Who invented the mule deer (*Odocoileus hemionus*)? On the authorship of the fraudulent 1812 journal of Charles Le Raye

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ABSTRACT: The captivity journal of Charles Le Raye was first published in 1812 as a chapter in *A topographical description of the state of Ohio, Indiana Territory, and Louisiana*, a volume authored anonymously by “a late officer in the U. S. Army”. Le Raye was purported to be a French Canadian fur trader who, as a captive of the Sioux, had travelled across broad portions of the Missouri and Yellowstone river drainages a few years before the Lewis and Clark expedition (1804–1806), and his account of the land, its people, and its natural resources was relied upon as a primary source by generations of natural historians, geographers, and ethnographers. Based directly on descriptions of animals in the published journal, the naturalist Constantine S. Rafinesque named seven new species of North American mammals, including what are currently recognized as the mule deer (*Odocoileus hemionus*) and a Great Plains subspecies of white-tailed deer (*O. virginianus macrourus*). Unfortunately, Le Raye never existed, and historical, geographical, and ethnographical evidence indicates that the journal is fraudulent. Determining the author of this work is relevant to identifying the sources used to construct it, which may help us to understand the real animals upon which Rafinesque’s species are based. Traditionally, authorship of the volume was attributed to Jervis Cutler, but his role in composing the fraudulent Le Raye journal has been called into question. In this paper, I present additional evidence supporting the hypothesis that Jervis Cutler bears primary responsibility for the Le Raye journal and that he had the background, opportunity, and potential motive to author it.

KEY WORDS : captivity narrative – Constantine S. Rafinesque – Lewis and Clark expedition – Louisiana Territory.

**INTRODUCTION**

In 1812, a book entitled, *A topographical description of the state of Ohio, Indiana Territory, and Louisiana* (hereafter *A topographical description*) (Cutler 1812), written by “a late officer in the U. S. Army”, appeared in bookstores in the United States. This anonymous volume represented one of the first attempts to provide a public synthesis of available information regarding the geography, natural resources and native populations of the recently acquired Louisiana Territory, and it provided similar accounts for the Indiana Territory and the newly established state of Ohio (Dollar 1974, 1983). Originally marketed for one dollar, it was recommended as “an interesting work for all those who are about to remove to the western states” (Anonymous 1814: 4).
One chapter in the volume is devoted to an extract from the journal of Charles Le Raye, a purported French Canadian fur trader who claimed to have travelled across broad portions of the Missouri and Yellowstone river drainages between 1801 and 1805, reaching as far west as the Big Horn Basin of present-day Wyoming. This journey began three years before Lewis and Clark’s exploration (1804–1806) of much of the same area (Lewis et al. 1814). Despite a potential wealth of information concerning the geography and native inhabitants of the upper Missouri River region prior to European settlement, A topographical description appears to have had a limited circulation\(^2\), and Le Raye’s journal initially attracted little attention among historians and ethnographers. It was not until the Le Raye journal was re-published in 1908 in South Dakota historical collections (Robinson 1908) that it gained wider notice among academics in historical and ethnographical disciplines (Dollar 1983).

The tale of Le Raye’s captivity also included definitive descriptions or illustrations of a number of mammals that occurred in the region he was said to have traversed, including what are referred to in the journal as the “mule deer”, “long tailed deer”, “meadow dog”, “prarow”, “cabree”, and two “wild cats” (Cutler 1812). Early on, these attracted the attention of the North American naturalist Constantine S. Rafinesque. Following allowable practice at the time (ICZN 1999: Article 12.2), Rafinesque (1817) formally provided scientific names for these seven “new species”, indicating the Le Raye journal as the source for his descriptions (Woodman 2013b). Two of Rafinesque’s names continue in use today as the accepted scientific names for the mule deer (Odocoileus hemionus) and a Great Plains subspecies of the white-tailed deer that is sometimes called the Kansas white-tailed deer (Odocoileus virginianus macrourus; see Grubb 2005).

