

1-16-1873

Letter from the Acting Secretary of the Interior, accompanying information called for by the Senate resolution of January 8, 1873, relative to the Modoc and other Indian tribes in Northern California.

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>

 Part of the [Indian and Aboriginal Law Commons](#)

Recommended Citation

S. Exec. Doc. No. 29, 42nd Cong., 3rd Sess. (1873)

This Senate Executive Document is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact darinfox@ou.edu.

LETTER

FROM THE

ACTING SECRETARY OF THE INTERIOR,

ACCOMPANYING

Information called for by the Senate resolution of January 8, 1873, relative to the Modoc and other Indian tribes in Northern California.

JANUARY 16, 1873.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 16, 1873.

SIR: For the information of the Senate I have the honor to transmit herewith a copy of a report, dated the 14th instant, from the Acting Commissioner of Indian Affairs, and accompanying papers, in answer to a resolution of the Senate, dated the 8th instant, in the following words, viz:

Resolved, That the Secretary of the Interior be directed to furnish the Senate such information as may be in his Department touching existing difficulties with the Modoc and other Indian tribes in Northern California and Southern Oregon.

It appears from the report of the Acting Commissioner that there are on file in the Indian-Office other papers, bearing upon this subject, that are voluminous; and as their substantial import is exhibited in those now presented, it has not been deemed advisable to delay an answer to the resolution for the purpose of copying them. Such copies will, however, be furnished if desired.

Very respectfully, your obedient servant,

B. R. COWEN,
Acting Secretary.

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., January 14, 1873.

SIR: I have the honor to be in receipt, by reference from the Department, of Senate resolution of the 8th instant, the same being in terms as follows:

Resolved, That the Secretary of the Interior be directed to furnish the Senate such information as may be in his Department touching existing difficulties with the Modoc and other Indian tribes in Northern California and Southern Oregon.

In compliance with your instructions to submit a report upon the sub-

ject-matter of this resolution, I have the honor to state that no serious difficulties are known to exist with any tribes in the sections named other than with the Modocs.

This tribe has been known to this office since 1853 as generally unfriendly to the whites. It first entered into formal relations with the Government by a treaty to which the Klamaths and Yahooskin band of Snakes were also parties, (16 Statutes at Large, p. 707,) made on the 14th day of October, 1864, ratified by the Senate with certain verbal amendments July 2, 1866, and, after the Indians had consented to these amendments in December, 1869, proclaimed by the President February 18, 1870, under the provisions of Article I of this treaty, and of the Executive order of March 14, 1871, issued thereunder, a tract of land, estimated to contain 768,000 acres, was set apart for the Indians, parties to the treaty, in the southern part of Oregon.

In September, 1865, while this treaty was pending before the Senate, Mr. Lindsley Applegate, sub-agent in charge of the Klamaths and Snakes, commenced operations for their benefit. The Modocs, presumably acting under advice of certain interested whites, had previously withdrawn from the country to their former home near Clear Lake, sixty miles southeast of Klamath. They, however, informed Mr. Applegate, by messenger, that they would conform to his wishes, and in the event of the ratification of their treaty would come on the reservation.

During the ensuing year a part of this tribe, under their head-chief "Schon-chin" or "Skin-tian," were induced to settle quietly at the agency; Captain Jack's band, however, preferring to stay at their old homes, where, without serious outbreak, they remained until 1869. In the latter part of that year the amendments of the Senate to said treaty were presented for their acceptance, when Captain Jack made strenuous objections to the whole affair. He was, however, finally induced by the other chiefs to withdraw his opposition to the treaty, and in December of that year settled with his immediate followers upon the reservation. Within three months, troubles arose between the Modocs and the Klamaths, due, in great measure to the unfriendly disposition and conduct of the latter. The Modocs, under orders from Captain O. C. Knapp, United States Army, who, in October, 1869, had relieved Mr. Applegate as sub-agent, removed to another part of the reservation. Here disturbances were soon renewed, which resulted in the departure of the Modocs, who refused, as they said, to go into any traps for the benefit of their enemies the Klamaths. Mr. A. B. Meacham, the then superintendent of Indian affairs for Oregon, attempted to settle the difficulties by establishing at Camp Yainax, in a distant part of the reservation, a sub-agency for the Snakes and others, leaving the Klamaths alone at the regular agency. But this measure, so far as it concerned the seceding and more turbulent portion of the tribe under Captain Jack's leadership, failed of its object. In his annual report for 1871, Superintendent Meacham recommended the establishment of the band on a reservation to be set apart for them near their old home, where they could be subjected to governmental control and receive their share of the benefits of the treaty. The tract indicated by him was six miles square, lying partly in Oregon and partly in California. No action on this recommendation was ever taken by this Department.

