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Alias Emma S. Soule
Corrected Historical Fictions Surrounding
Silas Soule and the Sand Creek Massacre
by Pam Milavec, C. M.
(presented November 24, 2004)



Pam Milavec (left) with Martha Smith, Silas Soule's grandniece, inside the Coal Creek Library, the oldest library in Kansas, dated 1859

Our Author

Pam Milavec first learned about Sand Creek, Silas Soule and the Hungates at the age of twelve and it has been an interest, as well as a recurrent theme throughout her life.

Pam considers her son, Mitch, her greatest accomplishment to date and is proud of the fact that she was able to be a full-time mother and active volunteer during his childhood.

Until recent years, life has served as her classroom and she has made the most of it, learning as much from her mistakes as her successes. Pam is now actively pursuing her formal education and having the time of her life. She is currently working on a biography of Silas Soule and is compiling research on other Sand Creek participants.

Alias Emma S. Soule Corrected Historical Fictions Surrounding Silas Soule and the Sand Creek Massacre

by Pam Milavec, C. M.
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The young woman sat in disbelief by her fallen hero. Death had found him just hours before on the dusty streets of Denver City. The young woman had greeted the morning of 23 April, 1865 as a bright-eyed newly-wed, but would end that same day a disheveled widow with tear-swollen eyes.¹ Hersa Coberly married the dashing young officer, Silas Soule, just twenty-two days earlier, April Fools' Day, 1865.²

She and Silas had traveled to Denver with friends the Thursday before, attended the theatre two nights in a row, married in the morning and returned to the boarding house run by Hersa's mother, 28 miles south of Denver that same evening.³ The fresh-faced young women of Colorado Territory must have mourned the loss of the charming prankster who, as one of Colorado's most eligible bachelors, had made quite an impression on them.

By the time of their marriage, Silas was known for more than just his way with the ladies and his sense of humor. The preceding November, on the 29th day, Silas had been among those present at the now infamous Sand Creek massacre. Silas was a subordinate of Colonel Chivington and Major Anthony who were the commanding officers of the attack on Black Kettle and Left Hand's camp near present day Eads, CO.⁴



Courtesy of the Anne E. Hemphill Collection

Above: Hersa Coberly before her marriage to Silas. Below: Hersa as a widow, four days after Silas' murder



Courtesy of the Anne E. Hemphill Collection

Soule would write his impressions of the massacre to Ned Wynkoop, former commander of Fort Lyon who, as the man responsible for peace initiatives, held a personal interest in the Cheyenne and Arapaho Indians who were attacked: "I tell you Ned it was hard to see little children on their knees have their brains beat out by men professing to be civilized. One squaw was wounded and a fellow took a hatchet to finish her, she held her arms up to defend her and he cut one arm off, and held the other with one hand and dashed the hatchet through her brain..."⁵

This letter was just one piece of the kindling that led to the blazing controversy that still surrounds Sand Creek. Silas was not a lone voice of dissent; his letter was not the only one, nor was it the first. Criticism of Chivington's conduct began immediately after the massacre and the news had reached Washington even before the Third Regiment returned to Denver.⁶

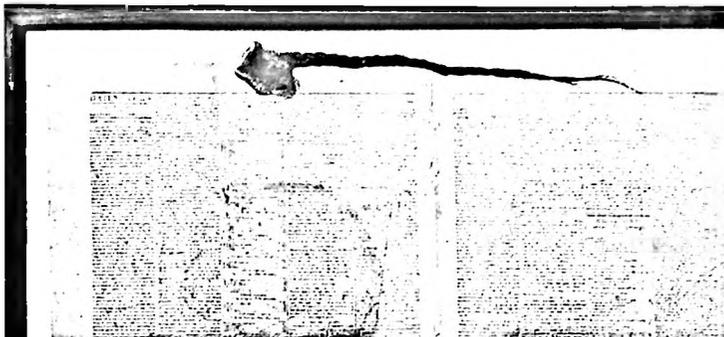
The dividing line in the controversy was between those who had known the Indians at Fort Lyon, or were familiar with their situation, and supporters of Chivington and the Colorado Third. Most, if not all, of the junior officers of the 1st Colorado who had been stationed at Fort Lyon, among whom Silas was one, condemned Chivington's actions even before the attack was made.⁷ It was only after assurances from Major Anthony that the target of the expedition was the hostile bands to the north that they agreed to go along. Among the other dissenters were men with high connections including Samuel Tappan; an old enemy of Chivington's, Chief Justice Stephen Harding; A.C. Hunt,

United States marshal for the district of Colorado; Jesse Leavenworth, and even Chivington's admitted accomplice, Major Scott Anthony.⁸

Jesse Leavenworth wrote to Commissioner Dole about Chivington's conduct, saying in essence that Chivington had killed all the chiefs who had been at peace with the whites. He also expressed his fear that Chivington's actions would result in increased violence from those Indians already recognized as hostiles. In a preemptive move to temper some of the forthcoming hostilities, he further advised that, "the parties who were the cause of this wicked treatment of the Indians be powerfully dealt with."⁹

Though Chivington had amassed many enemies by 1864, it is difficult to make the argument that the atrocities at Sand Creek were invented by those antagonistic toward him. The *Daily Mining Journal* recorded that "A good many of the Third Regiment boys are returning to their old haunts. Some of them do not scruple to say that the big battle of Sand Creek was a cold-blooded massacre." At the same time, the account places blame firmly upon Chivington's shoulders, "it must be remembered that the individual who gave the order for its commission is alone in blame for it. 'Tis the soldier's part to obey without question."¹⁰ The *Rocky Mountain News*, also writing during the early glory days of the 3rd Regiment's arrival back in Denver, reported with relish that "Cheyenne scalps are getting as thick here now as toads in Egypt. Everybody has got one, and is anxious to get another to send east."¹¹

Three of the main dissenters were



Courtesy Denver Public Library Western History Photography Collection

Framed reproduction of a December 17, 1864 newspaper article about Sand Creek with a scalp of a Native American. The picture was taken sometime in the 1920s and the source is listed as City Hall

considered to be the Colonel's men; Wynkoop, Soule, and Anthony,¹² while many of the strongest supporters of the massacre went out of their way to attest to the justice of just such an act. Morse Coffin stated that "it was the purpose during that battle to kill old and young of both sexes. This is the fact of the case, and it is useless to shirk it, or to pretend it was all accidental."¹³ Major Anthony, under oath, testified to the atrocities while incriminating himself. He expressed no remorse for the killing of the Indians he admitted were friendly, only that Chivington hadn't followed through with his promise to also annihilate the hostile bands.¹⁴ None of these accounts come from those opposed to Sand Creek, nor are they isolated reports.