Unfortunately, the early nineteenth-century trader Charles Le Raye never existed, and his journal was ultimately determined to be fraudulent. Much of the putative Le Raye journal was drawn from other written accounts, and the identification of alternate sources for specific information in it helped to establish the work as an inaccurate compendium that mixed up the customs and material goods of the native tribes and confused the geography of the upper Missouri River region (Hyde 1937; Schell 1968; Dollar 1974, 1983; Woodman 2013b). Despite these problems, Rafinesque’s scientific names for the mule deer and the Kansas white-tailed deer remain available because they conform to the necessary provisions of the International code of zoological nomenclature (ICZN 1999: Articles 10–20). Determining the authorship of the fraudulent Le Raye journal is relevant to identifying the source or sources for the information on the animals depicted in it and, thereby, understanding the biological entities upon which the taxonomic names of the two deer were based (Woodman 2013b).

Traditionally, the “late officer in the U. S. Army” who wrote the main text of A topographical description has been identified as Jervis Cutler (1768–1844). Based on his extensive research into the origins of the Le Raye journal, the late North American historian Clyde D. Dollar initially (1974) supported this identification, and he implicated Jervis Cutler as the author of the Le Raye journal as well. Subsequently, however, Dollar (1983) questioned Jervis Cutler’s role in the preparation of the journal, suggesting instead that Jervis’s older brother, Ephraim, was more likely the primary author. Because the journal is the key to understanding animals originally represented as the mule deer and the long tailed deer (now the Kansas white-tailed deer), I attempt to clarify the authorship of this volume and suggest potential motivation for the invention of the captivity narrative of Charles Le Raye.
THE SUPPOSED ODYSSEY OF CHARLES LE RAYE

Most (163 of 210 pages) of *A topographical description* is devoted to an overview of the geography, natural resources and human populations of the western American territories, with chapters on the state of Ohio (pp 7–52), the Indiana Territory (pp 53–66), the Mississippi River (pp 67–98) and Red River (pp 99–120), and a chapter (pp 121–155) and an appendix (pp 205–218) summarizing information about the Indian nations between the Mississippi River and the Rocky Mountains (Cutler 1812). Although compiled entirely from other sources, this ambitious work provided one of the first comprehensive overviews of the new Louisiana Territory (Dollar 1983), and it might have been a useful guide to early settlers in the region. The journal of Charles Le Raye (pp 158–204), covering three years and five months of that adventurer’s life, occupies 47 pages of the book. In his preface, the author of *A topographical description* explained how he supposedly came into possession of the journal (Cutler 1812: iv–v):

> On passing with the troops from Kentucky to New Orleans, Mr. Le Raye applied to the writer for a passage with him in the boat under his immediate command. This gentleman, who is a native of Canada, had been engaged, for several years, in trading with the Indians, on the river Saskashawan, northwest of the Lake of the Woods; but, in the year 1801, he determined to turn the course of his business to the river Missouri. Unfortunately, on his first adventures he was taken captive by a band of Sioux Indians, with whom he remained more than two years and half, before he obtained his liberty. During his captivity, he kept a journal of the most material occurrences which took place, so far as circumstances would admit. Before parting with him, he very politely presented an extract from it, with permission to make such use of it as might be thought proper.

According to the journal, Le Raye and six unnamed companions travelled by boat from the “French settlement” on the Illinois River in September 1801 to trade with the Osage nation. As they were camped along the Osage River in Missouri, they were surprised and captured by a war party of Teton Sioux. The prisoners were first led west overland to a temporary village on the Wakarusa River in Kansas and, subsequently, taken northwest along the Missouri River drainage. When the Sioux band divided, the author noted, Le Raye was separated from his men, and they are never mentioned again in the journal. Le Raye was then moved north to a winter camp along the lower Little Sioux River, where it now acts as the border between Iowa and South Dakota. During his subsequent captivity, Le Raye travelled with Sioux hunting and trading parties throughout the northern Missouri River basin. The journal recounts visits to the Arikara villages in South Dakota and the Mandan and Gros Ventres villages in North Dakota, as well as a journey across the Big Horn Mountains that reached as far west as the Yellowstone and Powder Rivers in Montana. After being a prisoner of the Sioux for three years and five months, the journal claimed that Le Raye escaped by canoe down the Missouri River with another captive Frenchman (“Mr. Paintille”). They arrived at the French settlement of St Johns (now Washington, Missouri) in June 1805. Le Raye subsequently fell ill, and he remained laid up with “rheumatism” for 18 months (Cutler 1812).