To avert an outbreak, which the superintendent deemed imminent, two commissioners, acting under his instructions, held consultations with these Indians in the summer of 1871, as the result of which it was understood that they should be permitted to remain at their present location

awaiting definite action by this office in regard to their reservation, provided always that they refrained from theft and disturbance.

By reference from the honorable the Secretary of War, this office was, on the 21st of March last, placed in possession of copies of an extended correspondence, which had been conducted between the military officers, the Oregon State authorities, and the superintendent of Indian affairs in that State, in which the danger of serious troubles was set forth and acknowledged by all these officials, and from which it was apparent that the military, while disposing the troops to insure the greatest protection to the citizens, yet felt themselves restrained from active operations against the defiant Indians under the agreement made by Superintendent Meacham in regard to the reservation, although Superintendent Meacham's successor, Mr. T. B. Odeneal, held that Captain Jack had forfeited by his maraudings all claim to consideration under that agreement.

A letter of instructions relative to the whole subject at issue, and covering copies of these papers, was forwarded to Superintendent Odeneal on the 12th of April last. Upon the receipt of his reply of June 17, 1872, and its inclosures, he was, under date of July 6, ordered to effect the removal of these Indians, by force if necessary, to the Klamath reservation.

Copies of these three communications, and of Superintendent Odeneal's communication of the 23d ultimo, in which he reports at length in regard to these difficulties, are herewith forwarded for the information of the Senate. The papers referred to this office from the War Department, with other papers bearing upon this subject, also on file in this office, are voluminous, and, as their substantial import has been shown above, it has not been thought advisable to delay this report for the purpose of making copies of them. Such copies will, however, be furnished if desired. The resolution of the Senate is herewith returned.

Very respectfully, your obedient servant,

H. R. CLUM,
Acting Commissioner.

The Hon. the SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., April 12, 1872.

SIR: I inclose herewith copies of papers received by this Department, by reference from the honorable Secretary of War, in reference to the hostile attitude of, and apprehended trouble with, the Modoc tribe of Indians.

You are instructed to have the Modoc Indians removed, if practicable, to the reservation set apart for them under the treaty concluded with said Indians October 14, 1854; and, if removed, to see that they are properly protected from the Klamath Indians. If they cannot be removed to or kept on the reservation, you will report your views as to the practicability of locating them at some other point, and, if favorable to such location, you will give a description, by natural boundaries, if no other can be given, of the reservation that should be set aside for them.

Very respectfully, your obedient servant,

F. A. WALKER,
Commissioner.

T. B. ODENEAL, Esq.,
Superintendent Indian Affairs, Salem, Oregon.

OFFICE SUPERINTENDENT OF INDIAN AFFAIRS,
Salem, Oregon, June 17, 1872.

SIR: In answer to your letter of the 12th of April last, inclosing copies of papers from the

honorable Secretary of War in reference to the hostile attitude of, and apprehended trouble with, the Modoc Indians, I have the honor to report that, in pursuance of your instructions therein contained, I at once directed Agent Dyar, of Klamath agency, and Ivon D. Applegate, commissary in charge of Camp Yainax, to meet the chiefs and head-men of said tribe of Indians, and endeavor to persuade them to go upon Klamath reservation, authorizing the assurance to be given that they should be fully protected. A council was held with said Indians on the 14th ultimo, and the result thereof is contained in the report of Mr. Applegate, a copy of which is herewith inclosed.