The same problem arises when arguing that the investigation was conducted by those antagonistic to Chivington. At least one newspaper article confronted this issue, accusing other papers of misleading readers. It states, "That the investigation commit-

tee is personally hostile to Chivington, is not true. Col. Tappan is an enemy to Chivington, Stillwell is a friend, and Jacobs is impartial in this regard."¹⁵

Silas had first hand knowledge of the arrangements made for the Indians attacked that November. He had been among those present at the Camp Weld Conference the previous September.¹⁶ The transcript of this meeting was recorded by Simeon Whitely. Though the *Rocky Mountain News* would later develop journalistic amnesia regarding the disposition of these Indians, they reported the gist of this meeting in an article dated 29 September 1864. The article states that Governor Evans told the Indians that "they must now submit to those [military] authorities and lay down their arms before any peace can be declared." The article continues on an upbeat note: "The Indians not only seemed satisfied with this proposition but expressed a willingness to place their tribes on the side of the government and aid in the war against the hostile tribes of the plains...."



Courtesy Denver Public Library Western History Photography Collection

Colonel John M. Chivington

Colonel Chivington told them [the Cheyenne and Arapaho chiefs present] that an unconditional surrender and laying down of their arms was the first step for them to take, after which, such other arrangements as might be deemed proper would be made. He referred the whole matter to Major Wynkoop, in command at Fort Lyon, who was much nearer to their reservation and hunting grounds, and more familiar with their disposition, wants and necessities.

Maintaining the optimistic theme of the article, the *Rocky Mountain News* informed its readers that "Every one present seemed to be satisfied with the course taken in this most important and critical interview."¹⁷

After returning to Fort Lyon and accommodating his Cheyenne and Arapaho charges, Major Wynkoop was relieved of his duties at the fort. He was replaced with Major Scott Anthony on the grounds that he had acted without proper authority in handing out provisions to these Indians and allowing them entrance to the fort.¹⁸ General Curtis would later remark on the subject of Wynkoop and the protection of the Cheyenne and Arapaho at Sand Creek. He stated that both Major Wynkoop and Major Anthony had overstepped their boundaries when they promised the Indians protection, but that once made those promises "should have been respected, and any violation

of known arrangements of that sort should be severely rebuked."¹⁹

On 8 January 1865 Silas wrote his mother, Sarah Low Soule:
I hope the authorities at Washington will investigate the killings of these Indians. I think they will be apt to hoist some of our high officials. I would not fire on the Indians with my Company and the Colonel (Chivington) said he would have me cashiered, but he is out of the service before me and I think that I stand better than does he in regard to his great Indian fight."²⁰

Silas' objection to the events at Sand Creek had been immediate. Chivington's 16 December report to General Curtis clearly confirms Silas' active opposition to the events at Sand Creek. Chivington wrote, "the conduct of Capt. Silas S. Soule, Company D, First Cavalry of Colorado, was at least ill-advised, he saying that he thanked God that he had killed no Indians and like expressions, proving him more in sympathy with these Indians than with the whites."²¹

Silas got his wish for an investigation. There would be not one, but three investigations of Chivington's actions at Sand Creek. Just two days after Silas wrote his mother, the motion was passed in the House of Representatives for an investigation by the Committee on the Conduct of the War. Another investigation, this one a Military Commission, convened in Denver City on 9 February 1865 "to investigate the conduct of the late Colonel J. M. Chivington, first regiment Colorado cavalry, in his...campaign against the Indians." The third was an investigation by the Joint Special Committee whose

purpose was to investigate the treatment and condition of Indian tribes. They began taking testimony on the 7 March.²²

The testimony in all of these investigations was well under way when Silas and Hersa pledged their vows in a Denver bitterly divided into two camps, pro- or anti- Chivington. Silas, now the provost marshal of the district, had already given his seven-day-long testimony to the military commission. The commission questioned Silas for two days, followed afterward by a four-day cross examination by Chivington²³ and finished with a day-long reexamination by the commission.²⁴

Silas had given this testimony despite various threats on his life and two actual assassination attempts. These threats and attempts on his life are a well documented fact. On 24 February 1865, the *Daily Mining Journal* reported that "assassins have twice attempted the life of Capt. Soule within six weeks; Soule is a witness who expects to testify before the Court of Inquiry and his testimony is evidently feared; hence he is shot at nights in the suburbs of Denver."²⁵ Earlier, on 9 February, there had been a meeting at the Denver Theatre to obtain volunteers to fight Indians. Many of the members of the 3rd Regiment were there. Colonel Chivington was called upon the stage and "requested his name be put down for five hundred dollars." In the speech given by Chivington that night he is credited with saying that he advocated not only the killing of Indians, but also "all the Indians' confederates."²⁶

The recorded minutes of the military commission for 24 April 1865

reads:

Captain Silas S. Soule, veteran battalion first Colorado cavalry, having (while in the performance of his duty as provost marshal) been assassinated in the streets of this city, in respect to the memory of the deceased, adjourned until 9 a.m. tomorrow...²⁷

The assassins had been lying in wait near the Presbyterian Church which stood on F Street (now 15th) between Arapahoe and Lawrence.²⁸ Silas, as provost marshal had gone to inspect shots he had heard fired from that direction. Silas was able to shoot one of the men in the hand before a bullet entered near his cheek, killing him instantly. This happened, according to reports, directly in front of Dr. Cunningham's house, which stood on the corner of 15th and Arapahoe.²⁹ A blood trail led to the military camp where two men of the 2nd Colorado Cavalry, Charles W. Squiers and William Morrow, had earlier confessed to killing a man.³⁰ That was the last anyone admitted to having seen the two until Squiers was discovered in Las Vegas, New Mexico where First Lieutenant James Cannon was sent to arrest him.³¹

It wasn't hard to figure where Cannon stood on the issue of Chivington. He had also testified against him.³² Three days after arresting Squiers, Cannon was found dead under suspicious circumstances in his hotel room at the Tremont House.³³ Ironically, Squiers managed to escape from prison and from justice in October, but not before enlisting the backing of several prominent citizens and officers.³⁴ Generals Sickles and Pope wrote

letters warning that proper treatment be given to Squiers, who had complained of being shackled and lice-infested.³⁵ With no prisoner to court martial, proceedings for the murder of Soule and for desertion were dismissed. No one was ever tried for the deaths of the two young officers.

