

Guide to the United States Office of Indian Affairs Papers Relating to Charges against Jacob Forney, Superintendent of Indian Affairs, Utah Territory

WA MSS S-2561



by Kathleen T. Burns

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Table of Contents

Collection Overview

Requesting Instructions

Administrative Information

Immediate Source of Acquisition

Conditions Governing Access

Conditions Governing Use

Preferred Citation

JACOB FORNEY (1829?-1865?)

JOHN CRADLEBAUGH (1819-1872)

Scope and Contents

Collection Contents

Series I: JACOB FORNEY CORRESPONDENCE, 1858-1860

Series II: JOHN CRADLEBAUGH CORRESPONDENCE, 1859-1860

Series III: OTHER DOCUMENTS, 1860

Selected Search Terms

3

3

3

3

4

4

4

4

4

4

5

7

7

9

10

11

Collection Overview

REPOSITORY: Beinecke Rare Book and Manuscript Library
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CALL NUMBER: WA MSS S-2561

CREATOR: United States. Office of Indian Affairs

TITLE: United States Office of Indian Affairs papers relating to charges against Jacob Forney, Superintendent of Indian Affairs, Utah Territory

DATES: 1858-1860

PHYSICAL DESCRIPTION: 0.21 linear feet (1 box)

LANGUAGE: English

SUMMARY: Collection consists of thirty-one manuscript letter, documents, and filing items, dating from 1858 to 1860. Primarily Jacob Forney's and John Cradlebaugh's correspondence with the Office of Indian Affairs, as well as supporting documents compiled by the Office during the investigation of Cradlebaugh's charges against Forney.

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Key to the container abbreviations used in the PDF finding aid:

b. box
f. folder

Administrative Information

Immediate Source of Acquisition

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Conditions Governing Access

The materials are open for research.

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Preferred Citation

United States Office of Indian Affairs Papers Relating to Charges Against Jacob Forney. Yale Collection of Western Americana, Beinecke Rare Book and Manuscript Library.

JACOB FORNEY (1829?-1865?)

Born in Lancaster County, Pennsylvania, Jacob Forney was appointed Superintendent of Indian Affairs for the Utah Territory in 1857 by President James Buchanan. Forney arrived in Utah in the fall of 1857 as federal troops arrived to enforce United States authority over the region. In his letters to the Office of Indian Affairs in Washington, Forney remarked that the Indians in Utah were "in a very unsettled condition" when he arrived, and credited his policy of appeasement and gift distribution as preventing "serious difficulties" (1858 Nov 5).

Within a few years, however, Forney's actions came under scrutiny by the Office of Indian Affairs. The review occurred as part of a larger investigation by the federal government of the Mountain Meadows Massacre. The Massacre, in which a party of Arkansas emigrants on their way to California were killed, occurred in southern Utah in September 1857, shortly before Forney's arrival in the territory. Investigating the circumstances of the massacre upon his arrival, Forney learned the whereabouts of 17 child survivors; the children had been distributed among Mormon families in the vicinity of the attack. After gathering the children, Forney, assisted by members of the United States Army, returned them to their families in the east.

Critics-- federal Judge John Cradlebaugh chief among them-- accused Forney of neglecting evidence of Mormon complicity in the Massacre and of financial misconduct. The Office of Indian Affairs began an official investigation into the charges laid against Forney in 1860, and held depositions in Washington as well as hearings in Utah. In mid-1860, Forney was dismissed from his post as Superintendent. Little is known about Forney's life following his dismissal. He is believed to have died in 1865.

JOHN CRADLEBAUGH (1819-1872)

Born in Circleville, Ohio, on February 22, 1819, John Cradlebaugh attended Kenyon College and studied law in Oxford, Ohio. After being admitted to the bar in 1840, he was appointed United States associate justice for the district of Utah on June 4, 1858. He arrived in the territory on November 1, and began active prosecution of those responsible for the violence in the region.

