

EARLY HISTORY OF THE MODOCS, THE WAR,
AND CLAIMS DUE TO THE WAR

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EARLY HISTORY OF THE MODOCS, THE WAR,
AND CLAIMS DUE TO THE WAR

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Preface

I have had the pleasure, advantage, and honor of personal acquaintance with, and even the friendship and confidence of, many Indians for more than a quarter of a century.

I hope with this volume to make a contribution to the very limited supply of literature on the Modoc Indian question. I have tried to show without prejudice the relations of the whites to the Indians.

The material here presented has been gathered in the course of considerable work through the valuable assistance of many friends, for which I wish to express my appreciation.

I wish especially to thank Dr. T. H. Reynolds, who directed this study, and gave advice and assistance; Professor C. A. Anderson for his efforts and many suggestions; Dr. E. E. Dale, for his courtesy, advice, and assistance, and for the use of the Frank Phillips collection; Hon. Wilburn Cartwright, Congressman of the third district of Oklahoma, for valuable assistance in collecting the material; and Roy Holleman, an assistant librarian, Oklahoma A. and M. College, for services rendered in collection of material.

L. G. B.

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EARLY HISTORY OF THE MODOCS, THE WAR,
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Chapter I

Early History of the Modoc Indians

The Modoc or Mandan Indians, as they are sometimes called, were discovered by Lewis and Clarke during that perilous expedition on which they were sent under the presidency of Jefferson, and which embraced the years 1805 to 1807. They spent the winter of 1805 and 1806 among these Indians but did not learn their traditions.¹

These Indians, usually referred to as being a band of the Snakes, were divided into two principal branches, the Klamaths and the Modocs. They were of the Lutuanian Tribe, forming the southern division of that stock. The Modoc language was practically the same as that of the Klamaths, the dialectic differences being extremely slight. This linguistic identity would indicate that the local separation of the two tribes must have been recent and has never been complete.²

There are conflicting opinions as to the origin of

¹ Edward Fontaine, How the World Was Peopled, 144.

² Handbook of American Indians North of Mexico, Bulletin No. 30 of the Bureau of American Ethnology, V, 918.

the name Modoc. The Klamaths make little distinction between tribes at a distance, naming them indiscriminately by direction. Thus the Modocs are Mo-ado-ma-klaks, "south people," derived from Mo-as meaning south.³ Some people derive the name from Mo-dok-us, the name of a former chief of the tribe, under whose leadership they seceded from the Klamath Lake Indians and became an independent tribe.⁴ Others derive the name from a Shasta word, first pronounced Mo-a-dok, meaning alien, stranger, or hostile stranger, and that the word came into use among the white miners, who applied it in earlier usage to all warring tribes and subsequently narrowed it down to this tribe.⁵ Due to the fact that the Modocs, and Klamaths are of the same linguistic stock, and since their history is so closely linked together, the first opinion would seem to have more authenticity.

To the astonishment of Lewis and Clarke, many of the Indians had blue eyes; their hair was generally silky, very abundant, and, except red and auburn, of all the colors which distinguished the tresses of the various inhabitants of England and Wales. This ethnological problem was pre-

³ Frederick Webb Hodge, Handbook of American Indians North of Mexico, 918-919.

⁴ J. W. Powell, First Annual Report of the Bureau of Ethnology to the Secretary of the Smithsonian Institute, 1879-1880, 200-201.

⁵ Annual Report of Commissioner of Indian Affairs, 1864, 121; Powell, op. cit., 252.

sented and solved satisfactorily by George Catlin, who visited among the Modocs for four months in early 1832.⁶ He stated, "A Welsh prince and several of his followers came to and settled in America in 1171 supposedly."⁷ This accounts for his discoveries of 1832, when he found in the Modoc language fifty pure Welsh words, one hundred and thirty words nearly so, and many words of Welsh derivation.⁸

The Modocs present a finer physique than the lowland tribes of the Sacramento Valley. They are taller and less pudgy, partly, no doubt, because they engage in the chase more than do the latter. There are to be found in this tribe features more rugged and more stolid than in other tribes; cheek bones are prominent; lips are generally thick and sensual; noses are as straight as the Grecian, but depressed at the root, and thick-walled; and their eyes are frequently yellow where they should be white.⁹

Their tradition was that their ancestors came across the "Great Water" from the East and migrated to the West. Catlin verified this tradition by tracing the ruins of their huts, which were easily recognized by the Welsh

⁶ Fontaine, op. cit. 144.

⁷ Ibid., 338.

⁸ Ibid., 144-146.

⁹ Powell, op. cit., 253.

hearthstones left by them along the Ohio River as they migrated westward.

For foundation to his dwelling the early Modoc excavated a circular space from two to four feet deep, then erected over it a rounded structure of poles and puncheons, strongly braced with timbers, and with an aperture left atop, reached by a center pole. They used circle stones in the construction of hearths of their huts, and they had an art of making Welsh blue beads. They used a canoe like the Welsh coracle, made of willow limbs and rawhide, a crude, unshapely affair found nowhere in the world except in Wales.¹⁰

The habitat of the Modocs included Little Klamath Lake, Modoc Lake, Tule Lake, Lost River Valley, and Clear Lake in northern California and southern Oregon. They ranged as far west in summer as Butte Creek, and at long intervals made incursion into the unoccupied and disputed territory around Goose Lake. This country that was occupied by the Modocs had a milder climate than the settlements on Klamath Lake. This accounts for the fact that the former country had yielded somewhat different and more abundant natural products than the latter.¹¹

¹⁰ Fontaine, op. cit., 144-146.

¹¹ Albert S. Gatschet, Klamath Indians of Southwestern Oregon, 6.

Due to the fertility of this region it was coveted by the whites who migrated into the territory, especially by the ranchmen. The Indians, since the coming of the whites, had always been friendly toward them and had tried very hard to make the whites friends of the Indian. But the whites were determined to obtain the land by some means, fair or foul.¹² They began their attempts to secure the land by schemes, intrigue, or military force. The Indian policy of the United States, established by precedent as one of first attempted persuasion and eventual military coercion, was not altered in dealing with the Modocs. First, the whites insisted that the Indians leave, but to no avail. Then they began to make request to their respective state governments, and then to the national government, that the Indians be moved. The argument of the ranchers was that the presence of Indians of such a warlike nature was a detriment to the safety of the whites, law-abiding and God-fearing people. The requests became so numerous and so insistent that Congress passed a bill, June 22, 1864, appropriating twenty thousand dollars to enable the Department of Indian Affairs to make treaties of friendship with the Modocs and Klamaths. The Superintendent of Indian Affairs, J. W. Perit Huntington, and William Logan, United States Indian Agent, set forth to

¹² John M. Scofield, Forty-six Years in the Army, 435.

make a treaty to induce the Indians to leave their fertile land of the Lost River region and to move to another location. At first they had no definite plan of procedure, but they were determined to satisfy the white settlers.¹³

Many ideas were suggested, and various schemes proposed, but the final conclusion and evidently the most popular plan was that of a reservation for these troublesome people. Indians had been placed on reservations and had become wards of the government. Why could not this plan be used now? It was studied and was reckoned to be the one most likely to work. The reservation plan itself had not proved successful; neither had it solved the Indian question for the United States government. It was, like a great many other remedies suggested as a cure-all for a problem, only a sedative, an easy way out, postponing the real cure until some future date. It was, however, the only plan which the government had ever tried; consequently officials followed the old routine. A meeting was called for the chiefs and head men of the various tribes, with J. W. Perit Huntington and William Logan acting in behalf of the United States.

According to the treaty the Indians were to give up all their land and hold no claim whatsoever to it, and to

¹³ Ibid.; Annual Report of Commissioner of Indian Affairs, 1864, 11-12.

accept in return land in Oregon. This land was to be known as the Klamath reservation, and was situated about sixty miles north of their old home. The United States was to pay them for the land which they ceded in annual payments which would go into building up the country as a whole. The United States agreed to pay for internal improvements and domestic training in education. The United States was also to furnish them provisions through the first winter.¹⁴

Articles of agreement and convention were made and concluded at Klamath Lake, Oregon, on the fourteenth day of October, 1864, by J. W. Perit Huntington, Superintendent of Indian Affairs in Oregon, and William Logan, United States Indian Agent for Oregon, on the part of the United States, and by the chiefs and head men of the Klamath and Modoc tribes and of the Yahooskin band of Snake Indians, namely, La-lake, Chil-o-que-nas, Kellogue, No-ghen-kas-kit, Blow, Le-le, Palmer, Jack, Que-as, Poo-sak-sult, Che-mult, No-as-sum, Mooch-kat-allick, Toon-tuck-te, Boos-ki-you, Ski-a-tie, Shol-las-loos, Ta-tet-pas, Muk-has, Herman-koos-mam, Schon-chin, Stak-it-ut, Keint-poos, Chuch-e-i-ox, Kile-to-ak, and Sky-te-ock-et.¹⁵

¹⁴ Annual Report of Commissioner of Indian Affairs, 1864, 11-12.