At least two reports surfaced years later of the possible fate of Squiers and Morrow. One report was that a Civil War veteran in California confessed to having killed Soule and the other report, published in the 18 July 1879 *Black Hills Daily Times*, that the murderer of Silas Soule was in the Illinois Penitentiary for burglary. Neither report gave any names.³⁶

The Commission of the Conduct of War determined, as Joseph Holt, Judge Advocate General stated, that the actions at Sand Creek were: cowardly and cold-blooded slaughter, sufficient to cover its perpetrators with indelible infamy and the face of every American with shame and indignation.³⁷

This was a strong assessment made in a day and age when many considered Indians little more than vermin.³⁸ Despite the commission's findings, no charges were ever filed against Chivington who had already resigned his position and was therefore beyond their authority. In many circles today, Chivington continues to elude punishment.

And our young hero, Silas Soule? His memory has found that a reputation is a fragile thing and history, a faithless lover. Today's hero can become tomorrow's nemesis. During the military commission's proceedings,



Courtesy of the Anne E. Hemphill Collection

Silas' father, Amasa Soule and Silas' mother, Sophia Low Soule

Chivington had presented a deposition by Lipman Meyer which accused Silas of "drunkenness, theft and neglect of duty" in the month of December.³⁹ This deposition received an objection by Samuel Tappan, president of the military commission on the grounds that it bore no relevance to Sand Creek and that the deposition had "been taken for the purpose of blackening the character of Captain Soule." Attached to Tappan's objection was the statement of George Price that he had given testimony "before a...coroner's jury...over the body of Captain Silas S. Soule" that Silas had confided in him "during the latter part of March...that he fully expected to be killed on account of [his] testimony; that he was also fully satisfied, after they had killed him, his character would be assailed, and an attempt made to destroy his (Soule's) testimony."⁴⁰

Though Sand Creek has been viewed officially as a massacre for 140 years, it is disheartening to discover that Colorado and the West are still bitterly divided into pro- or anti-Chivington camps, or for those who prefer, pro- or anti- Sand Creek camps. Whatever the label, those who take the pro-Chivington or pro- Sand Creek stance continue to assail the character of Silas Soule.

An article in the December 2003 issue of *Wild West* titled, "The Real Villains of Sand Creek" and a book by the same author make very strong accusations against Silas.⁴¹ Among the allegations leveled against Silas is that he was a bigamist. The source of this misinformation is a copy of a marriage certificate inserted between the many pages of Soule's file archived at the Colorado Historical Society.⁴² Close examination of the document shows it

to be a handwritten copy of a marriage certificate between Emma S. Bright and Silas S. Soule. Even closer examination shows that this copy and the accompanying deposition are only a few of many pages from Silas Soule's pension file.⁴³ The rest of the file is not to be found in possession of the Colorado State Historical Society, but can easily be obtained through the National Archives in Washington D. C. Incidentally, this marriage was not recorded until 1903, 38 years after Silas' death. It was not registered at the time, nor did any newspaper announce the event.⁴⁴

Hidden within the pages of Silas Soule's pension file is the sad story of Emma Bright. Her tragic story, as related by Emma herself, begins in Iowa. She marries Jacob Bright while still an adolescent of 15. The Brights have a daughter together before he makes his way to Central City to earn his fortune. Later, he does do well enough to send for his young wife and child. After making a six-week journey, Emma and her daughter arrive in Central City just in time to attend Jacob's funeral. He had died of dysentery while she was enroute. Friends of her husband Jacob were able to collaborate this story.⁴⁵

In her many depositions, Emma claims to have married Silas later that same year, 28 November 1863, living as man and wife until 3 April 1865 when she claims to have left Colorado Territory to visit her mother in Iowa.⁴⁶ Emma further states that she never remarried after Soule's death.⁴⁷

Further reading of the pension file shows, however, that Emma married a George Bennett in Iowa in 1870.⁴⁸ It is at this point, her testimony begins to

unravel. George Bennett gives a deposition which states that he had never known Emma by the name of Soule and had no knowledge of any marriage to Silas. Not only is she unable to provide an original certificate of her marriage to Silas, but she is unable to produce one person who had known her during her alleged marriage.⁴⁹ Neither is she able to provide any information about the "husband" she had supposedly been married to for two years that could not be obtained from a newspaper clipping. She knows only that Silas was born in Bath, ME and that he had a brother.⁵⁰

Her story begins to change each time she makes a new deposition. She had no children with Silas in one while in another, she did, a child she claims to have given birth to at the home of her first husband's family.⁵¹ Her maiden name was either Wells, Martin, or Murphy, dependent on which deposition is examined. At one point, when she is confronted with the discrepancies in her story, a frustrated Emma states that "the only thing you might to let me do is to take all these papers out and let me put in others."⁵²

After a thorough investigation of her claim,⁵³ Special Examiner J. H. Hines stated in his report to the Secretary of the Interior that Emma Bennett, alias Emma S. Soule "was never married to said officer at any time or place" and that it was "plain that she designed the scheme of attempting to defraud the Government." Subsequently, a warrant was issued for her arrest. Later, her attorney was able to secure a *nolle prosequi* based on the finding of Thomas E. McArdle, M. D. that "in his judgment the defendant is

mentally unsound...and that the belief "she entertains of being the widow of an officer in the Civil War by the name of Soule is an hallucination."⁵⁴

Another story that is often repeated by both critics and supporters of Silas is his supposed attempt to break John Brown out of jail. Though this story is retold time and again as fact, it is without substance. Silas inherited his abolitionist beliefs from his parents. His father, Amasa Soule, was an outspoken abolitionist who moved his family to Kansas to support the free-soil movement. The Soule home was an Underground Railroad station as recalled by Annie Soule Prentiss, Silas' sister. She also remembered the visits made to their home by John Brown and related one particular incident that shows Silas' direct involvement with Brown and the Underground movement. She stated that on one occasion, "Brown came to [their] cabin...with thirteen slaves, men, women and children" which he had brought from Missouri. Silas then took all 13 of the slaves to a safe hiding place eight miles away where "they were taken still further toward freedom by another agent of the Underground."⁵⁵

Annie also recorded with pride Silas' involvement with the "Immortal Ten," the name bestowed upon the members of the party who rescued Dr. John Doy from a Missouri prison. Dr. Doy was overtaken by a party of "20 mounted and armed men from Missouri" while he was "guiding sixteen escaped slaves...to a station on the Underground railway." Dr. Doy was apprehended and taken to Missouri while the 16 people he had taken charge of were resold into slavery. According

to Annie, Silas played a major role in the escape. She related that her "brother went into the jail first and reconnoitered and that night the party bound one of their number, pretended he was a horse thief and said they wanted to lodge him in jail for safekeeping until morning." It was through this means that the party was able to overpower the jailer, escaping with Dr. Doy "out and across the river into Kansas." Annie boasts of her brother's involvement, "The exploit has been called the most daring and chivalrous of all the deeds of free-state men."⁵⁶ Other versions of this story tell how Silas, pretending to be a drunken Irishman managed to get himself locked up in the jail.⁵⁷

This last scenario is also the twist given to the John Brown escape plan. According to this story, Silas again plays the drunken Irishman, charms the jailer and his family and is allowed access to Brown in the Charlestown jail. In this story, Silas' plans are not thwarted by officials, but by John Brown himself who refuses to leave because the jailer had treated him well, he wanted no further bloodshed, and because he realized that he was "worth more to die than to live."⁵⁸ And so, a disappointed Silas was forced to leave the jail empty-handed with the knowledge that John Brown was destined to meet his fate at the gallows.