In March of 1859, Cradlebaugh held his first term of court at Provo, convening a grand jury to hear evidence of Mormon criminal activity. The jury failed to indict anyone. Cradlebaugh dismissed the jury and continued the investigation under his authority as sitting magistrate. Accompanied by a small detachment of United States troops and by a deputy marshal, Cradlebaugh visited the southern part of the territory, including Mountain Meadows. During this investigation, Cradlebaugh met Superintendent Forney returning from his own investigation of the site, accompanied by the surviving children of the massacre. The judge and his deputy marshal interviewed Indians and settlers in various encampments until the marshal and

troops were recalled under instructions from the Department of War, effectively curtailing Cradlebaugh's investigation of the affair. Based on his observations and other evidence, Cradlebaugh concluded that Forney had abused the powers of his office. In September 1859, Cradlebaugh contacted the Office of Indian Affairs regarding his suspicions. His accusations launched the Office's official investigation into Forney's conduct, and led to Forney's dismissal.

Cradlebaugh was subsequently appointed to preside over a judicial district that included Carson Valley. He became a key actor in the creation of the Territory of Nevada, and was eventually elected delegate to Congress, serving from 1861 Dec 2 to 1863 Mar 3. During the Civil War, he enlisted as a Colonel in the Union Army. He was wounded at Vicksburg in May 1863, and was honorably discharged from the military in October 1863. He returned to Nevada, and settled in Eureka. He ran unsuccessfully for United States Senator, and engaged in the mining industry until his death in 1873. Cradlebaugh was interred in Circleville, Ohio, in 1879.

Scope and Contents

The United States Office of Indian Affairs Papers Relating to Charges Against Jacob Forney consists of thirty-one manuscript letters, documents and ephemeral filing items, dating from 1858 to 1860. The collection consists primarily of Jacob Forney's and John Cradlebaugh's correspondence with the Office of Indian Affairs, as well as supporting documents that were gathered by the Office during the investigation of Judge Cradlebaugh's accusations against Forney. The collection includes documents and copies of documents created by other individuals, including George W. Armstrong, Indian Agent; B. F. Bell, a former merchant in Utah; David H. Burr of the Salt Lake City firm Hockaday & Burr; F. Dodge, Indian Agent; Jefferson Hunt, early Utah and Nevada legislator; Dr. Garland Hurt, Indian agent; and Kintzing Pritchette, special agent for the Department of Indian Affairs. Most of the documents bear annotations from the Office of Indian Affairs, including short descriptions of the item; these notes appear on the verso of the last page of the item and are the basis for descriptions in this listing. The last page of many of the documents is also marked on the verso with "Special File No. 27", which appears to be the Office of Indian Affairs's internal file number for these materials.

[Series I. Jacob Forney Correspondence](#) is arranged chronologically, and primarily contains Forney's official letters and reports, addressed to successive Commissioners in the Office of Indian Affairs, Charles E. Mix, Alfred Burton Greenwood, and James William Denver. The correspondence includes an original manuscript of Forney's annual report, dated 1858 Sep 6, giving a description of Forney's activities in Utah from his commission in 1857 until the date of the report. The document, which was printed in the *Report of the Commissioner of Indian Affairs, accompanying the annual report of the Secretary of the Interior for the year 1858*, 1858, describes the visit of Little Soldier, chief, and Benjamin Simons, sub-chief, both leaders of a group of Shoshoni Indians, and the reaction of Mormon merchants. The report mentions trouble at Spanish Fork related to the Indian farm established under Indian agent Hurt, and makes reference to "the massacre of Arkansas emigrants" and Forney's efforts to establish peaceful relations with local Indians. Forney also notes the recovery of ten child survivors of the massacre. The report is accompanied by six enclosures, consisting of lists and estimates of property at the Spanish Fork Indian settlement and the Sanpete Indian Settlement, as well as a copy of a letter from settlers in Spanish Fork who opposed the Indian farm.

Forney's remaining correspondence with the Office of Indian Affairs details his official actions from 1858-1859. His letters describe tension between Anglo settlers and Indians, highlighting Forney's attempts to alleviate Indian unrest in the region. Forney's increasingly defensive explanations for his expenditures enclose or are accompanied by certificates and receipts relating to controversial transactions, such as the \$10,000 purchase from Hockaday, Burr & Co. in 1858 for "Indian goods" which Judge Cradlebaugh later singled out for investigation. Although most of Forney's financial reports are not present in this collection, the cover letters which originally accompanied them trace Forney's rationale for his management of Indian Affairs in Utah. A single letter to William E. Carter, whom Forney wrote after his removal from the Superintendent post in 1860, details circumstances relating to Forney's dismissal.

