

Q. Smith, of Ohio, was appointed to that office, and his attention was at once called to the condition of things as they then existed. He learned from the correspondence that had reference to the case that it was the opinion of Generals Crook and Terry, under whom any movement against the Indians would be conducted, in which opinion the general and lieutenant-general concurred, that such a movement at the time referred to (February, 1876), was entirely practicable. He evidently had doubts, and was without any definite knowledge that the Indians had received notice. He came, however, to the conclusion that sufficient had been done to fully commit the department to the policy of restraining, by force of arms, any further outbreak or insubordination on the part of these "hostile" hands, should they not comply and be at the agencies before the 31st of the month, then only ten days distant. Commissioner Smith assumed, of course, that there was ground for the action that had already been taken, and that the Indians were not only "hostile," but in a defiant attitude, and he was not aware that there was no food at the agencies for them should they come in, and it was possible that, in the then state of the case, he was not aware that these Indians had a right under the treaty, to roam and hunt in the country where they then were.

Promptly on the first day of February, 1876, the secretary of the interior turned over "Sitting Bull and his followers" to the war department, and on February 4, 1876, Gen. Sheridan responded that Generals Crook and Terry were ready, and would move at once against the Indians. Gen. Terry had been at Chicago as early as the middle of December, 1875, in conference with Gen. Sheridan on the subject, and Generals Crook and Sheridan were they not at