¹⁵ Indian Affairs, Laws and Treaties, II, 865-868.
See appendix for treaty.

The Indians moved immediately after the signing of the treaty to what is known as the Klamath Reservation.¹⁶

¹⁶ Sen. Ex. Doc. 29, 43 Cong., 3 sess.

Chapter II

The War

While the treaty was pending in the Senate, Lindsay Applegate, sub-chief in charge of the Klamaths, Snakes, and Modocs, commenced operations for the benefit of the Indians. The treaty of 1864 was being carried out. The people began to build sawmills; schools were beginning to open; training the Indians for various tasks began to be the main task. The program failed, however, due to inefficiency of the instructors.¹

After living in their new home for a short time, and being starved and generally abused until they could stand it no longer, the Modocs withdrew from the Klamath Reservation in late 1865 through the influence of certain whites, more intent on promoting their own pecuniary interest than in the condition of the Indians or in the welfare of the country. The trade that the whites had prized so highly with the Indians had been severed. The Indians withdrew to the Lost River region, which was about sixty miles southeast of Klamath.²

During the ensuing year part of the Indians, led by Schonchin, or Skitian, were induced by the War Department

¹ Sen. Ex. Doc. 29, 43 Cong., 2 sess., 1874.

² Report of Commissioner of Indian Affairs, 1866, 90.

to settle quietly at the agency. However, a band led by Captain Jack preferred to stay at their old home and did not give any trouble. The Indians were concerned only in making a living; however, this territory was fairly well taken, and the settlers did not want the Indians to receive the benefits of the soil of this productive region. The settlers made unceasing requests to the government for the removal of the Indians back to their place on the Klamath reservation, saying that their presence was detrimental to the interest of the people. The Indian chieftains, other than Jack, were afraid that Jack's actions would cause the United States to fail to carry out the terms of the treaty of 1864.

With the insistence of the Indian tribe that Jack's band move back to the reservation, the request of the settlers, and the efforts of the government, the band at last removed to the reservation with the intention of making this their final home, and began their actions with this intent.³

They lived peacefully for a period of about three months, when, due to the disposition of the Klamaths, trouble started between the Klamaths and the Modocs. The Modocs, under the orders of Captain O. C. Knapp of the United States Army, who had been sent to replace Applegate,

³ Report of Commissioner of Indian Affairs, 1864, 155.

moved to another part of the reservation. Here trouble started anew, and they were moved to still another part of the reservation. There trouble with the Klamaths began again. Captain Knapp proposed to move the Modocs to yet another part of the reservation, but Captain Jack refused to move, because he felt that it was another trap set for him to benefit the Klamaths. Meacham, then Superintendent of Indian Affairs of Oregon, tried to settle the difficulties by establishing another reservation at Camp Yai-nax. He was successful in moving the Indians to this reservation. To avert an outbreak, two commissioners were counseling with these Indians, trying to get them to remain at their present location until definite action was taken by the department in regard to their reservation. The Modocs during this time, having become very much dissatisfied with the actions of the commission, had developed into marauders. The Klamaths held that the Modocs had forfeited all claims under the treaty of 1864, that any consideration that was given should come to the Klamaths, and that the Modocs should be disregarded.⁴

The Modocs remained at Camp Yai-nax during that winter, and in the spring they began life anew. They set upon the soil to make it productive. In Captain Knapp's report in

⁴ Sen. Ex. Doc. 29, 43 Cong. 2 sess., 1874; H. H. Bancroft, History of Oregon, 561-565.

1870, he states,

The Klamaths are insolent and overbearing to other Indians, especially the Modocs. In order to prevent further disturbance, I have temporarily divided the reservation, placing the Modocs under the management of J. D. Applegate, acting commissary at Camp Yai-nax. Also I have severed business relationships of the two places. Under the direction of Commissary Applegate they have enclosed about three hundred acres of farming land. They have laid up large supply of fish and roots, which together with the crop of grain and vegetables will go far toward subsisting them through the winter. They are ambitious and willing to work, and have great desire for cattle and horses. With the subsidizing of the government they will be able to take care of themselves.⁵

In Superintendent Meacham's annual report of 1871 he recommended the establishment as a new reservation of a tract of land six miles square near the old home of the Modocs, lying partly in Oregon and partly in California. No action on this recommendation was ever taken by the department.⁶

The Modocs had been living in the valley of the Lost River about fifty miles south of the Klamath Reservation. They were accustomed to raising some produce, and keenly did they feel the difficulties of their new location. Moreover, the Klamaths, much superior in number, were exceedingly overbearing and oppressive to the Modocs, who received little or no protection from the agent in charge. Under

⁵ Sen. Ex. Doc. 29, 43 Cong., 2 sess., 1874.

⁶ Annual Report of Commissioner of Indian Affairs, 1870, 11.

these conditions a portion of them, Captain Jack's band, left the Klamath Reservation and returned to their old home in the Lost River valley. This land had already been largely taken into possession by the whites, so the Indians and the whites began to have serious trouble. The government, in autumn of 1872, sent soldiers to effect the return of the band to the Klamath reservation.⁷

Superintendent Meacham, in order to prevent trouble, obtained the detachment of troops and repaired to the ford on Lost River, where he had an interview with Jack. He informed Jack that the purpose of the government was to exact the observance of the treaty. Jack hesitated, prevaricated, and during the night fled with his followers to the lava beds south of Tule Lake. Meacham remained upon the grounds and after two or three days' correspondence with Jack by means of messenger received the consent of Jack to provide for the returning of the Modocs to the reservation. But the Modocs failed to return as they had promised to do. Instead of moving, the Modocs roamed at will from one place to another, making free use of beef of the settlers on Lost River and, by their insolence during the summer, frightening the women into flight.⁸

The settlers took part in demands upon the government

⁷ Jeremiah Hubbard, Forty Years Among the Indians, 89-90.

⁸ Bancroft, History of Oregon, 562-563.

to do something about the Indians, and in December troops were sent to assist the settlers in suppressing them. The Indians retreated to the lava beds in subterranean passages, where they were safe for a time, although open to attacks by the United States troops. In the meantime, the Secretary of Interior sent Meacham, formerly superintendent of Indian Affairs for Oregon, who had been on friendly terms with the Indians, L. S. Dyar, agent at the Klamath Agency, Dr. E. Thomas, a minister of the Methodist Church, and General Canby, of the United States Army, to present terms approved by him. Negotiations were attempted, but Captain Jack would listen to no terms of surrender unless he were sure of a home on the Lost River, since he was certain the Modocs would or could never live with the Klamaths upon the reservation.⁹

On April 9, 1873, the commissioners sent Tobey Riddle, her son, and their interpreters to Captain Jack's stronghold with a message stating that they wished to hold council with Jack and five of his men, unarmed. Tobey, a few minutes after her arrival at Jack's stronghold, delivered the message. Jack agreed to the meeting, by stating, "I will do as the peace makers want me to do. I will meet them tomorrow at noon, with five men, unarmed."¹⁰

⁹ John C. Riddle, The Indian History of the Modoc War, 89.

¹⁰ Ibid., 89-90.

Tobey, after having an understanding with the chief about the time at which they should look for the Indians at the peace tent, visited the various caves until late in the evening. When Tobey and her son, John C., started home and had gone about a mile from the caves, an Indian named Weumin stepped from behind a big rock in front of Tobey's horse, laid his hand on the horse's mane, and said in a low tone, "Cousin Tobey, tell them white peace makers not to meet the Indians any more. They will be killed." Then the Indian disappeared as quickly as he appeared. Tobey and her son proceeded on their way to the camp. Just before they arrived, Tobey said to John:

My boy, in case I and your father get killed, stay with Mr. Fairchild. He will take care of you till my brother comes for you. But if I can prevent it the peace commissioners shall not meet Captain Jack and his men in council any more. My boy you heard what Weumin said. It lies with you and me to save the commissioners, and if it is in my power to do so I will, God knows.

Upon the arrival of Tobey and her son, the commissioners gathered to hear what they hoped would be good news from Captain Jack. She related first her story of her talk with Weumin. The commissioners believed her story. "But," replied Thomas, "God will not let them do such a thing to us. I trust God will protect us." Meacham said, "General Canby, we will not meet the Indians tomorrow. Tobey is giving us good advice." Canby said laughingly, "The Modocs are no fools. They will not try to harm us

only a half of a mile from our army. Tobey has you scared."¹¹

On the morning of April 11, 1873, the peace commissioners were all up early and prepared to go to meet the Indians. Tobey pleaded very sincerely with them not to go, because she felt quite sure that her cousin had told her the truth. However, the commissioners would not listen to her. They trusted in God to protect them, while they had the army to serve as a protectorate also.¹²

Tobey advised the commissioners to send twenty-five or thirty men to secrete themselves in the rocks near by and guard against any treacherous movement on the part of the Indians. But to this proposal Canby replied that it would be an insult to Captain Jack to which he would not consent; and that, besides, the probable discovery of such a movement would lead to hostilities. In this he was not mistaken, for Bogus Charley and Boston Charley spent the night secretly in Gillens Camp, remaining until after the commissioners had gone to the rendezvous.¹³

At the appointed time the peace commissioners repaired to the rendezvous where they were greeted by the Indian

¹¹ Riddle, op. cit., 85-88.