If this story were true, Silas would have been a very lucky young man to escape the gallows himself. There are many reasons to suspect the validity of the story, however. First, there is such a small gap of time between the raid of Harper's Ferry on 16 October and Brown's execution on 2 December 1859.⁵⁹ In addition, as late as 26

October, Brown required a "litter" to transport him. Governor Wise of Virginia had been warned of the possibility of an escape attempt and as a precaution against either a breakout, or a lynching, he ordered Virginia troops to Charlestown to guard the prisoner. It is highly unlikely, whatever his sympathies may have been, that even Silas' infamous charms could have gained access to John Brown under these circumstances. On the day of Brown's execution, 1500 soldiers stood on guard to insure that no civilian be admitted or allowed within hearing distance of the gallows without express permission.⁶⁰

The John Brown story likely originated from a combination of Silas' participation in the Doy Rescue and a failed plot to rescue two of Brown's accomplices, Stevens and Hazlett.⁶¹ Thomas Wentworth Higginson claims to have been involved with a plot to do just that. Not only does Higginson mention Silas in his account,⁶² but a letter written by Silas definitively places him back East at the appropriate time, late February. Also in his letters, Silas mentions many of the same connections as Higginson does⁶³, such as the Boston publishers, Thayer & Eldridge and Walt Whitman. After Silas' arrival in Colorado Territory, he writes a letter to "Friend Walt" and opens with "Perhaps you have forgotten a wild harum scareum young man who used to linger around Thayer and Eldridge's Publishing office, Boston, in the spring of 1860."⁶⁴ Silas also wrote a letter addressed to "Messrs Thayer Eldridge Hinton &c" in which he writes in code referring to mysterious men as "G", "S" and "M".⁶⁵ Silas' decision to

visit back East also seems to have been made with some haste.⁶⁶ Higginson states that their rendezvous point was Harrisburg PA,⁶⁷ and it is from this location Soule writes his 21 February 1860 letter.⁶⁸

As for the allegation, maintained since the massacre, that Silas was hostile to Chivington before the Sand Creek affair, there is no evidence whatsoever. In fact, evidence would suggest otherwise. Silas, an avid letter writer, is his best advocate. On 3 January 1864, he writes to Chivington from Fort Garland informing the Colonel of the situation at that post. He states, "It is plain to see that he [Lieutenant Moore] is down on you and both he and the rest of our officers here as near as I can see are somewhat jealous of Shaffer and myself and some other officers." He adds confidentially that he thinks "there are some girls at the post."⁶⁹ In another letter, written just the month before the massacre, Silas, trying to find a way around Major Wynkoop who has denied him permission to return to Denver, asks Chivington, "If I am not ordered to Denver by the next mail, Colonel, you would confer a favor on me by writing a few lines in answer to this. I am very desirous to get my business affairs...settled as soon as possible as I wish to make application about next February for a furlough to go to Maine to see my Mother and Sister." He adds, "Any thing I can do for you officially or unofficially I shall always be pleased to do."⁷⁰ In yet another letter, written this time to his sister Annie, he writes of Chivington, "Our Col is a Methodist Preacher and whenever he sees me drinking, gambling, stealing or murder-



Courtesy of the Anne E. Hemphill Collection

Silas Soule

ing he says he will write to Mother or my sister Annie so I have to go straight.”⁷¹ There is not a hint of criticism or contempt for Chivington in any of Silas’ letters until after Sand Creek.

A less important fiction, but probably the most common is the pronunciation of Silas’ last name. Should the name be pronounced “Sool,” “Soul” or Soolay? This is easily solved. Not only do members of Silas’ family pronounce the name, “Soul,” but the correct pronunciation is recorded in several poems and riddles written for the meeting of the Coal Creek Social Library Association when Silas, his brother, William, and his

sister, Annie were all members. One poem reads “...on foot for miles and miles they’d go, to catch a glimpse of calico. Silas the witty, Bill the bold, Brave as the bravest and double soled....” While a riddle asks, “Why is a certain Young lady like a pair of boots? She has two Soules.” And another asks, “Why is our President and Society Synonymous?” Both are the “Soule of Wit.”⁷²

It is an injustice to condemn without evidence a man of Silas Soule’s unblemished military record who was killed in the line of duty.⁷³ Rather, he should be honored for his faithful service to the United States.⁷⁴ Silas had earned for his unblemished record, a promotion to the rank of Brevet Major, “to date from March 13, 1865.”⁷⁵

It is an equal injustice to condemn Silas Soule, the man. A shattered reputation is often difficult to piece back together. But again, Silas is his own best advocate. He was a man who had put his life on the line at the tender age of 17 to fight against the institution of slavery, a man who faithfully recorded the loving relationship he shared with his mother and sisters through his letters, and a man whose promise was cut short at the young age of 26. The newspaper articles in which he was featured prior to Sand Creek and his letters give some insight into the man who, at least in legend, could charm even the jailer of John Brown.

It is easy to visualize the truth in the statement he makes in one of his letters to his sister Annie, “I am the same Boy, Annie, as I used for to be. In fact I imagine that I am only 17 years old.”⁷⁶ This same mischievous boy can

RECEIVED
NOV 7 1894
S. E. D.

In the Supreme Court of the District of Columbia,

HOLDING A CRIMINAL TERM.

The United States

vs
Emma S. Bennett
Emma S. Soule

Criminal No. 24475

Indicted for Violation of Act of July 7, 1890

The President of the United States,

To the United States Marshal for the District of Columbia, Greeting:

You are hereby commanded to take the defendant Emma S. Bennett alias Emma S. Soule if to be found in your District, and you have before the Criminal Court for the said District of Columbia on the 7th day of June, 1894 (immediately) to answer the United States touching the offense charged against her.