In addition to living with and meeting several distinct bands of Sioux during his captivity, Le Raye purportedly came in contact with individuals and groups from the “Ricara” or “Rus” (Arikara or Sahnish), Mandan, Gros Ventre (A’ani), “Gens-de-Panse” or “All-ah-kaa-wiah”, “Snake” or “Aliatan” (Shoshone), and Crow (Absaroka or Apsáalooke) nations, as well as captives from the Flathead (Salish) and Blackfoot (Siksíkáwa) tribes. Hence, the journal appears to provide valuable intimate insights into the cultures of these peoples during the era of their first contacts with European voyagers and traders. The journal
also described the geography of the regions traversed and a number of the animals hunted by the Indian nations or otherwise encountered along the way, including the mule deer, the Kansas white-tailed deer, and the five other mammals named as new species by Rafinesque (1817).

AUTHORSHIP OF THE LE RAYE JOURNAL

Dollar (1974, 1983) carried out an extensive paragraph-by-paragraph review of the Le Raye journal. Although he paid little attention to its natural history, Dollar (1983) identified a number of potential sources for the historical, cultural, linguistic and geographical contents of the journal, including eleven written accounts and five sets of maps. Patrick Gass’s (1807) journal of the Lewis and Clark expedition proved particularly important (Dollar 1983; Woodman 2013b), and other source documents probably included Meriwether Lewis’s (1806) A statistical view and one of Fisher’s (1812a, 1812b) “counterfeit” accounts of the Lewis and Clark expedition. Yet, Dollar (1974, 1983) was unable to trace some of the details presented in the Le Raye journal to a known source. This prompted him to suggest the existence of a “Q document” that was available to the author of A topographical description, but had since been lost. He specifically hypothesized that the missing source might be the undiscovered journal of Sergeant Nathaniel Pryor from the Lewis and Clark expedition.7

Authorship of A topographical description traditionally has been ascribed to Jervis Cutler, and Dollar (1974, 1983) determined that the earliest clear bibliographic association of Jervis Cutler’s name with the work was by Joseph Sabin (1873). Although Dollar (1974) initially accepted Jervis Cutler as the most likely author of the work, he subsequently questioned his role, citing a lack of clear records to confirm his service in the U. S. military (Dollar 1983). Instead, he suggested that Jervis’s older brother, Ephraim, might have written the volume, as Dollar (1983) claimed to have discovered various military service records for an “E. Cutler”, “Ephraim Cutler”, “Enos Cutler” or “Enoch Cutler”, who travelled to New Orleans between 1809 and 1811. Dollar (1983) also considered that the two Cutler brothers might have penned different sections of A topographical description.

Although Dollar (1974, 1983) cited three of the nineteenth-century biographies of the Cutler family, he seems not to have fully realized their potential contribution to understanding either who Jervis Cutler was or his role in the production of A topographical description and the fraudulent Le Raye journal. Several biographies name Jervis Cutler as the work’s author (Hildreth and Meigs 1852; Cutler and Cutler 1888; N. Cutler 1889). Additional evidence of Jervis’s involvement is provided by the five engravings in A topographical description, which are attributed to him (Fielding 1917). Two of these are engraved with the name “J. Cutler”: “A View of CINCINNATI on the OHIO” which appears opposite page 43 (Figure 1), and “CABREE or MISSOURI ANTELOPE” opposite page 109 (Figure 2). Moreover, Jervis was well-travelled, and he came from an educated and politically-connected family that was active in promoting westward expansion on the American frontier. He spent many years in the western territories of the United States as a pioneer, fur-trader, and soldier. Accounts of his life indicate that he had the background, the opportunity, and potential motivations to perpetrate the Le Raye journal hoax (Hildreth and Meigs 1852; Cutler and Cutler 1888; J. P. Cutler 1888, 1890; N. Cutler 1889).
Jervis Cutler was born in Martha’s Vineyard, Massachusetts, the second son of the Reverend Dr Manasseh Cutler, an influential pastor of the Congregational Church of Hamilton, Massachusetts. Manasseh was a published botanist and naturalist, who numbered Benjamin Franklin and other prominent scientists among his friends, and he was a member of many of the learned societies of the early republic. As a director of the Ohio Company, he helped negotiate the purchase of one and a half million acres of land in the Northwest Territory from the United States government to promote western settlement, and he helped to organize parties of settlers to travel to that region. Manasseh served two terms in the United States Congress from 1801 to 1805, and he is lauded for his role in excluding slavery from the western territories (Hildreth and Meigs 1852; Cutler and Cutler 1888; J. P. Cutler 1888, 1890; N. Cutler 1889).