I referred the matter to the gentlemen named, for the reason that Mr. Applegate has for many years been intimately acquainted with these Indians, speaks their language fluently, and possesses their confidence to an extent greater than any one else.

The leaders of these Indians are desperate, brave, daring and reckless, and their superior sagacity enables them to exercise full and complete control over the rest of the tribe. They have for so long a time been permitted to do as they please, that they imagine they are too powerful to be controlled by the Government, and that they can, with impunity, defy its authority. This, in my opinion, is the whole secret of their insubordination. They must in some way be convinced of their error in this respect, by such firm, decided action as will leave no doubt in their minds in regard to the fact that we intend that they shall be obedient to law and faithful to their treaty obligations. This need not, and, with proper management, will not require the use of force. When they shall have been thus convinced, we can with reasonable hope of success, commence the work of civilizing and christianizing them, and transforming them into peaceable, self-controlling, and self-sustaining men and women.

Unless these leaders shall in some way be restrained from pursuing the reckless, defiant course they have heretofore been permitted to pursue, all theories in regard to their advancement in civilization must fail, and there is reason to apprehend serious trouble, and perhaps war, at no distant day.

As well might we expect our own youth to grow up in the practice of Christian virtues, under the tutorage of the "road agents" of Montana, or the "guerillas" of Mexico, as to think of instilling any good into the minds of the Modocs while under the exclusive control, as they have been, of their present leaders.

I think the most effectual way to bring about a solution of these troubles, and maintain peace, is to take the head-men into custody, and hold them at some point remote from their tribe, until they shall agree to behave themselves. We deprive white men of their liberty as a reformatory measure, and it certainly could not be considered less humane to adopt the same course with these chiefs. Not long since I had a conversation with Major Elmer Otis, who was in command of the troops in the district including these Indians, in which he expressed the opinion that all trouble with them could be settled by arresting the leaders, and compelling the others to go upon Klamath reservation. His opinion, as well as that of Messrs. Applegate and Dyar, is, that Camp Yainax, on Klamath reservation, is the best place in that whole country for the Modoc Indians; that they will be as well contented, and as easily kept there as at any other place that could be selected. I agree with them in this; and therefore respectfully report against the propriety of locating them elsewhere.

I do not believe it practicable to remove them to the Klamath reservation at this season of the year without using the military for that purpose; and then, if they should resist, I doubt whether there is sufficient force in that vicinity to compel them to go. Major Otis stated in the conversation I had with him that the peremptory order for them to go upon the reservation should not be made before the last of September, for the reason that it would be difficult to enforce such order before the commencement of winter.

It is the opinion of Major Otis and other military officers and citizens that a reservation should be selected on the headwaters of Malheur River, or in the Stein Mountain country, on which the Pi-Utes (or Snakes) should be located. I believe this practicable and advisable, but await orders from you in regard to it. It is estimated that there are five hundred Pi-Utes on the headwaters of the Malheur who have never been on any reservation, and two hundred more at Yainax, who desire to go back to where their people are, in the Malheur country.

Very respectfully, your obedient servant,

T. B. ODENEAL,
Superintendent Indian Affairs, Oregon.

Hon. F. A. WALKER,
Commissioner, &c., Washington, D. C.

CAMP YAINAX, May 8, 1872.

SIR: Your communication of April 27, relative to the Modocs and their permanent location, has been received, and I reply with no little embarrassment, for this is an old and vexed question, and one upon which there is much difference of opinion; in fact, any solution of the question will have its opponents.