Hereof fail not, and have there then this writ, so indorsed as to show how you have executed it.
HARRY M. CLABAUGH

Witness, the Honorable James E. Lamborn Chief Justice of said Court, the

25 day of June, A. D. 1894

R. Quinn Clerk.
W. H. Strick Assistant Clerk.

7

Courtesy National Archives, Washington D.C.

Emma Bennett, alias Emma S. Soule bench warrant from the Silas S. Soule pension file

be found in the 2 June 1864 letter to his mother: "I may go to fight Indians. If I do, I will write first so you can be worrying while I am gone"⁷⁷ and in other letters which he signs, "your sonny" and "your sonny wonny, Silé."⁷⁸

History written by men will never change the historic reality that Hersa was recognized as Hersa Soule until her marriage to Alfred Lee.⁷⁹ She had a lifelong friendship with Silas' family in whose photo album pictures of her children can be found.⁸⁰ Silas' pension file is filled with numerous depositions of people who knew the young couple during the short time they had together.⁸¹ The truth of the non-fiction version is that Silas and Hersa's life together was much too short. Hersa stood beside Silas' friends and fellow

officers just three days after Silas' murder in an over-packed church "draped in weeds before the orange blossoms scarce had time to wither."⁸² There she said goodbye to her "Silie" and to her dreams of building a life with him.⁸³ The *Rocky Mountain News*, while offering condolences included the reminder "that murder may sleep a season but never always, since Heaven watches with a righteous eye the malefactor's march."⁸⁴ Conspicuously missing from this assembly was John M. Chivington.⁸⁵

On the day Silas died, his mother, Sophia Low Soule recorded in her diary, "Staid at home in the forenoon went to meting in the Afternoon Mr. King preached." On the day he was buried, she had gone visiting and had a

guest over for dinner. She recorded no premonitions and she continued to write her diary--a diary that reads as a list poem of activity. Then, on 8 May, ten days after her son had been murdered, she wrote, "Ironed all the forenoon in the afternoon had a letter come bringing the dreadful news of Silas Death." The following day, she wrote, "Don't know what to do with myself," one day of stunned inactivity the only testimony to a mother's grief and to her realization that there would be no more letters from her "sonny wonny, Sile."⁸⁶

Endnotes

¹ *Rocky Mountain News*, 24 April 1865; Raymond Carey Collection. Silas' body was taken to Officer's Headquarters. I have taken poetic license in my opening. There is no evidence that Hersa was present at headquarters and if she did visit, Silas was already dead. A gunshot killed him instantly.

² Colorado State Archives.

³ Silas S. Soule Pension File, depositions of Ward Denison and Margaret Denison. The Coberly House was known as Halfway House because it was located half way between Colorado City and Denver. It was also known as Pretty, or Purty Woman Ranch. It was located by Spring Creek, a tributary of Plum Creek, about eight miles to the southwest of Castle Rock (Robert G. Carey Collection, Box 5 ff 1).

⁴ For information on the location of the massacre read Jerome Greene and Douglas Scott's book, *Finding Sand Creek: History, Archeology, and the 1864 Massacre Site*, visit the National Park Service Website, or the ongoing debate on the Kiowa County Website's Sand Creek Discussion Forum.

⁵ Anne E. Hemphill Collection; Raymond

G. Carey Collection, Box 5 ff13.

⁶ *Rocky Mountain News* 29 December 1865.

⁷ Carroll, 94, 96 The Carroll book is a compilation of the testimonies and other pertinent documents from the three investigations, given in their entirety.

⁸ Roberts 460. The men who opposed Chivington came from groups representing both military men and pioneers.

⁹ Hoig 127; Roberts 398

¹⁰ *Daily Mining Journal* 30 December 1864.

¹¹ *Rocky Mountain News* 22 December 1864.

¹² Roberts 476; Anne E. Hemphill Collection; Raymond G. Carey Collection. A letter from Silas to Colonel Chivington states, "It is plain to see that he [Lt. Moore] is down on you and both he and the rest of our officers here as near as I can see are somewhat jealous of Shaffer and myself and some other officers..."

¹³ Coffin 28.

¹⁴ Carroll 22-35, Testimony of *Major Scott Anthony*. It is interesting to compare the similarities between the testimony given by Anthony of the treatment he witnessed of an Indian child on the day of the massacre with an account, written several years after Sand Creek, by an often used source, Irving Howbert. Howbert was an 18 year old private when he participated in Sand Creek. "There was one little child, probably three years old, just big enough to walk through the sand. The Indians had gone ahead, and this little child was behind following after them. The little fellow was perfectly naked, traveling on the sand. I saw one man get off his horse, at a distance of about seventy-five yards, and draw up his rifle and fire--he missed the child. Another man came up and said, "Let me try the son of a bitch; I can hit him." He got down off his horse, kneeled down and fired at the little child, but he missed him.



Courtesy Denver Public Library Western History Photography Collection

15th and Arapahoe Streets, 1864

A third man came up and made a similar remark, and fired, and the little fellow dropped." --*Testimony of Major Scott J. Anthony*, 14 March 1865. At one place an Indian child three or four years of age ran out to us, holding up its hands and crying piteously. At first I was inclined to take it up, but changed my mind when it occurred to me that I should have no means of caring for the little fellow. I knew that there were Indians concealed within a couple of hundred yards of where we were, who certainly would look after him as soon as we were out of the way; consequently we left him to be cared for by his own people. Every one of our party expressed sympathy for the little fellow and no one dreamed of harming him."--Irving Howbert, *Memories of a Lifetime in the Pike's Peak Region*, p.128

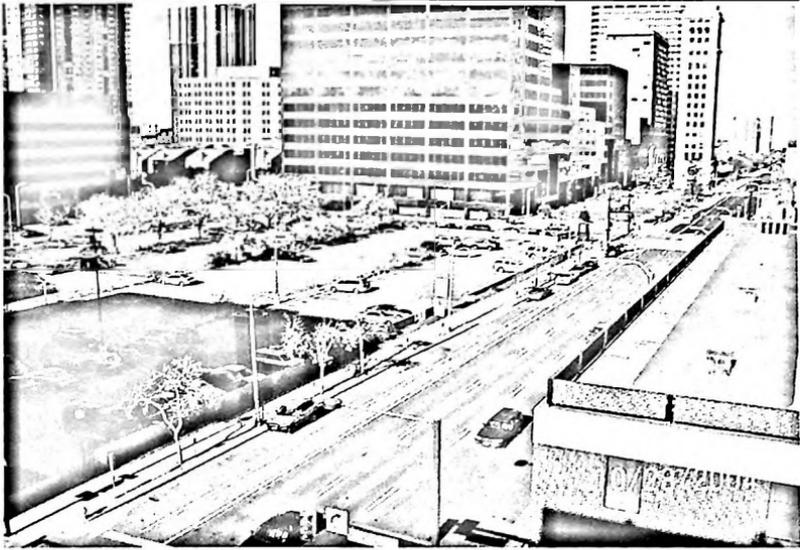
¹⁵ *Daily Mining Journal*, 9 June 1865.