¹² Annual Report of Commissioner of Indian Affairs, 1873, 77.

¹³ House Ex. Doc. 122, 43 Cong., 1 sess., 139.

committee, namely, Captain Jack, chief, John Schonchin, sub-chief, Black Jim, policeman, Boston Charley, Bogus Charley, and Slolux.¹⁴

Canby opened the council by stating:

My Modoc friends, my heart feels good today. I feel good because you are my friends. I know you are my friends. We will do good work today. I know you people better every time I meet you. I know I will be able to make you see things right today. Jack, I know you are a smart man. That is the reason I want you to come to my terras and make peace. It is bad to fight. Be a man, live as one. As long as you live in these rocks you won't be one. You will be looked on as a bad man as long as you live in the rocks, and I will say further, the Great White Father at Washington said: 'I will not let Captain Jack live where he is in the Lava Beds. He had been in trouble with my children, and I shall find him and his people a new home.' The Great White Father sent us here to talk good to you and make peace. The best thing to do is to come out of the Lava Beds and settle down or the Great White Father will send many soldiers to drive you out and maybe many of you will be killed.

Captain Jack stood there for a moment meditating. At length he said:

General Canby, your law is as crooked as this piece of sage brush. Only a short time ago you and yours agreed to not wage war on us if we would not wage war on you. On this same day you and your army stole many of our ponies, and refused to give them back. And the next day you were bringing in more men and more ammunition. Now does that look like peace? No, Canby, we can't talk peace until you remove your soldiers and your big guns that you have over there. And we can't talk peace as long as these soldiers are crowding me. If you promise me a home, somewhere in this country, promise me today, although I

¹⁴ Bancroft, History of Oregon, 609-610.

know your promise is not good. That is not much. I am willing to take you at your word. Thomas and Meacham will make your promise stronger if they will promise with you. Now, Canby, promise me. I want nothing else. Now is your chance. I want nothing else!

They were all silent for a moment; then Jack said, "Canby, do you agree with what I ask, or do you not? Tell me! I am getting tired waiting for you to speak."

They all stood there in silence. Finally Meacham spoke: "Canby, for heaven's sake, promise him!"

At this moment Jack walked over to Meacham and said in a strong voice: "Meacher, Meacher, give us Hot Creek for our future home. Give us Hot Creek, I say, Meacher!" Meacham thought he saw that the Indians were being convinced by their mild talk and said, "I will see what the Great White Father in Washington will do for your people."¹⁵

By this time the Indians were becoming impatient, and Schochin told Meacham to say no more on that subject. While Schochin was speaking, Captain Jack turned and walked back behind the others, turned back, and exclaimed, "Ut Wit Kutt" ("Let us do it," or "All ready"). Then he drew his pistol and leveled it at General Canby. It snapped. He cocked it again and took perfect aim and fired. General Canby fell dead, shot under the eye.

¹⁵ Riddle, The Indian History of the Modoc War, 85-91.

Then Schochin shot Meacham in the shoulder and in the head. Boston Charley and another Indian shot and killed Thomas. Hooker Jim chased Dyar some distance, but Dyar escaped.¹⁶

At the time of the massacre there was an attack on Colonel Mason's camp on the east side of Tule Lake. This attack was unsuccessful; however, its occurring at the same time shows that the actions were carefully planned by Captain Jack. His objectives were doubtlessly to capture or kill the commanding officers of both the post and the commission.¹⁷

Dyar escaped and made his way back to the camp, there relating the story of the massacre to the troops. Immediately the troops hastened to the scene of the conference. The bodies of General Canby and Thomas were found nearly stripped of clothing. The troops paused only an instant to view the bodies of their beloved comrades, then proceeded in the direction of the Indians' stronghold. When the bugle sounded to halt, the two leading batteries were within a mile of the stronghold of the murderers. Lieutenant Egan's and Major Wright's companies were behind the artillery; thence came the calvary. General Gilliam and

¹⁶ Annual Report of Commissioner of Indian Affairs, 1873, 74-82.

¹⁷ Harper's Weekly, XVII (April 26, 1873), 339.

Colonel Green and staff were up with the men, but they found that all of the Indians had retreated back to their stronghold in the lava beds. Orders were given that the men fall back, and active operations were deferred for awhile.¹⁸

On receiving the report of this terrible massacre, the President authorized General Sherman, Secretary of War, to give orders at once by telegraph to General Schofield, commanding officer of the division of the Pacific, to advance all available troops against the Modocs, to administer the most severe punishment, and to take no prisoners.¹⁹

General Schofield, in his message to General Gilliam, repeated the President's order as such: "To make the attack so strong and so persistent on the Modocs, that their fate may be commensurate with their crime. You will be fully justified in their utter extermination."²⁰ He ordered Gilliam to proceed to the lava beds and take the murderers.

The Modocs were reckoned at sixty-seven, while General Gilliam had more than six hundred regular sol-

¹⁸ House Ex. Doc. 122, 43 Cong., 1 sess., 139.

¹⁹ Harper's Weekly, XVII (April 26, 1873), 460.

²⁰ House Ex. Doc. 122, 43 Cong., 1 sess., 139.

diers, with howitzers and other artillery, but the extraordinary nature of the country gave the Indians a great advantage.²¹

The place where General Canby and others were killed is about one hundred miles from the Pacific coast in Siskiyou County, very near the border of Northern California. This wild region extends from east to west nearly six hundred miles. The rocks appear here and there, but elsewhere they are covered with sagebrush and other low vegetation. The land abounds in small game, with swarms of rabbits and lizards, which take refuge in the holes and crevices of the rocks. Sudden cooling has cracked it in all directions, so that it forms a network of fissures ranging in depth from ten to sixty or one hundred feet. Seven tributaries of the Columbia River flow through this region, numerous lakes and ponds being formed in their courses. The water in many places washes out the earthy formation beneath the rocks, and in this way numerous caverns have been made, some of them extending many miles. These caverns open into the fissures, and in one case a river has been traced for about sixty miles beneath the lava beds, without once appearing on the surface. The sides of the fissures are

²¹ J. P. Dunn, Massacre of the Mountains, 543.

rough and irregular and afford good foothold in the ascent from or descent to the caverns.²² The largest cave, known as Ben Wright's cave, is said to contain fifteen acres of clear space underground, in which there is a good spring. It has many openings through which a man can crawl, the main entrance being about the size of an ordinary window. The Indians traveled through these lava beds by tracks known only to themselves. They could stand on peaks and look down on persons fifty yards below, knowing that it would require a long journey to reach them. They could see men coming at a distance of five miles without being visible themselves. They could allow the pursuers to come within a few feet of the peak then shoot them down and retire, if necessary, to other parts. If pressed closely, they could drop into crevices which were inaccessible to the troops, follow some subterranean passage with which they were fully acquainted, and gain another ambush from which it would cost many lives to dislodge them. Such was the locality of the Modocs, at the time when General Gilliam was ordered to attack the Indians.²³

General Gilliam's first act was to form a complete cordon around the south bank of Tule Lake, where the Modocs

²² Dunn, op. cit., 543-548; Hodge, Handbook of American Indians, 918-919.

²³ Dunn, op. cit., 543-552.

were located. This cordon was about eight miles in diameter, and escape was regarded as an impossibility. The lake was patrolled by small boats night and day, thus completing the circuit. The troops were divided into three bodies which acted together. There were camps east, west and south of the strongholds of the Modocs, and lines of pickets joined, making the circuit complete. The plan of operations pursued was gradually to close in the army lines, thus narrowing the ground occupied. Some of the most experienced Indian fighters were in the command of General Gilliam.²⁴

Troops prepared to move against the Modoc's Gibraltar. By the middle of January the troops were on the ground ready to attack, four hundred of them, two hundred and twenty-five regulars all well armed and equipped. In their over-confident manner they boasted how they would hunt down the Modocs and kill them out as if they were rats. The Modocs in the lava beds numbered some fifty warriors, and about 175 women and children, equipped with muzzle-loading rifles and revolvers.