In regard to moving the band to Klamath Reservation and protecting them from the Klamaths, I give it as my opinion that the place is not only practicable, but is really the only policy that can be adopted with any hope of success; but it is reasonable to believe that they will not come on to the reservation peaceably while their present leaders are in power; at any rate, not until they are convinced that the military will be used against them in case of refusal. I feel confident that in winter they could be removed quite easily by the troops stationed at Fort Klamath, but at this season an attempt to bring them by force might be attended with considerable danger to the settlers now in that country. Yet I am inclined to the opinion that a positive order to remove to the reservation, made when a force of fifty or sixty cavalry can be at hand in their country, ready for immediate action, would have the desired effect, and that most, if not all, of the Modocs would obey; and even this plan of action might lead to a very destructive war, for the Indians, of whom there are at least fifty active, well-armed warriors, might get into the mountains adjacent to the scattering settlements, do a great deal of damage, and really be almost invincible until hemmed in again by the snows of next winter. They are well armed and clothed, well supplied with ammunition, and are undoubtedly encouraged by certain white men in Siskiyou County, who perhaps profit by their trade. The proposition to arrest the leaders is one worthy of serious consideration, and in this plan may lie the solution of the problem; but under the present understanding between the Department, both Indian and military, and the chief, Captain Jack, the arrest would no doubt be regarded by the Indians as an act of treachery on our part, and might hereafter destroy their confidence in the Indian Department to a great extent, and the military might be averse to taking any action while they consider the agreement made with Captain Jack by the late superintendent, A. B. Meachem, is still in force. The nature of which agreement was, as you will see by records in your office, that, until the matter of setting apart a separate reservation for them should be adopted or disapproved, and the matter of their permanent location be positively determined by the Department, they should remain unmolested in the Modoc country, they, on their part, "doing nothing that would have a tendency to cause a collision between them and the settlers."

In a communication addressed to Superintendent A. B. Meachem, under date of February 17, 1872, General E. R. S. Canby says: "The commanding officer has been advised that the question of new location has been by you submitted to the Commissioner of Indian Affairs, and that, pending the decision of this question, force will not be used by the military to compel the return of the Modocs to the reservation," unless assured that the new location idea is abandoned, perhaps the military would not [obey] the order to arrest those men. If it could be arranged, it is my opinion that the arrest of Captain Jack, Black Jim, Scar-faced Charley, Boston, and En-choaks, the medicine-man, would settle all trouble, and I am satisfied that, if properly planned and managed, with *great caution*, it can be done with no very great risk and with a comparatively small force. Only for the appearance of being a breach of faith on the part of the Department, it could have no bad influence on the other Indians. As to their location elsewhere than on the Klamath reservation, I must say, in all candor, that I cannot consider such plan is either right or practicable. Allow me here to give a few reasons for so thinking: The Modocs, as parties to the treaty of October 14, 1864, ceded to the United States the very country over which they are now roving. Their right being thus extinguished, the country was thrown open to settlement. Much of it has been located as State land, and nearly every foot of it fit for cultivation has been taken up by settlers, whose thousands of cattle, horses, and sheep are ranging over it. The country where those Modocs are is a pastoral region, not an agricultural country; and to undertake to maintain them on a small reservation there would probably cost more than to provide for them and the Klamaths on this reservation which is so well fitted, by its various resources, as a home for them.

These Modocs really are only a fragment of the Klamath Nation, having common sympathies, speaking the same language, and being closely intermarried with the several bands on the reservation, and if located on a new reservation a constant and annoying intercourse would be the effect; and their success in being located there, in violation of treaty stipulations, would have a demoralizing influence on the other Indians.

The white settlers are very much opposed to establishing a new reservation for this band of desperadoes, and their determined opposition would keep up a continual conflict, even though the location should be made, and likely would be sufficient to make the thing a failure in the end. Chief Skin-tian, formerly recognized as chief of all the Modocs, now an old man, still remains here with over a hundred of his tribe, still faithful to his obligations, and still anxious and hopeful that his people, who have been led away by Captain Jack, will be brought back where they belong. Through Skin-tian's people I shall immediately send word to Captain Jack, asking him to meet Mr. Dyar and I, without delay, on Lost River, and the result of the council will be reported to you as soon as possible after it occurs.

Very respectfully, your obedient servant,

I. D. APPLIGATE,
Commissary in Charge.

Hon. T. B. ODENEAL,
Superintendent Indian Affairs, Salem, Oregon.