¹⁶ A monument stone stands today at 8th and Vallejo which marks the location of

Camp Weld.

¹⁷ *Rocky Mountain News* 29 September 1864.

¹⁸ Hoig 127; Carroll 282-286. During Wynkoop's testimony, he furnished papers that he had presented to General Curtis after his removal from Fort Lyon. He states that the papers were "signed by all the officers at Fort Lyon, which was to the effect that they indorsed my whole action with regard to the Indians and thought that I had acted for the best interests of the service as well as for the benefit of the people of the country, which action was indorsed by Major Scott J. Anthony, who agreed with all that was therein stated, and ended by stating that he considered that Major Wynkoop had acted for the best." Wynkoop also furnished a paper signed by the "citizens of the Arkansas Valley, of Colorado Territory" expressing their "hearty sympathy in [Wynkoop's] laudable efforts to prevent further danger and



Courtesy Richard Nilles

15th and Arapahoe Streets, 2004

bloodshed.”

¹⁹United States War Department Series I XCVIII, Pt. 1.

²⁰Anne E. Hemphill Collection; Raymond G. Carey Collection, Box 5, ff 13. 8 January 1865 Silas Soule to Sophia Low Soule.

²¹United States War Department, Series I, XLI, Part I, 948-950, letter from Colonel Chivington to General Curtis, 16 December 1884.

²²Carroll, *introduction*.

²³Howbert and others have made the claim that Chivington had not been fairly represented, but Chivington called witnesses, entered evidence, received counsel and often cross-examined witnesses himself.

²⁴Carroll, “Testimony of Silas Soule” 198-219.

²⁵*Daily Mining Journal*, 24 February 1865. The article accuses the *Rocky*

Mountain News, of being “now and always his [Chivington’s] organ” and of “as good as counsel[ing] assassination.” This article associates Chivington with the assassination attempts on Soule even before Silas is finally murdered, though the paper qualifies this implication by stating that “We do not say that Chivington, or the *News* have instigated this extreme proceeding, but taken in connection with the daily fulminations--of that press against what it terms ‘the inquisition’, ‘the menagerie’, it looks as though these men not only did not want investigation, but were determined there should be none.” Silas had already given his testimony 15-21 February. This time frame is often used as a defense against any possible Chivington involvement in the assassination attempts on Soule. That defense is based on the argument that fear of Silas’ testimony could no longer have been the motivating factor. However, the article states that the attempts had occurred “within six weeks”

of 24 February. This means that the attacks could have happened prior to, or even during the period of time he was giving testimony. Neither would this argument eliminate revenge as a motive.

²⁶ *Rocky Mountain News*, 9 February 1865.

Both Tappan and Wynkoop held Chivington either directly or indirectly responsible for Silas' murder.

²⁷ Carroll 349.

²⁸ *The Daily Mining Journal*, 24 April 1865; Cooper, Arthur B.

²⁹ Hoig, Michno and Roberts all incorrectly place his death at 15th and Lawrence.

According to reports in the *Rocky Mountain News* and *The Daily Mining Journal*, Silas was killed directly in front of Dr. Cunningham's house. An advertisement placed by Dr. Cunningham in the *Rocky Mountain News* (various dates) gives the location of his house as 15th and Arapahoe. After completing my research on the exact location, and upon reporting my "discovery" to Vonnie Perkins, I learned that she had drawn the same conclusion, published in her article, "Silas Soule, His Widow Heresa and the rest of the story."

³⁰ *Rocky Mountain News* 24 April 1865; *Daily Mining Journal* 24 April 1865, 25 April 1865. The 25 April *Daily Mining Journal* reintroduces the question of a Chivington connection. The article states, "Well, an order for an investigation was procured, the commission met and these assassination attacks commenced on Soule.... We leave the public to draw their own conclusions, referring them to the fate of Hendersons at Camp Weld in 1862 and to the shooting of Reynolds and his guerrillas last summer." It was common knowledge at the time that Chivington had been involved in both of the fore-mentioned incidents.

³¹ Carroll, "Testimony of James D. Cannon" 300-305. James Cannon Pension File.

³² C. S. Burdsal, Isaac L. Evans, John E. force, James H. Young, W. H. Valentine,

and Simeon Whitely, all present at Cannon's inquest determined that he "came to his death from congestion of the brain." The cause of the congestion was undetermined, though Dr. Lester's testimony suggested that it might have been caused by "narcotic poisoning, alcoholic stimulants or apoplexy induced by narcotics or stimulants taken in excessive quantities" into the stomach. Dr. McClain, who tested the contents of Cannon's stomach discovered no evidence of any such poisons, though he did identify the contents of a small packet, found in Cannon's room, to be morphine. Morphine was a legal substance at the time and was commonly used as a pain killer. The discovery of morphine in Cannon's room is not, as some suggest, evidence that Cannon was an addict, or, if foul play were involved, that the morphine was not placed there by someone else. The testimonies of Mrs. Laura V. Paul and Mrs. Leola Blair state that there was "groaning and rapping as against the bed or walls" coming from Cannon's room around 8 p.m. the night before his body was discovered.

³³ James Cannon Pension File.

³⁴ *Daily Mining Journal* 12 October 1865.

"It is supposed he was aided from the outside, as the large padlock at the back of the door was picked."

³⁵ Raymond G. Carey Collection, Box 5 ff 8. Squiers had previously served in the 174th New York Regiment as a Captain during the Peninsular Campaign. At the time of Silas' murder, he was an unassigned Private in the 2nd Colorado Cavalry.

³⁶ *Ibid.*

³⁷ Carroll 374-377.

³⁸ Not everyone shared this viewpoint. An editorial which appeared in the *Daily Mining Journal* four days after the Hungate murders shows that human rights is not a new issue, "Then too there appears to be no material difference between the murder of an Indian Squaw with her children and the

murder of a white woman with her children. If it is strictly legal and within the limits of military law to burn Indian wigwams and kill in cold blood Indian women and children, then it appears that the Indian, having the rights of a belligerent shall take exemplary vengeance by retaliation—the laws that know no refined limits. If the abuses of the military authorities has brought this upon us we must prepare for it....May we not question the wisdom which under military rule has first precipitated us suddenly into an Indian war....”