On the morning of the seventeenth of January, 1873, the troops advanced upon the Modocs only to find natural conditions quite opposed to them. Colonel Wheaton asked for three hundred more men and four howitzers. In the

²⁴ London News, May 24, 1873.

meanwhile, Washington officials decided to give the peace men a chance. "But the Indians were now suspicious." While a commission was being formulated to contact the Indians, the Indians changed their minds altogether about considering peace. The eight that were guilty of murder realized that if they were to surrender they would be in quite a predicament. They knew that they were guilty of murder in the State of Oregon, and that they would be treated as murderers. They felt that even if the United States would free them and place them on a reservation, they would have to face the justice courts of Oregon, in which they would not receive a just trial. They also knew the feelings of the settlers toward them, and it was doubtful if the settlers would live near them in peace, even though they pursued the path of peace. However, the commission did its best to avert war. It offered the Indians Angells Island in the Pacific and subsequent reservations in Arizona or Indian Territory. The Indians agreed at first, but were afraid to surrender to the soldiers because of traditional hatred toward them. The murderers urged war instead of surrender and were gradually bringing other Indians to their views. Both parties wanted peace but neither dared to trust the other.

On March 6, 1873, Captain Jack sent a very touching message to the commissioners begging for peace. He said:

I am very sad, I want peace quick, or else let the

soldiers come and make haste and fight. I am nearly well; but I am afraid of the soldiers on the road. The soldiers on Lost River, on Clear Lake, and Bernard's Soldiers. Wouldn't they be afraid if they were in the same situation? I wish I could live like the whites. Let everything be wiped out, washed out and let there be no more blood shed. I have got a bad heart about those murders. I have got but a few men and I don't see how I can give them up. I can see how I could give up my horse to be hanged, but I can't see how I can give up my men to be hung. I could give up my horse to be hanged and wouldn't cry about it; but if I gave up my men to be hanged I would have to cry about it. I want no more war, I want no more men killed, I have given up everything, I want the soldiers to go away so I will not be afraid.

It seemed that this would end the war, but there was anger in the hearts of the army men, who wanted the entire tribe exterminated. The army answered this message by saying there would be no quarter asked for and no quarter given.²⁵

In their stronghold the Modocs were attacked on the fifteenth day of April, 1873, by the troops under the command of General Gilliam and Colonel Mason. By nightfall they were driven back to their camp, after desperate and gallant fighting. The fighting was renewed, the army cutting off the Indians from water, while the Indian camp was broken up by shelling. During the night of the sixteenth of April, 1873, they succeeded in escaping from the lava beds in a southerly direction, closely pursued by the cavalry. Scar-faced Charley was killed and Captain Jack's

²⁵ Dunn, Massacre of the Mountains, 543-583; Bancroft, History of Oregon, 615-620.

medicine flag was captured.

General Jefferson C. Davis, who had achieved high honor during the Civil War, was appointed on the sixteenth of April, 1873, to fill General Canby's place.²⁶ General Davis' first task for the army men was to locate the escaped Modocs, so he sent out scouts. They were finally located about five miles south of their old stronghold. Then he issued orders for Colonel Wright to proceed toward the Modoc Camp, and blast them out with the big guns. It was here that the Indians made their last stand. General Davis also went with the troops to conduct a personal fight against the crafty Indians. They were nearing the point where the Modocs were located when a surprise attack was made on Davis' and Wright's men. Colonel Wright was the first to fall as victim of the straight shots of the Indians. The Modocs' fire was so accurate that the troops all broke for safety, which they gained; however, their loss was great. In the struggle to secure safety many of the army left their guns, which the Indians gathered up with joy.²⁷

On the morning of April 26, a reconnoitering party under the leadership of Captain E. Thomas left the camp to proceed to the stronghold. A small party of Warm Spring In-

²⁶ Harper's Weekly, XVII (April 26, 1873), 464-465.

²⁷ Riddle, The Indian History of the Modoc War, 115-118.

dians were sent along to assist the troops. They advanced without molestation until they reached the foot of a high bluff. The bluff was torn by former volcanic action. The Indians took advantage of the situation by hiding in the numerous crevices and drove the army down with heavy fire. The loss of troops was great, and the men were very much discouraged, but all had a new determination in their hearts. Many of Captain Thomas' men were reported to have lost their scalps. The Modocs again captured many rifles and thousands of rounds of ammunition.²⁸

The general reported the disaster to General Davis, stating, "They are now posted in the rocks about fourteen miles south of their old caves; it will be impossible to surround them." The settlers held great fear of the Indians, and many of them left their homes to escape the danger. The Indians, taking advantage of the absence of the settlers, replenished their provisions with all available edibles, and after raiding the homes destroyed everything of any value. They raided not only the deserted farms but also the ones that were still occupied. In this way they were becoming stronger, due to the fact that they now had surplus provisions.

There was beginning to be a strong opposition to the troops occupying this territory, because the settlers were

²⁸ Bancroft, op. cit., 615-622.

feeling the presence of the Indians more. The people felt that they were safer without the troops.²⁹

Davis found his troops so broken-spirited over failures and losses that to promote movements would have been unwise. He was at a loss to know what to do. The Modocs inspired fear by keeping quiet. No one knew behind which lava bed they might be hiding, and no one knew at what time there might come forth a blast of deadly bullets. At length the Indian scouts reported the capturing of a supply train and the raiding of many homes on the east side of Lake Tule by the Modocs. A company of cavalry was sent after them. The battle was a surprise, and by hard fighting the army drove off the foes and pursued them to the lava beds.³⁰

Davis hit on a plan of forming a number of little camps in the lava beds sufficiently near together to be within supporting distance of one another and sufficiently numerous to keep the attention of the Indians distracted. If they attempted to surround one they would be in range of another. Owing to the small number of Indians, this plan worked a great hardship on them. Hooker Jim and Jack quarreled, their bands separated, and both left the lava beds. Hooker Jim's party was pursued about fifty miles,

²⁹ Harper's Weekly, XVII (May 17, 1873), 416.

³⁰ Bancroft, op. cit., 626.

the entire way being a series of skirmishes, with the Indians raiding the homes in order to get provisions. At length the party was run down and forced to surrender.³¹

Hooker Jim, Bogus Charley, Shack Nasty Jim, and Steam Boat Frank volunteered to go as scouts to find Captain Jack and to receive his surrender. The troops surrounded Willow Canyon. At this point, Boston Charley and seven women surrendered, but the rest of the band under Jack's leadership escaped by running through the canyons to the bluffs on Langells Valley. Here they made a stand. As the soldiers approached, firing, five Indians rushed forward and surrendered. Jack, with the remaining Indians, fled into the night.

There was another hunt for Jack and his warriors. The tracks that were left by the Indians were those that were made by raids on the white settlements. They pursued to the Clear Lake region, and after some fighting Captain Jack came out of his haunt, glared about him, and said, "My legs are given out." One by one the remaining warriors were picked up. The actual loss of lives was not so great as the loss of lives in other wars, but it was all too great because of the inexperience of the army in Indian warfare. The capturing of Captain Jack ended the Modoc War.

The war cost the government fully half a million dol-

³¹ Harper's Weekly, XVII (May 17, 1873), 416.

lars, to say nothing of the soldiers killed and of the cost of the raids that were made on the white settlements.³²

The number of Indians killed from April 11 to the end of the war, as given by the Indians, was five warriors, three of whom were killed during the three days' actual fighting, one of whom was killed at Lake Tule, and one of whom was killed at the time of the Canby massacre. They stated that several squaws were killed during the three days of fighting at the lava beds.³³

General Davis wanted to hang half a score of the surrendered Indians without trial, but government orders were that they be given a fair trial under the supreme law of the land. The Indians were then taken to Klamath Lake, where they were to be tried by the commission.³⁴

The Indians tried for murder were Captain Jack, John Schonchin, Boston Charley, Black Jim, Boncho, and Slolux. They were held in a rude jail at Fort Klamath, Oregon, in chains, waiting and meditating what would be the results of the white soldiers' law. They knew that they would have to fight for their lives as they did on January 17, 1873.

Jack said to Schonchin,

We do not have a chance with chains on our legs. I

³² James P. Boyd, Recent Indian Wars, 126-128.

³³ Sen. Ex. Doc. 1, Special Session, March 5, 1877.

³⁴ Boyd, op. cit., 126-128.

feel like I am in a dream, everything out of my reach. I have nothing to stand on. I can say nothing that will help any of us. I have lost my day, and I know it. Our own men made me do what I did. I did not want to kill Canby. I shall tell the story with a straight tongue on my trial, although I know it will do me no good.

In the center of the court room stood a long, narrow table. At the south end of the table sat Lieutenant-Colonel Elliott, First Cavalry. To his right sat Captain Hasbrouck of the Fourth Artillery, and Captain Robert Pollock of the Twenty-first Infantry. On the left were Captain John Mendenhall of the Fourth Artillery and Second-Lieutenant George Kingsbury of the Twelfth Infantry. These officers were in new uniforms and made a fine impression of power. At the other end of the table sat Major H. F. Curtis, Judge Advocate, also in uniform; near him was Dr. E. S. Belden, shorthand reporter. To the right sat the prisoners. The prisoners were the same men who on the eleventh of April plotted and killed General Canby and the Rev. E. Thomas. On either side of the room a file of soldiers stood with muskets, which were necessary, because the prisoners might try to escape.³⁵

The Indians testified in court in their own defense, and the testimony of Jack, however futile it might have been, brought the favor of many in the court room. When Jack was called on, he began:

³⁵ Riddle, The Indian History of the Modoc War, 187-189.