YAINAX, May 16, 1872.

SIR: Under date of May 8 I wrote you in answer to your letter of inquiry in regard to the Modoc matter, and I would now most respectfully report further, that on the 14th instant, in company with Mr. L. S. Dyar, agent at Klamath, I met the chiefs and head-men of all the Modocs, both those under Skn-tian and Captain Jack, at the military camp on Lost River. I used every argument to induce them to return peaceably to the reservation, telling them that this was the desire of the Department; that such action would insure them all the rights and privileges now enjoyed by the other Indians on this reservation, and that they would have perfect protection against the Klamaths.

I did not think it warranted by my instructions, nor was it, in my judgment, prudent, to demand of them to return, or even to say to them that they would have to come, considering that at this season hostilities would certainly result in great loss of life and property. I was not willing to make any issue, but thought it best to leave the matter of their final settlement still open, feeling satisfied and still hoping for success, based on their good conduct, they will be more likely to remain peaceable. I asked Captain Jack if he would obey the order to come on to the reservation, but he did not answer pointedly. While he hesitated, Black Jim and several others told him in their own language that it might be dangerous to say no. Jack then said that he would not answer the question, for it would make a "dispute." Considering all things, I did not think it best to press the question further. Jack's speech was substantially as follows:

"We are good people, and will not kill or frighten anybody. We want peace and friendship. I am well known and understood by the people of Yreka, California, and am governed by their advice. I do not want to live upon the reservation, for the Indians there are poorly clothed, suffer from hunger, and even have to leave the reservation sometimes to make a living. We are willing to have whites to live in our country, but we do not want them to locate on the west side and near the mouth of Lost River, where we have our winter camps. The settlers are continually lying about my people, and trying to make trouble."

I feel quite safe in saying that there is not much probability of any serious trouble from these Indians, as matters now stand; but if the cavalry force is ordered away before winter there will be great danger of open hostility. Any action against them in the summer will be attended with more or less danger.

One very bad feature in the matter is the fact that there is a very bitter feeling among the settlers against the Modocs. The delay in removing them has made some of the settlers almost desperate, and it is hard to reason with such people, and keep them from doing some act that might bring on a general massacre. And yet it might, perhaps, be safest to risk this, and let the matter rest till winter.

Very respectfully, your obedient servant,

I. D. APPLGATE,
Commissary in charge.

Hon. T. B. ODENEAL,
Superintendent Indian Affairs, Salem, Oregon.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., July 6, 1872.

SIR: I have received your report, dated the 17th ultimo, inclosing copies of letters from I. D. Applegate, dated, respectively, the 8th and 16th of May last, in reply to a communication from this office, dated April 12, 1872, relative to the removal of the Modoc Indians to the Klamath reservation, or the propriety of having a new reservation set apart for them.

In your report you state "that it is the opinion of Major Elmer Otis, as well as that of Messrs. Applegate and Dyar, that Camp Yainax, on Klamath reservation, is the best place in that whole country for the Modoc Indians; that they will be as well contented and as easily kept there as at any other place that could be selected," and you agree with them in their opinion, and report against the propriety of locating them elsewhere. You further state that the leaders of the Modoc Indians are "desperadoes, brave, daring, reckless," and defy the authority of the Government with impunity, and that it will be necessary to arrest these leaders and convince them of their error, before any civilizing influences can be brought to bear upon the tribe.

Your recommendations, so far as the Modoc Indians are concerned, are approved, and you are directed to remove them to the Klamath reservation peaceably, if you possibly can, but forcibly, if you must, at the time suggested in your report, in September next. You will exercise your discretion about making arrests of the leaders, avoiding any unnecessary violence or resort to extreme measures.

You also report that it is the opinion "of Major Otis, and other military officers and citizens, that a reservation should be selected on the headwaters of the Malheur River, or in the Stein Mountain country, on which the Pi-Utes (or Snakes) should be located. You believe this practicable and advisable, and estimate that there are five hundred Pi-Utes

who have never been on any reservation, and two hundred at Yainax who desire to go back where their people are, in the Malheur country.