³⁹ Carroll 374 Lipman’s affidavit was made 7 April “in the absence of the military authority” at the Headquarters District of Colorado in the presence of Chivington’s counsel and Assistant Commissary of Musters and Judge Advocate, John C. Anderson. It wasn’t entered into evidence, however, until 27 April.

⁴⁰ Carroll 378-79, “Affidavits of Lipman Meyer and George Price.”

⁴¹ Michno. Michno takes little stock in the official findings of the investigations. He states that the difference between the ‘new politically correct history’ and his viewpoint ‘stems from one person looking at the past through today’s eyes and one trying to explain it in yesterday’s terms.’ He adds that today’s heroes such as Silas gain their reputation from the ‘new Western history that projects our modern sensibilities into the past.’ As a result anyone who ‘appears to be ‘against’ the U.S. military and white frontiersman and ‘for’ a poor minority is typed as ‘good.’ Michno’s quotes are from the editor, Gregory Lalire’s, comments on page 6 of the December 2003 issue of *Wild West*. The problem with Michno’s argument is that the findings of the commission and Soules’ brave stance against those more powerful than himself ARE yesterday’s views. The government’s, and therefore, the military perspective of Sand Creek is that it was a massacre. This is not a new

label given by “pc-thinking” historians.

⁴² Greg Michno personal interview, also Greg Michno response Kiowa County Website, Article 290 27 July-2 August, titled “Michno Book,” “Soule and Emma,” “Emma Bennett alias Emma S. Soule.”

⁴³ Colorado State Historical Society.

⁴⁴ Gilpin County Historical Society, Colorado State Historical Society, Silas S. Soule Pension File, *Daily Miners Register*.

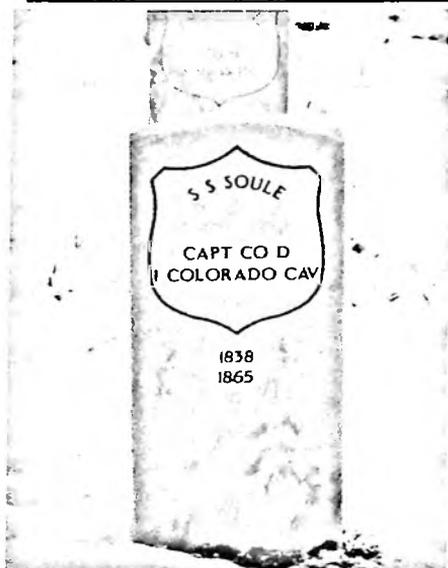
⁴⁵ Silas Soule Pension File, depositions of Hannibal Pool and Jesse P. Waterman

⁴⁶ The date 3 April would indicate that the Soule household had one too many Soule brides in residence. Hersa and Silas were married 1 April.

⁴⁷ *Ibid*.

⁴⁸ *Ibid*. Even if she had been married to Silas, she would not have been entitled to his pension as a result of her marriage to George.

⁴⁹ *Ibid*. An affidavit signed by Rose A. Draper and Margaret Buntin of Waterloo, Iowa stated that “they have been well and personally acquainted with Emma from the time after the death of “her late husband Silas S. Soule.” In later depositions this affidavit is proven fraudulent. Margaret Buntin, admitting that she signed some paper for Emma states that “This is the first that I ever saw the writing in the body of the affidavit and I never knew until now what the paper contained. I never knew anything about Capt. Soule or the date of his death. I was not born in 1865 when you say he died. I know nothing as to whether she was remarried.” Similarly, Mrs. Draper, who rented a room to Emma, admits feeling compassion for her and signing some paper, but says that “The body of the affidavit was written, probably, by someone in Chicago... I know nothing about it. I never heard it read before now that I remember. It is not true in any respect. I could not say from personal knowledge that she never remarried as I did not know her until she came to board



Courtesy Richard Nilles

Silas' marker at Riverside Cemetery

with us.”

⁵⁰ Silas was in constant contact with his family through letters, and for at least part of the time of their alleged marriage, his brother William Lloyd Garrison Soule lived in Denver. Based on the depositions given by friends, newspaper accounts and his letters, it can be safely concluded that Silas' personality was not one of brooding secrecy. It seems unlikely that Emma knew Soule on any long-term basis.

⁵¹ Silas S. Soule Pension File. William H. Bright, the brother of Emma's first husband, states in his deposition that Emma did not give birth to a baby at the Bright home, though she did bring her daughter, Ida, to live with them for some time. Mr. Bright also stated that he had never known Emma by the name of Soule and that he had personal knowledge of her marriage to George Bennett.

⁵² Ibid.

⁵³ Emma filed for Silas' pension in 1901.

The investigation lasted until 1905. Hersa had died in 1879..

⁵⁴ Ibid. Emma's request to enter other papers for statements she'd already made, her elaborate efforts at forgery and efforts to escape to New York suggest, however, that she was aware of reality and was deliberately committing fraud.

⁵⁵ *Kansas City Star* 13 January 1929

⁵⁶ Ibid.

⁵⁷ Raymond G. Carey Collection, Box 5 ff10, ff11.

⁵⁸ Ibid; Michno 86, Michno quotes Silas as saying 'Just remember--you can't save someone who refuses to be saved.' There is no historical source for this quote, rather it can be found on page 49 of Bruce Cutler's fictional work, *The Massacre at Sand Creek: Narrative Voices*. Bruce Cutler is a Professor of English and a well-known poet. His fictional source is quoted throughout Michno's book as fact.

⁵⁹ Coal Creek Library. The By-laws of the Coal Creek Library Social Association were passed on 22 November 1859. Silas is listed as a paid member, but it does not state those who were in attendance. Silas is mentioned in the minutes of the first meeting for which records exist, 19 December 1859, so there remains the remotest possibility that he could have been back East during this time. However, Silas conclusively makes a trip East in February as one of "Montgomery's men" as part of a plan to help two of Brown's accomplices escape (Higginson 233; Anne E. Hemphill Collection; Raymond G. Carey Collection). With no evidence placing him near Charlestown, WV during the time John Brown was held there, it seems unlikely that he would have made two trips in such close succession. Coal Creek Library is the oldest library in Kansas, established 1859. The tiny red building is open only on Sundays from 12-5 during the warm months of the year. Martha Smith, Silas Soule's grandniece, who turns 100 on 15

September 2005, has been the librarian since 1926.

⁶⁰ John Brown/Boyd B. Stutler Collection, letters of Governor Wise. West Virginia Division of Archives; Redpath 286-288.