I have no show, my days are gone. When I was a boy, I had in my heart to be friendly to the whites, and I was friendly until a few months ago. Now listen to what turned my heart. My own people. Some of these very men are here today, at liberty, free men, while I am here in irons. Life is mine only for a short time. You white people conquered me not; my own people did. I know it, I feel it. The reasons I say these words are these: Some of my men voted to kill the Commissioners. I fought it with all my might. I begged them not to kill unarmed men. They made me do it. I am not afraid to die, but I must say I am ashamed to die the way I am to die, with my hands tied behind me. I was defending my home and I should have died on the battle field defending my home that was given to me by no one. I feel not that I am defeated rightly. The men that drove me to kill General Canby, gave themselves up and then helped run me down. If I had only known what they were doing you men would not have me here in chains. I would have died fighting, but my people lied to me, so I would not shoot them.

What talk I put up is no good. Why, I am a murderer! Everyone says so. That is so. Do I deny the charge? No, I do not. I did it, but I say again that I did it because I had to do it. Now for the last time, I say again that I am not afraid to die, but ashamed of the manner that I come to my death. What our White Father says is right. I still feel for the welfare of our young boys of my tribe. I hope the white people will not treat them ill on my account. This is all I have to say. I see in your faces that you are tired of listening to me.

So ended the trial, each one being convicted on the murder charge.³⁶ An executive order, dated August 22, 1873, approving the sentence of death to the Modoc Indian prisoners, was modified in the cases of Boncho, alias One-Eyed Jim, and of Slolux. The sentences in these cases were

³⁶ Riddle, op. cit., 187-189; Bancroft, op. cit., 635.

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imprisonment for life. Alcatraz Island, in the harbor of San Francisco, was designated as the place of confinement. The order was issued by the President of the United States, U. S. Grant.³⁷

Court Martial Order, No. 24, War Department, Adj. General Office, Washington, D. C., September 12, 1873, to court martial Captain Jack, Schonchin, Black Jim, and Boston Charley on the third of October, 1873.

On that date at daybreak the men were shot.³⁸

Several of the Modocs who were held prisoners were murdered by a mob of unruly people, and the agency did not try to protect them. The few that remained were sent to the Quapaw Reservation in the Indian Territory. A few of the remaining group were sent to lower Florida and were treated as prisoners of war. There many of them died from fever and malaria, having no medical attention whatsoever.³⁹

It might be of interest to note that the implements of war of the Modocs were greatly affected by their peculiar environment. Their implements of war formerly consisted of arrows that were made in the ordinary manner, with light wood shaft, hard wood foreshaft and a moderately large obsidian, or sometimes flint, point. The javelin or

³⁷ Boyd, Recent Indian Wars, 126-128.

³⁸ Ibid.

³⁹ House Ex. Doc. 122, 43 Cong., 1st Sess.

spear was fairly short. Its shaft was made of heavy wood, its point usually of obsidian, varying in length from two to six inches. The war bow was of the general type of the northwestern part of California, having a sinew back and sharply curved ends. However, these were used very little because of the capture of munition trains and raids of the Indians. And the war would have been one that would have been settled without a lot of bloodshed had the Indians not captured many of the army's guns and munitions.⁴⁰

⁴⁰ S. A. Barrett, The Material Culture of the Klamath Lake and Modoc Indians of Northeastern California and Southern Oregon, 246.

Chapter III

Modoc War Claims

Due to the fact that the federal troops had to make a call for volunteer troops twice and because of the munitions bought and the Indian raids, the citizens of Oregon and California submitted a claim to the War Claims Committee of the states.

The troops of Oregon were promised by their governor that they would receive pay for their services such as was received by the regular soldiers. The popular request for a settlement led the Secretary of War, William Belknap, to investigate the claims.¹

As a result of Belknap's investigations, Congress saw the necessity of settlement, so during the session they enacted a bill authorizing the President to appoint a commission to ascertain the amount of losses due to property destroyed, the pay to troops, and the pay for provisions during the war of suppression of the Modocs. Congress urged immediate action to be taken by a commission.²

The Secretary of War appointed Inspector-General James A. Hardie to study and report a full claim of the govern-

¹ House Report 843, 47 Cong., 1 sess.

² House Misc. Doc. 240, 43 Cong., 1 sess.

ments of the states. The Orders were:

By virtue of the power of the Secretary of War, vested in him by an act of Congress approved June 18, 1894, I do hereby direct General James A. Hardie, United States Army, be instructed to proceed to Salem, Oregon, and Sacramento, California, or elsewhere, as may be necessary for the purpose of ascertaining the amount of expenses claimed to be necessarily incurred by the states of Oregon and California, or citizens thereof, for arms, ammunition, supplies, transportation, damage, and services rendered by the volunteer forces in the suppression of the Indian hostilities in the said States; in the years 1872-73 known as the Modoc War.

Inspector Hardie will be directed to make a full report of his investigation to this office, within a reasonable length of time.³

General Hardie proceeded to Salem, Oregon, and began his investigation. Having been in that territory at the time of the war, he could easily travel to the needed places and investigate false reports. He traveled from Salem to the lava beds. It was his task to stop at all the points in question, and to investigate all the private claims as well as the public claims. He found a gross misrepresentation of facts.⁴

General Hardie reported that volunteers in the State of Oregon were called out in December, 1872, and in January, 1873. The occasion was the widespread dismay throughout the settlements of Southern Oregon, caused by the

³ House Report 843, 47 Cong., 1 sess.

⁴ House Ex. Doc. 45, 43 Cong., 2 sess.

massacre of citizens on the twenty-ninth and thirtieth of November, 1872, by the Modocs, on the border of Tule Lake, at which time they thought the Modocs were at peace. The settlers were very much alarmed when the second call was issued in April. These troops were in service in the latter part of April, May, and June, 1873.⁵

The investigation of these claims seems to have been thorough and made with proper care on the part of General Hardie. He stated to the Secretary of War:

I visited the different places in the states of Oregon and California to ascertain the expenses that were incurred. I examined all persons and companies that I could reach in any way, with the accounts in question, generally an oath was taken by the claimant, requiring in most cases sworn statements of the correctness of their accounts, as presented to the states.

Under the militia law of the State of Oregon, volunteer troops called into state service were to receive the same compensation that the United States troops would for the same period. In the adjustment of the accounts in question the State of Oregon issued certificates of indebtedness in accordance with a general law authorizing it.⁶

General Hardie's report stated that it would seem only fair that the United States should pay into the state

⁵ Sen. Ex. Doc. 1, Special Session, March 5, 1877.

⁶ Ibid.

treasury the amount of obligations of the State of Oregon for the purchase of arms, munitions, cavalry, quartermaster horses, military supplies, transportation, forage, medical attendance and necessary citizen's labor, employed at such rates as the United States was paying at the time. On the account of pay of troops, the reimbursement, he said, could only reasonably extend to such an amount as the United States would have paid the same officers and the same men had they been mustered into service for the regular army of the United States. For the hire of cavalry horses upon which the troops were mounted, the United States scale of commutation should be allowed. For subsistence the number of rations which the troops would have consumed had they been regularly mustered into service fixed the rates of reimbursement. For clothing the amount reimbursed to the state should be usual allowance of clothing to volunteers when called into service.⁷ The amounts claimed by the State of Oregon as reported by Governor Grover, due to the operations in the lava beds were:

Pay of troops and their horses	\$53,766.93
Subsistence	7,497.34
Arms and ammunition	725.30
Horses purchased and hire of cavalry horses	12,159.12
Horse equipment, etc.	3,555.75
Clothing, blankets, etc.	11,506.76
Forage and fuel	10,954.89
Rent, storage, stabling and office furniture	1,093.90
Medicines	783.00

⁷ House Ex. Doc. 843, 47 Cong., 1 sess.

Hire of teams and transportation animals	13,065.33
Clerks, enrolling officers, appraisers and quartermaster's agents	6,025.65
Tents and camp equipage	2,637.00
Blacksmithing, horseshoeing, etc.	1,611.55
Teamsters, laborers, hostlers, packers, guides and miscellaneous services	2,484.69
Ambulance and express service	2,115.00
Stationery and printing	807.67
Ferriage and tools	561.32
Horse lost	150.00
Telegraphing and postage	98.50
Board of Audit	<u>1,050.00</u>
Total	\$132,641.70

There were other claims amounting to \$213.50 which were omitted because they were not filed in time. Including these claims, the grand total was \$132,855.20.⁸

The amounts finally awarded according to Hardie's recommendations are found on page 40.