Jervis began his career at 16 as a clerk for a merchant friend of his father, who sent him on a trading voyage to France and Denmark. In 1787–1788, at the age of 19, he was a member of the first group of men who left New England under the auspices of the Ohio Company to establish a settlement at the Muskingum River near what is now Marietta, Ohio, but which was then still very much the frontier. Jervis returned to New England in 1790 after selling his western holdings. In 1802, he was back in Ohio, this time working in the fur trade along the Miami River and returning to sell his furs in the eastern markets. He travelled to Ohio again in 1805, settling this time in Bainbridge. Jervis became sufficiently
well-established in the region that, when the Ohio Militia were organized in 1806, he was elected a major in Colonel Arthur’s regiment, and in May 1808, he was appointed a captain in the 7th Infantry Regiment of the United States Army by President Thomas Jefferson (president 1801–1809). Jervis was tasked with opening a recruiting office in Cincinnati, Ohio, and raising an infantry company. By November, he had recruited 65 of the necessary complement of 75 men and was ordered with his company to take command at a post in Newport, Kentucky. In February 1809, with his company then at full strength, Jervis was ordered to New Orleans, where he arrived in March and joined the 6th Infantry Regiment under Major Zebulon M. Pike. Pike had previously led two expeditions to explore the sources of the Mississippi in 1805–1806 and the southern portion of the Louisiana Purchase and headwaters of the Red River in 1806–1807 (Pike 1810). Soon after his arrival in New Orleans, Jervis contracted yellow fever. While bed-ridden with the illness, he learned that the U. S. Senate had not confirmed his appointment as captain, and he was dismissed from service. Apparently, a rumour had reached Secretary of War William Eustis that Jervis had electioneered against, and spoken disrespectfully of, the new administration of President James Madison (president 1809–1817). According to family history, the rumours were unfounded, but in response, the Secretary of War had not presented his commission to the Senate for confirmation (Hildreth and Meigs 1852; Cutler and Cutler 1888; J. P. Cutler 1888, 1890; N. Cutler 1889). Jervis left New Orleans for Massachusetts in June 1809, travelling by way of Washington, D. C., where he petitioned the United States Congress for redress.
(House of Representatives 1853; Greeley 1900). His claim was eventually recognized, and he was awarded “pay and emolument of a captain” on 18 April 1814, for three and one half months of service (Peters 1846: 143).

In their account of Jervis’s life, his niece and nephew noted that he worked on and published *A topographical description* “while yet an invalid” recovering from yellow fever (Cutler and Cutler 1888: 1: 328). They also mentioned that his father, Manasseh, was “engaged in revising the manuscript of a work, descriptive of the Western Country, by his son, Major Jervis Cutler, which was printed in 1812” (Cutler and Cutler 1888: 2: 345). A letter from Manasseh Cutler to Jervis’s brother Ephraim, dated 23 March 1813, suggests that Ephraim was unaware of the book, and, unlike Manasseh, had no part in its preparation (Cutler and Cutler 1888: 2: 319–320):

Jervis is with us. This winter he has been employed mostly in engraving, and has work from Salem and Boston. A book has been published this winter, which goes to the world as his production, under the following title: “A topographical description of the state of Ohio, Indiana Territory, and Louisiana. ... To which is added an interesting Journal of Mr. Charles Le Raye while a captive with the Sioux nation on the waters of the Missouri River. By a late officer in the U.S. Army.” There is added an Appendix, which was not originally intended, containing some account of the Indian nations within the United States. The materials for this work were very scanty. The account of the Indians west of the Mississippi, I happened to obtain from Mr. Jefferson, when I was at Congress. It was communicated to him by Captain Lewis and Mr. Sibley, and never has been published. From these accounts, and from several Journals of Officers, which Jervis obtained at New Orleans, this part is made out, and is, I believe, the best to be found. But the account of the Indians within the United States is deficient, taken mostly from old official accounts, the best we could obtain. Le Raye’s Journal is interesting. He gave it to Jervis on his way, in the boat with him, down the Mississippi. There are five copper-plates, well executed; a view of Cincinnati, a Flat-head man, woman, and child, the Mountain sheep, and an antelope. About one thousand copies are printed, of which two hundred are bound, and the others are in the hands of the book-binder. It appears to be quite popular, and all that are bound, I believe are sold. We shall send one to you as soon as we have opportunity.