[Series II. John Cradlebaugh Correspondence](#) consists of Cradlebaugh's letters to the Office of Indian Affairs, accusing Forney of financial fraud, and of conspiring with Mormons to cover up details of the Mountain Meadows Massacre and other atrocities. The correspondence, which is arranged

chronologically, includes Cradlebaugh's official written statement against Forney, filed with the Office of Indian Affairs. Other letters detail Cradlebaugh's interest in furthering the investigation, providing the names and localities of witnesses against Supt. Forney, and requesting that testimony be taken in the Territory of Utah.

[Series III. Other Documents](#) consists of chronologically arranged official materials related to the case against Forney, including a fifteen-page summary report prepared by Kintzing Pritchette of the Department of Indian Affairs in Washington. Pritchette's report, submitted in March 1860, quotes important testimony and depositions. Two supporting documents, an affidavit from Utah Indian agent Garland Hunt, and a statement from B. F. Bell regarding the character of his former clerk, Isaac Neff Henry, are present. Two undated file-related items, a filing band labeled "Testimony of Defendent" and a manuscript note recording instructions for setting up a special file, "Charges Against Supt. Forney" are filed at the end of the series.

Collection Contents

Series I: JACOB FORNEY CORRESPONDENCE, 1858-1860

0.11' (0.5 box)

Materials are arranged in chronological order. Folder descriptions are based on docket information supplied by the Office of Indian Affairs in Washington (D.C.). Dates have been normalized.

b. 1, f. 1	Report to Charles E. Mix, Commissioner of Indian Affairs. Signed document "Refers to the visit to Great Salt Lake of Little Soldier, chief, and Benjamin Simons, sub-chief of a band of Shoshonees... Trouble with Spanish Fork over the Indian farm close by. Brief mention of the Mountain Meadows Massacre."	1858 Sep 6
b. 1, f. 2	Enclosure (A). List of Property on the Spanish Fork Indian Farm, Utah Territory, compiled by George W. Armstrong, 1858 Jun 15. Manuscript copy	[1858 Sep 6]
b. 1, f. 3	Enclosure (B). List of property at the Spanish Fork Indian Settlement. Estimated at \$15,000. Certified by Garland Hurt, 1857 Nov 30. Manuscript copy	[1858 Sep 6]
b. 1, f. 4	Enclosure (C). List of property at the Spanish Fork Indian Reservation. Certified by Garland Hurt, 1858 Aug 25. Manuscript copy	[1858 Sep 6]
b. 1, f. 5	Enclosure (E). Letter of John L. Butler & other citizens of Spanish Fork opposing the Indian Reservation. Dated 1858 Aug 31. Manuscript copy	[1858 Sep 6]
b. 1, f. 6	Enclosure (G). List of property at the Sanpete Indian Settlement. Estimated at \$5,000. Compiled and certified by Garland Hurt, 1857 Nov 30. Manuscript copy	[1858 Sep 6]
b. 1, f. 7	Enclosure (H). List of property on the Sanpete Indian farm, 1858 Aug 13. Compiled by George Snow. Certified by Garland Hurt, 1858 Aug 27. Manuscript copy	[1858 Sep 6]
b. 1, f. 8	Certificates of Jacob Forney, Superintendent of Indian Affairs, Utah Territory, and David H. Burr in regard to Indian goods purchased by Hockaday, Burr & Co. Signed document, addressed to Charles E. Mix	1858 Nov 1
b. 1, f. 9	Cover letter for receipt for office furniture turned over by Brigham Young, late governor. Signed letter addressed to Charles E. Mix	1858 Nov 5
b. 1, f. 10	Statement concerning Forney's accounts from 1858 Jun 30 to Nov 1. Signed letter to Charles E. Mix	[1858] Nov 5
b. 1, f. 11	Statement concerning Forney's account of goods purchased by him. Signed letter to Charles E. Mix Remarks on Indian unrest upon his arrival in Utah	1858 Nov 5
b. 1, f. 12	Cover letter for financial report from 1858 Jun 30 to Nov 1. Signed letter to Charles E. Mix	1858 Nov 12
b. 1, f. 13	Cover letter for financial report from 1858 Sep to Dec 31. Signed letter to James W. Denver, Commissioner of Indian Affairs	1859 Jan 13
b. 1, f. 14	Reply to Office of Indian Affairs letter of 1858 Dec 31, relating to Forney's accounts and his purchasing Indian goods. Signed letter to "Sir" [James W. Denver]	1859 Feb 11
b. 1, f. 15	Cover letter for corrected copy of financial report of 1858 Nov 1 with affidavit from Forney and his clerk, Mr. Bolton. Signed letter to James W. Denver	1859 Mar 4