⁶¹ Aaron D. Stevens and Albert Hazlett were executed 16 March 1860 for their role in the Harper's Ferry raid.

⁶² Higginson 233.

⁶³ Ibid. 230, Higginson writes, "Thayer and Eldridge, two young publishers in Boston, also took an interest in raising funds for this purpose; and the fact is fixed in my memory by the circumstance that on visiting their shop one day, during the negotiations, I met for the first and only time Walt Whitman."

⁶⁴ Anne E. Hemphill Collection; Feinburg Collection. Silas Soule to Walt Whitman 8 January 1862.

⁶⁵ Ibid; Feinburg Collection, Silas Soule to Messrs Thayer Eldridge Hinton &c 9 May 1860.

⁶⁶ Coal Creek Library. The minutes for the 7 February meeting of the Coal Creek Library Social Association records that Silas volunteered to work on a committee to plan events for a fair to be held 14 of February. His absence at the 14 February meeting and the subsequent dating of a letter written in Harrisburg 21 February seem to indicate that he left some time during that week. Silas inquires about the festival in the letter.

⁶⁷ Higginson 233.

⁶⁸ Anne E. Hemphill Collection; Raymond Carey Collection., Box 5 ff 13. Silas Soule to Colonel Chivington 11 October 1865.

⁶⁹ Ibid. 3 January 1864 Silas Soule to Colonel Chivington.

⁷⁰ Anne E. Hemphill Collection; Raymond G. Carey Collection, Box 5 ff13, Silas Soule to Colonel Chivington 11 October 1864.

⁷¹ Ibid. Silas Soule to Annie Soule 16 July 1864.

⁷² Anne E. Hemphill Collection; Raymond Carey Collection, Box 5 ff10; LaVonne Perkins; Coal Creek Library.

⁷³ Silas Soule Service Record.

⁷⁴ Silas has been receiving some of this deserved recognition over the past several years. Senator Ben Nighthorse Campbell, addressing the Senate 6 October 1998 on the "National Historic Site Study Act of 1998," spoke respectfully of Silas. He stated, "I want to pay a long overdue tribute to one young Coloradan, Captain Silas S. Soule, whose actions over 130 years ago saved many innocent Cheyenne and Arapaho lives on that fateful day at Sand Creek (page: S11580).

Also, the Northern Cheyenne Sand Creek Spiritual Healing Run has stopped by Silas' gravesite at Riverside Cemetery to honor him and Joseph Cramer with a ceremony the last few years. The Annual Sand Creek Spiritual Healing Run is held in November close to the date of the massacre.

⁷⁵ Ibid; Library of Congress, 12 March 1866. Silas' murder occurred on 23 April 1865.

⁷⁶ Anne E. Hemphill Collection; Raymond G. Carey Collection, Box 5 ff113, Silas Soule to Annie Soule 16 July 1864.

⁷⁷ Ibid. Silas Soule to Sophia Low Soule 2 June 1864.

⁷⁸ Ibid. Silas Soule to Sophia Low Soule, various dates.

⁷⁹ A Charles Ambrook wrote a letter to the Commissioner of Pension from Boulder 4 February 1879 with the concern that Hersa was still receiving Silas' pension even though she had remarried eight years previous. He writes that he "understood it to be against the law to do so" and makes the further claim that his "informant claim[ed] to have attained the information from Mrs. Lee herself." The pension file shows that Hersa was granted a pension in May 1866 and continued to draw a pension until 4 December 1871. Hersa married Alfred E. Lee 14 December 1871 (Perkins

15). Hersa died just three months after Mr. Ambrook wrote his letter, 11 May 1879. Another interesting note about Ambrook's letter is that he refers to Silas as "Capt (or Major)." Either Ambrook or his informant must have been in a position to know of Soule's advancement to Brevet Major.

⁸⁰ Anne E. Hemphill Collection. Also included in the collection is a touching letter written to Annie Soule after Silas' death. It is written while Hersa is visiting their brother, William. She writes, "'I like Will and Mary, very very much but I don't think that Will is much like Silie, he is not so full of fun, but his eyes and hair are very much like My Silie's and I have no doubt but he is as good and I love him dearly but oh dear Annie no one can feel as I do. He was my future hope...I am afraid I shall make them unhappy. I would rather die than to. I think because it is my fate to be unhappy it--is not--right that I should make others unhappy on my account.'" She adds at the end of the letter, "I send you two of Silies' Photographs that he had taken just before he was killed. They were not finished at the time." Silas' mother, Sophia Low Soule, also records Hersa's visit with her in Maine in her diary.

⁸¹ Silas Soule Pension File.

⁸² *Rocky Mountain News* 27 April 1865.

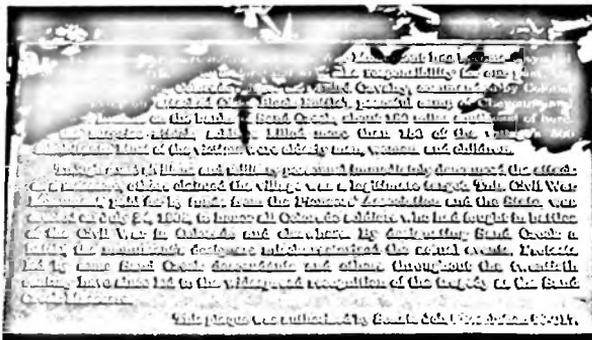
⁸³ Silas was originally buried at Mount Prospect Cemetery, which was located where Cheeseman Park is today. Silas was

relocated to Riverside Cemetery in 1886, where his military marker stands today. His original marker did not make the journey with him to Riverside. Hersa placed a thank you in the *Rocky Mountain News* for the original monument, "extending her heartfelt thanks to the officers and members of the First Colorado, and all the others, who have so kindly and thoughtfully placed the beautiful and enduring monument over the remains of her deceased husband, Capt. Silas S. Soule." It is not known what happened to this monument, though there is a mention of "a large marble shaft" that was "erected to his memory, by the survivors of the First Colorado Regiment" on page 353 of the *History, Biography and Genealogy of the Families Named Soule, Sowle and Soulis, Volume 1*. This account, published in 1926, goes on to state that the monument "is still standing in the older Evergreen Cemetery, but has not been kept in good condition."

⁸⁴ *Rocky Mountain News* 27 April 1865.

⁸⁵ Roberts 491. According to Roberts, Chivington spent the day set aside to honor his one-time friend answering "questions sent to him by the Joint Committee on the Conduct of War."

⁸⁶ Anne E. Hemphill Collection, diary of Sophia Low Soule.



Sand Creek marker,
State Capitol

Courtesy Richard Nilles