Jervis Cutler clearly was considered by his family to be the primary author of *A topographical description*, and he is the most likely author of the putative Le Raye journal as well. Although he is not listed on the rolls of officers of the U. S. Army (Powell 1900; Heitman 1903), this omission is undoubtedly a result of his commission not being confirmed by the U. S. Senate. Other U. S. Government records confirm his military service as a captain in the U. S. Army during 1809 (House of Representatives 1853; Peters 1846; Greeley 1900). While his father provided bibliographic material and edited the volume, there is no indication that Jervis’s older brother was involved in the work. Ephraim, rather than being in the military in New Orleans at this time, was busy raising cattle and horses along the Ohio River near Belpre, Ohio, where he had settled in 1806. In July–September 1809, he was occupied in an annual cattle drive east to sell excess stock, travelling that season as far as York and Lancaster, Pennsylvania (J. P. Cutler 1890). Although Jervis could have visited Ephraim on his way back east from New Orleans, Ephraim was in the wrong place to be researching the Missouri River region. Moreover, although he had served as an officer in the Ohio militia and was a member of the territorial and state legislatures of Ohio, there is no evidence he ever served in the U. S. army.

Dollar’s (1983) suggestion that the Cutler serving as an officer with U. S. forces was either Ephraim or an Enoch Cutler seems unfounded, as neither name is listed in the officer rolls for this time period. There is, however, an Enos Cutler (1781–1860), who, like Jervis, was born in Massachusetts and was recruited from Ohio as an officer (a lieutenant) in the 7th U. S. Infantry Regiment on 3 May 1808 (Powell 1900; Heitman 1903). Perhaps not coincidentally, the two men were related, as Jervis and Ephraim’s father...
and Enos shared a great-great-grandfather (N. Cutler 1889). Enos, however, did not become a “late officer in the U. S. Army” until 1839, when he retired as a colonel with a distinguished career that included service in the War of 1812, the Creek War, the Seminole wars, and the Black Hawk War (N. Cutler 1889; Powell 1900; Wight and Thwaites 1900; Heitman 1903).

Jervis Cutler’s sojourn in New Orleans, along with his father’s political connections, potentially provided him with unique sources of information for writing *A topographical description*, not the least of which might have been found among Major Pike and his men. Manasseh Cutler’s letter to Ephraim states that Jervis had access to an unpublished version of Meriwether Lewis’s (1806) *Statistical view* as well as “several Journals of Officers, which Jervis obtained at New Orleans” (Cutler and Cutler 1888: 2: 320). Whether these “Officers” were associated with the Lewis and Clark expedition, one or both Pike expeditions, or other travels for exploration, trading, diplomacy, or other purposes, is unclear. These journals and Jervis’s contacts in New Orleans may account for the additional information attributed by Dollar (1983) to his hypothetical “Q document”. Regardless, Jervis had a number of valuable sources of information available to him from which to construct the Le Raye journal.

The addition of the Le Raye journal to *A topographical description* was probably meant to garner public interest and boost sales of the book, which would have been especially important for an army officer who had recently lost his commission, was recovering from yellow fever, and faced an uncertain future. Narratives of settlers captured in Indian raids comprised a popular genre throughout the era of western expansion (Derounian-Stodula and Levernier 1993; Derounian-Stodula 1998).¹¹ and the publication of false reports was not a novel occurrence. Several “counterfeit” narratives (Anonymous 1809a, 1809b; Fisher 1812a, 1812b) of the Lewis and Clark expedition, for example, appeared before the official account was finally published (Lewis *et al.* 1814), and a number of popular captivity narratives were heavily edited, ghost-written, and even invented (Derounian-Stodula 1998). Jervis Cutler had personally raised a company of infantry and led it to the frontier, where he contracted a debilitating illness. The failure of Congress to confirm his captain’s appointment, thereby securing his career, might have conveyed to him a sense of ingratitude on the part of the U. S. government, and it may have provided him additional motivation to produce the fraudulent Le Raye journal.