After ascertaining the amount due Oregon, General Hardie then went to Sacramento to visit Governor Booth. Governor Booth informed General Hardie that the claims for reimbursement of money expended by the State of California, in connection with the Modoc hostilities, were only an account of the transportation of arms to the front, and back to the state depot. This indebtedness amounted to \$495.72.⁹

Other services were rendered and losses incurred for which no claims had been made. A thorough examination of

⁸ House Ex. Doc. 45, 43 Cong., 2 sess., 3.

⁹ Riddle, The Indian History of the Modoc War, 229.

AMOUNTS AWARDED ACCORDING TO THE CLAIMS SET UP BY GENERAL HARDIE

State of Oregon and Citizens thereof

	First Service	Second Service	Total
Service of troops and horses	\$16,449.57	\$12,991.76	\$29,441.33
Forage and fuel	4,639.66	3,155.46	7,795.12
Transportation	7,488.26	6,485.42	13,973.68
Horses and horse equipment	1,625.52	4,297.42	5,922.94
Arms and ammunition	345.80	381.00	726.80
Camp equipage	592.96	1,258.34	1,851.30
Medical supplies and services	1,395.98	757.42	2,153.40
Blacksmithing, horseshoeing, etc.	774.50	658.50	1,433.00
Rents, tools, and Ferriage, etc.	313.00	552.75	865.75
Stationery, printing, telegraph	309.39	577.75	887.14
Labor of civilians	925.33	1,091.65	2,016.98
Amount of reimbursement due state on account of subsistence			
First Service, 7,390 lbs. rations at 27.03c	2,017.47		

Second Service, 8,665 lbs. rations at 27.03c		2,365.55	4,383.02
Amount of reimbursement due state on account of clothing			
First Service, 6,768 days at \$3.50 per mo.	789.60		
Second Service, 7,807 days at \$3.50 per mo.	<u> </u>	<u>910.82</u>	<u>1,700.42</u>
Total	\$37,637.04	\$35,483.87	\$73,120.91
Subtract amount of deduction on account of sale.			<u>2,852.83</u>
This reduces the total on awards to			\$70,268.08*

* House Ex. Doc. 45, 43 Cong., 2 sess.

these claims was made by Governor Booth in Siskiyou County.

At the close of the second period of the Modoc War the Governor had given his approval to the raising of a company, but the subject was dropped at the close of the war. Captain John Fairchild had raised a small volunteer organization which was engaged in a fight under the command of Senator Wheaton on the seventeenth of November, 1872. In addition to these there was an organization of men employed upon the ranches of Fairchild and Dorris. Of the men fighting there were one captain, one lieutenant, and twenty-seven men engaged for eight days who should receive full pay, allowances, and commutation of clothing and horse-hire of mounted cavalry soldiers furnishing their own horses and subsistence. In connection with the organization of Fairchild and Dorris, Captain Fairchild claimed for himself the pay of cavalry captain, and regular pay, allowance for supplies, of horse-hire, forage, and subsistence for ten men for seventy-two days, and for four other men for forty-two days. General Jefferson Davis endorsed General Fairchild's claim.¹⁰

Presley A. Dorris claimed for furnishing three men with forage for their horses, and subsistence for themselves for forty-two days, the regular United States rates; also, for himself, he claimed pay for services similar to those

¹⁰ Sen. Ex. Doc. 32, 42 Cong., 3 sess.

of an officer of the army for a period of seventy-four days. These services were described as being of an extremely hazardous nature.

Captain Fairchild was allowed pay during this period as principal scout and guide, and Dorris was allowed pay at the rate of seventy-five dollars per month. The remaining men were allowed the amounts claimed by them - seventy-five cents per day.

General Hardie felt the claims of Fairchild and Dorris for supplies of subsistence and forage were moderate and should be paid on the basis of army rations at the time of operation and the rates allowed to Oregon claimants.

Another claim, for \$180, was presented by William Rice for one horse, one rifle, and one revolver lost in action, but it was suspended for want of proof.

The following is a recapitulation of California claims as presented and allowed:

	Claimed	Allowed
Arms	\$ 60.00	-----
Supplies	120.00	-----
Transportation	495.72	495.72
Services	3,986.72	3,945.61
	<hr/>	<hr/>
Total	\$4,662.44	\$4,441.33

Suspended for want of proof, \$180.00.¹¹

Thus the Modoc War claims allowed by General Hardie

¹¹ House Ex. Doc. 45, 43 Cong., 2 sess.

totalled \$74,709.41.¹²

After General Hardie submitted the claims, the Secretary of War recommended to Congress that an appropriation be made for payment of the claims to the citizens of California and Oregon. Acting on this recommendation, Congress on September 30, 1874, appropriated, to be used at the disposal of the Secretary of War for settlement of claims, \$74,709.41.¹³

¹² Ibid.

¹³ Sen. Misc. Doc. 32, 45 Cong., 2 sess.

Conclusion

The Modoc Indians, with their peculiar characteristics of a distinct European people, present one of the most interesting episodes in the annals of Indian Affairs in the government of the United States. Having been first discovered by Lewis and Clarke, and later by George Catlin, the famous artist of Indian life, they have a tragic yet compelling story, which is followed to their removal to Oklahoma. It is interesting to note that the Modocs, like all the other tribes which inhabited or roamed the continent of North America, were regarded either with curiosity or indifference by their so-called white "brothers," until their habitat became a necessity to the economic need of a growing nation. With a tradition of white ancestry, a physical appearance supplanting the claim, and evidence of a knowledge of white man's architecture in their huts, the Modocs were friendly toward the whites. They were a hard-working people, but when their land of rich grazing areas was sought by the whites, no recognition was given that they had been peaceful and not warlike Indians.

The trouble caused by the Modocs in fighting for the land which was justly theirs involved, not only life and property, but money on the part of citizens of the United States. From 1864 to 1873 intermittent warfare was carried

on by Indians and whites. Treachery and deceit by both Indians and whites played prominent roles, and massacres were prevalent. To quell massacres, the United States government placed troops on the scene of contention, where several very good generals were defeated by Indian tactics. The Indians, fighting on their own ground, were able to outwit and out-fight the brave Americans who had no strategy in fighting or even in planning campaigns on the lava beds of the Indian stronghold. The suspicion of the Modocs concerning the true purpose of the peace commissioners and the massacre of the peace delegation brought on the long, drawn-out and costly war between the United States government and the followers of Captain Jack. In 1873 the United States offered the Indians their choice of reservations in either Arizona or Indian Territory, but fear and distrust were so deep-rooted in the hearts of both whites and Indians, that neither could trust the other to the extent of talking peace terms. However, Captain Jack did offer to consider terms and sent a touching message to the United States troops, but the fervent desire to exterminate the entire band of Modocs caused the officials to reject the offer.

The war dragged on, until the white settlers in the territory began to feel that the presence of the troops placed them in greater danger of Indian raids. Eventually, however, Captain Jack surrendered. His capture ended the

Modoc War. The Modoc's was a brave fight. They fought for what they believed to be their right to live in a land which, even by the white man's code, was their own. Captain Jack's testimony, outlaw though he may be considered, does give us an insight into the soul of a man who was a patriot and a martyr to a great cause. At his capture his tribe was divided, a miserable lot with no guide. The indifference of the Indian agency and its failure to protect the Indian prisoners of war from mob rule is no exception to the rule in the Indian policy of the United States. It is only another chapter in what Helen Hunt Jackson truthfully called "A Century of Dishonor." The final removal of the straggling remnant of the tribe to Oklahoma ended the trouble.

The citizens of Oregon and California submitted their war claims to the United States government for volunteers, munitions and supplies which they had furnished in the war. Oregon's claim amounted to \$132,855.20, while California's was \$4,662.44. General Hardie, who had taken active part in the war, and who knew the country well, was sent to investigate the claims. He reported that these claims were grossly misrepresented. His estimate of Oregon's claim was \$70,262.08, while he allowed \$4,441.33. The conclusion of General Hardie as to the amount due was accepted by Congress, and in 1874 an appropriation was made for \$74,709.41 as settlement to the claims.