b. 1, f. 16	ALS to J. W. Denver relating to financial accounts of Agent Dodge, checks drawn by Forney, funds to his credit	1859 Mar 22
b. 1, f. 17	Explanatory remarks relating to Forney's financial operations during the fiscal year ending 1859 Jun 30, Signed letter to A. B. Greenwood, Commissioner of Indian Affairs Includes manuscript copies of three receipts of Agent F. Dodge for funds furnished him for Carson Valley Agency	1859 Jul 20
b. 1, f. 18	ALS, Bells Mills, Pa., to William E. Carter Regarding his removal from his post as Superintendent and his efforts to defend his reputation	1860 Sep 4

Series II: JOHN CRADLEBAUGH CORRESPONDENCE, 1859-1860

0.5 (0.25 box)

Materials are arranged in chronological order. Folder descriptions are based on docket information supplied by the Office of Indian Affairs, Washington (D.C.). Dates have been normalized.

b. 1, f. 19	Statement in relation to certain malpractices he alleges against Supt. Forney in the discharge of his official duty. ALS to A. B. Greenwood	1859 Sep 8
b. 1, f. 20	Statement charging fraud against Supt. Forney in the matter of his accounts and other official transactions. ALS to A.B. Greenwood	[1860 Jan?]
b. 1, f. 21	Reply to Office of Indian Affairs letter relating to charges preferred by him against Supt. Forney. ALS to A.B. Greenwood	1860 Feb 11
b. 1, f. 22	Furnishes the names and locality of witnesses to substantiate the charges preferred by him against Supt. Forney. ALS to A.B. Greenwood	1860 Feb 18
b. 1, f. 23	Referring to the affidavit of J. Monroe Livingston, in the matter of charges against Supt. Forney, states the information was received from W. J. McCormick, now of Great Salt Lake City and desires his and other testimony taken in Utah Territory. ALS to A.B. Greenwood	1860 Mar 1

Series III: OTHER DOCUMENTS, 1860*0.5 (.25 box)*

Materials are arranged chronologically. Folder descriptions are based on docket information supplied by the Office of Indian Affairs, Washington (D.C.). Undated material is filed at the end of the series.

b. 1, f. 24	Document (C). Affidavit of Garland Hurt	1860 Feb 24
b. 1, f. 25	Document (No. 2). Testimony of B. F. Bell to the character of Isaac N. Henry, clerk to Dr. J. Forney	1860 Feb 29
b. 1, f. 26	Pritchette, Kintzing. Submits his report on the investigation of the charges made by Judge Cradlebaugh against Supt. Forney, accompanied by the evidence taken in the course of said investigation. ALS to A.B. Greenwood	1860 Mar 5
b. 1, f. 27	Filing band, labeled "Testimony of Defendent"	n.d.
b. 1, f. 28	Manuscript note setting up special file, "Charges against Supt. Forney"	n.d.

Selected Search Terms

The following terms have been used to index the description of this collection in the Library's online catalog. They are grouped by name of person or organization, by subject or location, and by occupation and listed alphabetically therein.

Subjects

Indian agents -- Utah
Indians of North America -- Utah
Indians of North America -- Utah --
Government relations
Judges -- Utah
Mountain Meadows Massacre, Utah, 1857
Public officers -- Utah

Geographic Names

Sanpete Indian Farm (Utah)
Spanish Fork Indian Farm (Utah)
Utah -- History

Occupations

Indian agents -- Utah
Judges -- Utah
Public officers -- Utah

Names

Armstrong, George W.
Bell, B. F.
Burr, David H., 1803-1875
Cradlebaugh, John, 1819-1872
Denver, James William, 1817-1892
Dodge, F.
Forney, Jacob
Greenwood, Alfred Burton, 1811-1889
Henry, Isaac Neff
Hurt, Garland, 1819-1903
Mix, Charles E.
Pritchette, Kintzing
Snow, George

Corporate Bodies

Hockaday, Burr & Co
United States. Office of Indian Affairs
United States. Office of Indian Affairs. Utah
Superintendency