Trial, p. 85, and Oliver Trial, p. 23; McCool's is in Pelham Trial, p. 78-81, and Oliver Trial, p. 22-23; Ray's is in Pelham Trial, p. 81-84, and Oliver Trial, p. 18.

⁵¹ Oliver's letter of May 20, 1820, to Leavenworth is quoted in Oliver Trial, p. 11-15.

⁵² Pelham Trial, p. 17, 18.

⁵³ Oliver Trial, p. 10.



FORT CRAWFORD on the Mississippi at Prairie du Chien. Fort Snelling soldier-artist Seth Eastman sketched the post in 1829 before its relocation on higher ground. The Peabody Museum owns the original.

nel of the Fifth, and other officers designated to serve as members of the court. There, at Fort Crawford, at least one fellow officer continued to insult Oliver. Captain John Fowle, Oliver reported, refused to shake hands with him in front of Colonel Snelling, and Fowle stated that he would not sit at the same table with Oliver.

Pelham's trial lasted from August 2 to August 22, 1820. The decision of the court was that Pelham was not guilty of the first charge of conduct unbecoming an officer or of any of the specifications under it. He was, however, found guilty of violently attacking Oliver and of twisting his nose. Pelham was sentenced to be reprimanded, after which he was to be released from arrest and to have his sword restored to him. But the court, in transmitting its report to General Macomb, noted with regret that "private and personal differences should ever become the subject of investigation" before courts martial. It was the opinion of the court that Oliver's charges were "in the extreme vexatious and groundless" as well as "injurious and Expensive" and that such investigations as the one just concluded tended to "lessen the dignity of military trials."⁵⁴

On August 23, the day after the Pelham decision

⁵⁴The decision and Macomb's statement are recorded on unnumbered pages following the conclusion of the Pelham Trial testimony.

⁵⁵The decision and affirmation appear in Oliver Trial following the last page of the trial record. Two full copies of the record are filed under W16. One of them appears to have been water-soaked and is almost illegible.

was announced, the court took up a charge of unofficerlike conduct against Oliver as well as two specifications: that Oliver had allowed Pelham to pull his nose without chastising him on the spot and that Oliver had uttered falsehoods in claiming he had wrung Pelham's nose. Familiar voices recounted the same stories, but Pelham said little except to introduce into the record those portions of the court of inquiry testimony that indicated Oliver had circulated untrue stories about the captain. After two days of hearings, the court decided that Oliver was not guilty of allowing Pelham to pull or twist his nose without chastising him. Oliver, however, was found guilty of uttering a falsehood in saying that he had wrung Pelham's nose. The sentence, affirmed by General Macomb, was suspension from rank and pay for three months.⁵⁵

Reviewing the long, unhappy story, Macomb was moved to remark that only Oliver's youth and inexperience excused the trifling and vexatious nature of the charges he had preferred against Pelham. On the other hand, Pelham's conduct, for which he was justly reprimanded, was "exceedingly undignified and improper." The general noted that "the conduct of military men ought always to be distinguished by peculiar nicety." In his concern for honor, "an officer should never be unmindful of that which is due to decorum," nor should he, in his feeling of contempt for an adversary, ever "lose sight of the consideration which is appropriate to the station." Thus the trials ended and the court adjourned *sine die*.

The differences between Oliver and Pelham seemed at last to be irreconcilable. Pelham, the hardbitten, tough, insensitive warrior, cunning in the ways of the military system, whose code demanded satisfaction for insult through physical confrontation and combat, was arrayed against Oliver, a civilian recruit who shrank from combat (was he a coward?), who consid-

ered the insult a discredit to him who uttered the word, who preferred not to fight but to sing, talk, debate, conciliate. What else was wrong with Oliver that Pelham, Green, Camp, Fowle, Hewitt, Bevin, and those shadowy figures from his Pennsylvania past could scorn and torment him?

Leavenworth's testimony at the court of inquiry suggests that the conflict may not have been basically a personal one between Oliver and Pelham, Green, Camp and all the rest, but one between two military codes. The code of honor of Pelham and his fellow veterans demanded a personal settlement between men for any real or fancied insult. The newer system, so ably defended by Leavenworth, lawyer and legislator and yet no less a soldier, saw the futile waste of the affairs of honor and put faith more in a strong commander whose active mediations could help to solve most problems between men, short of military court or mortal combat.

But Leavenworth was ready to leave St. Peter's and be succeeded by Colonel Snelling, redoubtable, tough,

peremptory, who was on his way upriver from Fort Crawford to build the fort that Leavenworth had begun. Under Snelling, the old military code survived. Blackguarding and backbiting, petty jealousies, feuds and fracascs, courts of inquiry and courts martial — all continued in the Fifth when Oliver, Pelham, Downey, McCartney, and Foster were long departed, and Snelling, like so many of his men, met a destiny foreshadowed in the melancholy conflict between Oliver and Pelham.⁵⁶

⁵⁶Snelling's difficulties through the years of his colonelcy reached a climax when he was ordered to St. Louis to testify in the trial of Lieutenant David Hunter. Following the trial, letters of complaint were filed against Snelling by officers under his command. He went to Washington to try to settle his accounts and answer the charges against him, but family misfortune, illness, and death (on August 20, 1828) came before he was able to defend himself or settle his accounts.

PHOTOGRAPHS are from the society's picture collection. Map by Alan Ominsky.

The Court being cleared and the whole of the proceedings read over to the court by the Judge Advocate, the following sentence was pronounced.

SENTENCE.

The Court after mature deliberation on the testimony adduced, find the accused Lieut. W. S. Oliver, 5th Inf., not guilty of the 1st specification, but guilty of the 2^d specification and not guilty of the charge exhibited against him, and do sentence him (Lieut. Oliver) to be suspended three months, from Rank and Pay. —

The Court adjourns to meet again tomorrow at 9 o'clock am.
J. Plympton
Lieut. 5th Inf. & C. Adv.
J. Snelling
C. L. Smith
President of the Court

THIS PAGE from the record of the proceedings of the trial of Lieutenant Oliver at Fort Crawford details his sentence and is signed by Colonel Josiah Snelling.



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