In reply to this part of your report, you are directed to examine the country at the headwaters of the Malheur River, and report, by natural boundaries, a sufficient quantity of land for a suitable reservation for said Pi-Ute or Snake Indians. You will be careful not to embrace any more territory than is necessary, and not to interfere with white settlements, if there are any in that locality.

Upon receipt of such report, the matter will receive proper consideration by this office.

Very respectfully, your obedient servant,

F. A. WALKER,
Commissioner.

T. B. ODENEAL, Esq.,
Superintendent Indian Affairs, Salem, Oregon.

OFFICE SUPERINTENDANT INDIAN AFFAIRS,
Salem, Oregon, December 23, 1872.

SIR: In your letter of the 6th of July last, you directed me to remove the Modoc Indians to Klamath reservation, peaceably if I could, but forcibly if I must. For the purpose of executing this order, I left here on the 20th of November, and arrived at Klamath agency on the 25th of the same month. Learning that Captain Jack's band of Modocs was then camped on Lost River, I immediately dispatched messenger James Brown and I. D. Applegate to said camp with the following message:

"Say to them that I wish to meet the head-men at Sink River on the 27th instant, and to talk with them. Impress upon them the importance of their meeting me. Tell them that I entertain none but the most friendly feelings for them, and that the object of the interview sought is to advance their interests and promote their welfare; that I have made ample provision for their comfortable subsistence at Camp Yainax, on Klamath reservation, and desire to have them go there and receive their proportion of the annuities; that if they will go with you to the reservation within a reasonable time, as soon as they can get ready, they shall be fairly and justly dealt with, and fully protected in all their rights against any injustice which other tribes might be disposed to do them. If they agree to go with you, say to them that they need not meet me as requested, and that I will see them at Yainax. In the event they decline to go to the reservation, you will say they must meet me at Sink River, as I desire to and must come to a positive understanding with them."

On the same day I addressed the following letter to Lieutenant-Colonel Wheaton, commanding the district of the lakes:

"OREGON SUPERINTENDENCY,
Klamath Agency, November 25, 1872.

"SIR: I am here for the purpose of putting the Modoc Indians upon this reservation, in pursuance of an order from the honorable Commissioner of Indian Affairs, a copy of which is as follows, to wit: 'You are hereby directed to remove the Modoc Indians to Klamath reservation, peaceably if you possibly can, but forcibly if you must.' I have requested the head-men of the tribe to meet me at Sink River on the 27th instant, at which time I shall endeavor to persuade them to return to the reservation. If they shall refuse to come voluntarily, then I shall call upon you for a force sufficient to compel them to do so. They have some eighty well-armed warriors, and I would respectfully suggest that as large a force be brought to bear against them at once as you can conveniently furnish, in the event it shall be determined that they cannot be removed peaceably.

"Immediately after the conference referred to, I will inform you of the result thereof, and in the mean time I have to request that all necessary preliminary arrangements be made for concentrating the forces at your command and having them ready for active operations.

"Very respectfully, your obedient servant,

"T. B. ODENEAL,
Superintendent Indian Affairs, Oregon.

"Lieutenant-Colonel FRANK WHEATON,
Commanding District of Lakes, Camp Warner, Oregon."

My plan was, if they could not be removed peaceably, to bring so large a force against them as to overawe them at once, and thus insure the execution of the order without fighting.

Lost River is fifty-five miles from Klamath agency, twenty-three miles from Sink River. On the day appointed, in company with Agent L. S. Dyar, I went to the place designated for the meeting, and there met the messengers, who reported that they had been to the camp of Captain Jack's band of Modocs, and had informed the head-men of everything contained in my instructions, and, besides, had used every argument in their power to persuade them to

meet me or go upon the reservation. That they peremptorily declined to do either. Captain Jack, the head chief, made substantially the following speech :

"Say to the superintendent that we do not want to see him or to talk with him. We do not want any white man to tell us what to do. Our friends and counsellors are men in Yreka, California. They tell us to stay where we are, and we intend to do it, and will not go upon the reservation. I am tired of being talked to, and am done with talking."