APPENDIX

Treaty
Between
The United States of America
And the
Klamath and Modoc Tribes and Yahooskin Band
Of Snake Indians

Concluded October 14, 1864
Ratification advised, with amendments, July 2, 1866
Amendments assented to December 10, 1869
Proclaimed February 17, 1870

ULYSSES S. GRANT,
PRESIDENT OF THE UNITED STATES OF AMERICA,
TO ALL AND SINGULAR
TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a Treaty was made and concluded at Klamath Lake, in the State of Oregon, on the fourteenth day of October, in the year of our Lord one thousand eight hundred and sixty-four, by and between J. W. Perit Huntington and William Logan, Commissioners, on the part of the United States, and La-Lake, Chil-o-que-nas, and other Chiefs and Headmen of the Klamath tribe of Indians; Schonchin, Stak-it-ut, and other Chiefs and Headmen of the Moadoc tribe of Indians, and Kile-to-ak and Sky-te-ock-et, Chiefs and Headmen of the Yahooskin band of Snake Indians, respectively, on the part of said tribes and band of Indians, and duly authorized thereto by them, which Treaty is in the words and figures following, to wit:

Articles of Agreement and Convention made and concluded at Klamath Lake, Oregon, on the fourteenth day of October, A. D. one thousand eight hundred and sixty-four, by J. W. Perit Huntington, superintendent of Indian affairs in Oregon, and William Logan, United States Indian agent for Oregon, on the part of the United States, and the Chiefs and Headmen of the Klamath and Moadoc tribes, and Yahooskin band of Snake Indians, hereinafter named, to wit: La-Lake, Chil-p-que-nas, Kellogue, Mo-ghen-kas-kit, Blow, Le-lu, Palmer, Jack, Que-as, Poo-sak-sult, Che-mult, No-ak-sun, Moch-kat-allick, Toon-tuck-te, Hoos-ki-you, Ski-a-tic, Shol-las-loos, Ta-tet-pas, Muk-has, Herman-koos-man, Chiefs and Headmen of the Klamaths, Schonchin, Stak-it-ut, Keint-poos, Chuck-e-i-ox, Chiefs and Headmen of the Moadocs, and Kile-to-ak and Sky-te-ock-et, Chiefs of the Yahooskin band of Snakes.

ARTICLE I

The tribes of Indians aforesaid cede to the United States all their right, title, and claim to all the country claimed by them, the same being determined by the following boundaries, to wit: Beginning at the point where the 44th parallel of north latitude crosses the summit of the Cascade mountains; thence following the main

dividing ridge of said mountains in a southerly direction to the ridge which separates the waters of Pitt and McCloud rivers from the waters on the north; thence along said dividing ridge in an easterly direction to the southern end of Goose lake; thence northeasterly to the northern end of Harney lake; thence due north to the 44th parallel of north latitude; thence west to the place of beginning: Provided, That the following described tract, within the country ceded by this treaty, shall, until otherwise directed by the President of the United States, be set apart as a residence for said Indians, held and regarded as an Indian reservation, to wit: Beginning upon the eastern shore of the middle Klamath lake, at the Point of Rocks, about twelve miles below the mouth of Williamson's river; thence following up said eastern shore to the mouth of Wood river; thence up Wood river to a point one mile north of the bridge at Fort Klamath; thence due east to the summit of the ridge which divides the upper and middle Klamath lakes; thence along said ridge to a point due east of the north end of the upper lake; thence due east, passing the said north end of the upper lake, to the summit of the mountains on the east side of the lake; thence along said mountain to the point where Sprague's river is intersected by the Ish-tish-ea-wax creek; thence in a southerly direction to the summit of the mountain, the extremity of which forms the Point of Rocks; thence along said mountain to the place of beginning. And the tribes aforesaid agree and bind themselves that, immediately after the ratification of this treaty, they will remove to said reservation and remain thereon, unless temporary leave of absence be granted to them by the superintendent or agent having charge of the tribes.

It is further stipulated and agreed that no white person shall be permitted to locate or remain upon the reservation, except the Indian superintendent and agent, employes of the Indian Department, and officers of the army of the United States, guaranteed that in case persons other than those specified are found upon the reservation, they shall be immediately expelled therefrom; and the exclusive right of taking fish in the streams and lakes, included in said reservation, and of gathering edible roots, seeds and berries within its limits, is hereby secured to the Indians aforesaid: Provided, also, That the right of way for public roads and railroads across said reservation is guaranteed to citizens of the United States.

ARTICLE II

In consideration of and in payment for the country ceded by this treaty, the United States agree to pay to the tribes conveying the same the several sums of money hereinafter enumerated, to wit: Eight thousand dollars per annum for a period of five years, commencing on the first day of October, 1865 or as soon thereafter as this treaty may be ratified; five thousand dollars per annum for the term of five years next succeeding the first period of five years; and three thousand dollars per annum for the term of five years next succeeding the second period; all of which several sums shall be applied to the use and benefit of said Indians by the superintendent or agent having charge of the tribes, under the direction of the President of the United States, who shall, from time to time, in his discretion, determine for what objects the same shall be expended, so as to carry out the design of the expenditure, (it) being to promote the well-being of the Indians, advance them in civilization, and especially agriculture, and to secure their moral improvement and education.

ARTICLE III

The United States agree to pay said Indians the additional sum of thirty-five thousand dollars, a portion whereof shall be used to pay for such articles as may be advanced to them at the time of signing this treaty, and the remainder shall be applied to subsisting the Indians during the first year after their removal to the reservation, the purchase of teams, farming implements, tools, seeds, clothing, and provisions, and for the payment of the necessary employes.

ARTICLE IV

The United States further agree that there shall be erected at suitable points on the reservation, as soon as practicable after the ratification of this treaty, one saw-mill, one flouring mill, suitable buildings for the use of the blacksmith, carpenter, and wagon and plough maker, the necessary buildings for one manual labor school, and such hospital buildings as may be necessary, which buildings shall be kept in repair at the expense of the United States for the term of twenty years; and it is

further stipulated that the necessary tools and material for the saw-mill, flour-mill, carpenter, blacksmith, and wagon and plough maker's shops, and books and stationery for the manual labor school, shall be furnished by the United States for the period of twenty years.

ARTICLE V

The United States further engage to furnish and pay for the services and subsistence, for the term of fifteen years, of one superintendent of farming operations, one farmer, one blacksmith, one sawyer, one carpenter, and one wagon and plough maker, and for the term of twenty years of one physician, one miller, and two school teachers.

ARTICLE VI

The United States may, in their discretion, cause a part or the whole of the reservation provided for in article I to be surveyed into tracts and assigned to members of the tribes of Indians, parties to this treaty, or such of them as may appear likely to be benefited by the same, under the following restrictions and limitations, to wit: To each head of a family shall be assigned and granted a tract of not less than forty nor more than one hundred and twenty acres, according to the number of persons in such family; and to each single man above the age of twenty-one years a tract not exceeding forty acres. The Indians to whom these tracts are granted are guaranteed the perpetual possession and use of the tracts thus granted and of the improvements which may be placed thereon; but no Indian shall have the right to alienate or convey any such tract to any person whatsoever, and the same shall be forever exempt from levy, sale, or forfeiture: Provided, That the Congress of the United States may hereafter abolish these restrictions and permit the sale of the lands so assigned, if the prosperity of the Indians will be advanced thereby: And provided further, If any Indian, to whom an assignment of land has been made, shall refuse to reside upon the tract so assigned for a period of two years, his right to the same shall be deemed forfeited.

ARTICLE VII

The President of the United States is empowered to

declare such rules and regulations as will secure to the family, in case of the death of the head thereof, the use and possession of the tract assigned to him, with the improvements thereon.

ARTICLE VIII

The annuities of the tribes mentioned in this treaty shall not be held liable or taken to pay the debts of individuals.

ARTICLE IX

The several tribes of Indians, parties to this treaty, acknowledge their dependence upon the government of the United States, and agree to be friendly with all citizens thereof, and to commit no depredations upon the person or property of said citizens, and to refrain from carrying on any war upon other Indian tribes; and they further agree that they will not communicate with or assist any persons or nation hostile to the United States, and, further, that they will submit to and obey all laws and regulations which the United States may prescribe for their government and conduct.

ARTICLE X

It is hereby provided that if any member of these tribes shall drink any spirituous liquor, or bring any such liquor upon the reservation, his or her proportion of the benefits of this treaty may be withheld for such time as the President of the United States may direct.

ARTICLE XI

It is agreed between the contracting parties that if the United States, at any future time, may desire to locate other tribes upon the reservation provided for in this treaty, no objection shall be made thereto; but the tribes, parties to this treaty, shall not, by such location of other tribes, forfeit any of their rights or privileges guaranteed to them by this treaty.

ARTICLE XII

This treaty shall bind the contracting parties whenever the same is ratified by the Senate and President of the United States.

In witness of which, the several parties named in the foregoing treaty have hereunto set their hands and seals at the place and date above written.