WHO INVENTED THE MULE DEER?

The names “mule deer” and “long tailed deer”, used both in the fraudulent Le Raye journal (Cutler 1812) and by Rafinesque (1817) when he provided those animals with formal scientific names, almost certainly originated with members of the 1804–1806 Lewis and Clark expedition. George Ord (1815: 292), the first North American natural historian to publish a systematic account of the terrestrial vertebrates of North America (Woodman 2013a), listed the “mule deer” and “long-tailed fallow deer” as two of the species “described by Lewis and Clark”. More relevant are field notes from members of the expedition that document the use of these vernacular names to differentiate the two forms. Meriwether Lewis specifically noted in his journal for 10 May 1805 that his men “have by way of distinction adapted the appellation of the mule deer” for that species (Moulton 1987: 138). Publication of the official account of the Lewis and Clark expedition (Lewis *et al.* 1814) was
long delayed, however, and it did not appear until two years after *A topographical description* (Cutler 1812). Lewis (1806) had not differentiated the two deer in his earlier *A statistical view*, nor did the names appear in any of the “counterfeit” accounts of the Lewis and Clark expedition (Anonymous 1809a, 1809b; Fisher 1812a, 1812b). The first published use of the name “mule deer” was in William Clark’s (1805: 3) letter of 2 April 1805, to Governor William Henry Harrison, which remarked “the long ear’d mule or black tail deer” among the “great variety of animals” seen by the expedition. This letter was widely circulated, as it was reprinted in many contemporary newspapers. A more important source, which mentions both the mule deer and long-tailed deer by name, as well as a number of the cultural, geographical and other details of the upper Missouri River region, was the journal of Patrick Gass (1807), a sergeant on the Lewis and Clark expedition, who published his account well before either *A topographical description* (Cutler 1812) or the official account of the expedition (Lewis et al. 1814) was released.

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NOTES


2 *Newburyport herald and country gazette* (Massachusetts) (Anonymous 1814) was the only newspaper or magazine that I could locate that carried an advertisement for *A topographical description* during the years 1811–1814.

3 Saskatchewan River.

4 The Le Raye journal recorded a captivity of three years and five months.

5 The area along the Wakarusa River of Kansas was considered to be the type locality of the Kansas white-tailed deer (Woodman 2013a). The reported route of Le Raye’s travels after being captured by the Sioux was extensively investigated and mapped by Dollar (1974 – see note 1 above).

6 The mouth of the Big Sioux River was considered to be the type locality of the mule deer (Grubb 2005; but see Woodman 2013a).

7 Meriwether Lewis wrote to President Thomas Jefferson that, in addition to Lewis and Clark, seven of the enlisted men on the expedition were keeping journals (Jackson 1978: 1: 232). Yet, the journals of only four men are known: Sergeants John Ordway, Charles Floyd, and Patrick Gass, and Private Joseph Whitehouse (Moulton 1997: xii). The four extant journals are similar in content, and it appears that the men often copied from one another, a practice encouraged by Captains Lewis and Clark to ensure the survival of the narrative by redundancy (Moulton 1995: xi–xiv).

8 It is, perhaps, ironic that Manassah Cutler counted Constantine Rafinesque as one of his many scientific correspondents, although the scientific discourse of their letters related to plants rather than mammals. Rafinesque even proposed the genus *Cutlera* (for the American gentian, *Gentiana catesbaei*) in honour of Manassah
(Rafinesque 1818; Cutler and Cutler 1888; Boewe 2011), although he later renamed the genus *Xolemia* (Rafinesque 1836).

9 The Territory Northwest of the River Ohio, generally referred to as the Northwest Territory, encompassed a region that included the modern states of Ohio, Indiana, Illinois, Michigan, Wisconsin, and part of Minnesota.

10 John Gardner, a friend of Jervis Cutler and fellow Ohio pioneer, was clearing his land one day in 1789, when he was captured by a party of Shawnees. He managed to escape his captors after the second night and make his way back to the settlement (J. P. Cutler 1888), but his adventure illustrates how uncertain life in the region was at that time. This incident may have provided inspiration for the captivity narrative of Charles Le Raye.

11 Vail (1949) compiled a list of about 250 Indian captivity narratives, most published prior to the year 1800.

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