J. W. PERIT HUNTINGTON,
Supt. Indian Affairs.
WILLIAM LOGAN,
U. S. Indian Agt.

LA-LAKE,	his x mark.	(SEAL.)
CHIL-O-QUE-NAS,	his x mark.	(SEAL.)
KELLOGUE,	his x mark.	(SEAL.)
MO-GHEN-KAS-KIT,	his x mark.	(SEAL.)
BLOW,	his x mark.	(SEAL.)
LE-LU,	his x mark.	(SEAL.)
FALMER,	his x mark.	(SEAL.)
JACK,	his x mark.	(SEAL.)
QUE-ASS,	his x mark.	(SEAL.)
POO-SAK-SULT,	his x mark.	(SEAL.)
CHE-MULT,	his x mark.	(SEAL.)
NO-AK-SUM,	his x mark.	(SEAL.)
MOOCH-KAT-ALLICK,	his x mark.	(SEAL.)
TOON-TUC-TEE,	his x mark.	(SEAL.)
BOSS-KI-YOU,	his x mark.	(SEAL.)
SKI-AT-TIC,	his x mark.	(SEAL.)
SHOL-LAL-LOOS,	his x mark.	(SEAL.)
TAT-TET-PAS,	his x mark.	(SEAL.)
MUK-HAS,	his x mark.	(SEAL.)
HERMAN-KUS-MAM,	his x mark.	(SEAL.)
JACKSON,	his x mark.	(SEAL.)
SCHON-CHIN,	his x mark.	(SEAL.)
STAK-IT-UT,	his x mark.	(SEAL.)
KEINT-POOS,	his x mark.	(SEAL.)
CHUCK-E-I-OX,	his x mark.	(SEAL.)
KILE-TO-AK,	his x mark.	(SEAL.)
SKY-TE-OCK-ET,	his x mark.	(SEAL.)

Signed in the presence of --
R. P. EARHART, Secretary.
WM. KELLY,
Capt. 1st Cav., Oregon Volunteers.
JAMES HALLORAN,
2nd Lieut. 1st Inf., W. T. Vols.

WILLIAM C. MCKAY, M. D.
 his
 ROBERT X BIDDLE.
 mark.

And whereas, the said Treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the second day of July, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same, with amendments, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
 July 2, 1866.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the Articles of Agreement and Convention made and concluded at Klamath Lake, Oregon, on the 14th of October, 1864, by the Commissioners on the part of the United States and the Klamath and Moadoc tribes and Yahoo-skin band of Snake Indians, with the following.

AMENDMENTS:

1st. Article 1, paragraph 2, line 3, strike out the word "guaranteed," and insert thereof the word and.

2nd. Same article, same paragraph, line 7, strike out the word "guaranteed," and insert in lieu thereof the word reserved.

Attest:

J. W. FORNEY,
 Secretary.

And whereas, the foregoing amendments having been fully explained and interpreted to the Chiefs and Headmen of the aforementioned Klamath and Moadoc tribes and Yahooskin band of Snake Indians, whose names are hereinafter signed, they did, on the tenth day of December, one thousand eight hundred and sixty-nine, give their free and voluntary assent to the said amendments, in the words and figures following, to wit:

Whereas the Senate of the United States, in executive session, did, on the second day of July, A. D. 1866, advise and consent to the ratification of the Articles of Agreement and Convention made and concluded at Klamath Lake, Oregon, on the 14th of October, 1864, by the Commis-

sioners on the part of the United States and the Klamath and Moadoc tribes and the Yahooskin band of Snake Indians, with the following amendments:

1st. Article 1, paragraph 2, line 3, strike out the word "guaranteed," and insert in lieu thereof the word and.

2nd. Same article, same paragraph, line 7, strike out the word "guaranteed," and insert in lieu thereof the word reserved.

And whereas the foregoing amendments have been fully interpreted and explained to the undersigned Chiefs and Headmen of the aforesaid Klamath and Moadoc tribes and Yahooskin band of Snake Indians, we do hereby agree and assent to the same.

Done at Klamath Agency, Oregon, on this tenth day of December, A. D., 1869.

In witness of which, the several parties named in the said Treaty have hereunto set their hands and seals, at the place and date above written.

A. B. MEACHAM,
Supt. Ind. Affairs.
O. C. KNAFF,
U. S. Ind. Agent.

ALLAN DAVIE, signed		
as BOSS KIYOU,	his x mark.	(SEAL.)
LE-LAKE,	his x mark.	(SEAL.)
CHIL-O-QUE-NOS,	his x mark.	(SEAL.)
MO-CHEM-KAS-KIT,	his x mark.	(SEAL.)
BLOW,	his x mark.	(SEAL.)
LE-LU,	his x mark.	(SEAL.)
PALMER,	his x mark.	(SEAL.)
JACK,	his x mark.	(SEAL.)
QUE-ALL,	his x mark.	(SEAL.)
POO-SAK,	his x mark.	(SEAL.)
CHE-MULT,	his x mark.	(SEAL.)
NO-AK-SUM,	his x mark.	(SEAL.)
MOOCH-KAT-ALLICK,	his x mark.	(SEAL.)
TOON-TUC-TE,	his x mark.	(SEAL.)
SEOL-LAL-LOOS,	his x mark.	(SEAL.)
TAT-TET-POS,	his x mark.	(SEAL.)
MUK-HAS,	his x mark.	(SEAL.)
HEERMAN-KUS-MAN,	his x mark.	(SEAL.)
JACKSON,	his x mark.	(SEAL.)
SCHON-CHIN,	his x mark.	(SEAL.)

KILE-TO-AK,	his x mark.	(SEAL.)
STAK-IT-UT,	his x mark.	(SEAL.)
KEINT-POOS,	his x mark.	(SEAL.)

Signed in the presence of--
 Wm. C. McKAY, Secretary.
 J. D. APPELEGATE.
 Jno. MEACHAM.

Now, therefore, be it known that I, ULYSSES S. GRANT, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the second of July, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said Treaty, with the amendments as aforesaid.

In testimony whereof, I have hereto signed my name, and caused the seal of the United States to be affixed.

Done at the city of Washington this seventeenth day of February, in the year of our Lord one thousand eight hundred and seventy, and of the Independence of the United States of America the ninety-fourth.

(SEAL.)

By the President:
 HAMILTON FISH,
 Secretary of State.

U. S. GRANT.

BIBLIOGRAPHY

Primary Sources

Annual Report of Comaissioner of Indian Affairs, 1864, 1866, 1869, 1870, 1873. Washington: Government Printing Office.

Barrett, S. A. The Material Culture of the Klamath Lake and Modoc Indians of Northeastern California and Southern Oregon. Berkeley: University of California Press, 1907.

Handbook of American Indians North of Mexico, Bulletin 30 of the Bureau of American Ethnology. Washington: Government Printing Office, 1912.

Hodge, Frederick Webb. Handbook of American Indians North of Mexico. Washington: Government Printing Office, 1906.

House Executive Documents, 43 Cong., 2 sess.; 47 Cong., 1 sess.; 59 Cong., 1 sess. Washington: Government Printing Office, 1874, 1882, and 1905.

House Miscellaneous Document 272, 51 Cong., 1 sess. Washington: Government Printing Office, 1890.

Humfreville, J. Lee. Twenty Years Among Our Hostile Indians. New York: Hunter and Company, 1899.

Riddle, John C. The Indian History of the Modoc War. Cleveland: Arthur H. Clark Company, 1914.

Schofield, John M. Forty-six Years in the Army. New York: Century Company, 1897.

Senate Executive Documents, 42 Cong., 3 sess.; 43 Cong., 2 sess.; 43 Cong., 3 sess.; 47 Cong., 1 sess. Washington: Government Printing Office, 1874 and 1882.

Secondary Sources

Books

Bancroft, Hubert Howe. History of California. San Francisco: The History Publishers, 1888.

- History of Oregon. San Francisco: The History Publishers, 1888.
- Beach, W. W. The Indians' Miscellany of the American Aborigines. Albany: J. Munsell, 1877.
- Boyd, James P. Recent Indian Wars. Philadelphia: Publishers' Union, 1891.
- Brady, Cyrus Townsend. Northwestern Fights and Fighters. New York: McClure Company, 1907.
- Carey, Charles Henry. History of Oregon. Chicago: Pioneer Historical Publishing Company, 1922.
- Caughley, John Walton. History of the Pacific Northwest. Los Angeles: John Walton Caughley, 1935.
- Dunn, J. P. Massacre of the Mountains. New York: Harper and Brothers, 1886.
- Favour, Alphens E. Old Bill Williams, Mountain Man. Chapel Hill: University of North Carolina Press, 1936.
- Fontaine, Edward. How the World Was Peopled. New York: D. Appleton Company.
- Fuller, George W. A History of the Pacific Northwest. New York: Alfred A. Knopf, 1951.
- Gatschet, Albert S. Klamath Indians of Southwestern Oregon.
- Ghent, W. J. The Road to Oregon. New York: Longmans, Green, and Company, 1929.
- Hubbard, Jeremiah. Forty Years Among the Indians. Miami, Oklahoma: Phelps Printers, 1913.
- Moorehead, Warren K. The American Indians in the United States. Andover, Massachusetts: Andover Press, 1914.

Periodicals

- Harper's Weekly, XVII (April 26, 1873), 460.
- London News, May 24, 1873.

Typist

Earl Oliver