After fully considering and discussing the matter with Agent Dyar and Mr. Applegate, and receiving from them the positive opinion that nothing but the appearance of an armed force at their camp could have any influence whatever upon them, I concluded to call for such force, and accordingly sent Mr. Applegate to Fort Klamath, with the following letter, which I authorized him to deliver to Major John Green, commanding that post, and, if he had not sufficient authority and force to act, to forward the same to Colonel Wheaton, to wit :

"OREGON SUPERINTENDENCY,

"Sink River, November 27, 1872.

"SIR: The bearer of this, Mr. I. D. Applegate, has just returned from the camp of the Modoc Indians, and he informs me that they defiantly decline to meet me at this place, in accordance with my request, sent by him. They authorized him to say that they did not desire to see or to talk with me, and that they would not go upon Klamath reservation. In order, therefore, to carry out the instructions of the honorable Commissioner of Indian Affairs, I have to request that you furnish a sufficient force to compel said Indians to go to Camp Yainax, on said reservation.

"I transfer the whole matter to your department, without assuming to dictate the course you shall pursue in executing the order aforesaid, trusting, however, that you may accomplish the object desired without the shedding of blood, if possible to avoid it.

"If it shall become necessary to use force, then I have to request that you arrest Captain Jack, Black Jim, and Scar-faced Charley, and hold them in custody subject to my order.

"I am informed that these leaders, with only about half of their warriors, are camped near the mouth of Lost River, and if the force could be immediately sent to that place, I think they might be induced to surrender and come upon the reservation without further trouble.

"Very respectfully, your obedient servant,

"T. B. ODENEAL,

"Superintendent Indian Affairs, Oregon."

This letter was addressed to no one on the inside, but was sent to Major Green, with instructions to the bearer, Mr. Applegate, to address it to Colonel Frank Wheaton, Camp Warner, in the event Major Green had not authority and force sufficient to enable him to act. He had told me on the 26th that he had orders to act, but I did not learn to what extent. I am informed that my letter, or a copy of it, was immediately forwarded to Colonel Wheaton.

On the 28th of November, at 5 o'clock p. m., a special messenger delivered to me a letter from Major Green, a copy of which is as follows:

"HEADQUARTERS FORT KLAMATH,

"November 28, 1872.

"SIR: In compliance with your written request of yesterday, I will state that Captain Jackson will leave this post about noon to-day with about thirty men; will be at Sink River to-night, and I hope before morning at Captain Jack's camp.

"I am, sir, very respectfully, your obedient servant,

"JOHN GREEN,

"Major First Cavalry, Commanding Post.

"Mr. T. B. ODENEAL,

"Superintendent Indian Affairs."

The impression seemed prevalent among military men and some others that, on account of the weather and other adverse circumstances surrounding the Indians, they would surrender and go to the reservation as soon as they saw that there was a probability that troops would be used against them if they should refuse to go.

This force was, in my estimation, too small, and as soon as I received Major Green's letter I sent James Brown, messenger in this office, in company with a man named Crawley, who lived within a quarter of a mile of the camp of the Modocs, to notify all settlers who could be in any danger in the event of an unsuccessful engagement with the Indians that the cavalry were coming. They notified several families, who went with them to Crawley's house, arriving there at half past 12 o'clock that night. Mr. Brown knew nothing of other settlers living below Crawley's. There were six men then with him; all were acquainted with the country; no one said anything about there being other settlers who might be in danger. Mr. Brown also says that all could have been notified easily before daylight, and if this had been done no one could have been murdered. Eleven men in all were murdered—four within three miles of where the messengers stopped on the day of the battle, four within ten miles, and three within fourteen miles the day following. I state facts only. Feeling con-

scious that I did everything in my power to avert all danger, and knowing that blaming others cannot bring the dead to life or relieve the anguish of surviving friends, I shall offer no words of censure against any one for the sad results.

Learning that the troops would not come by way of Sink River, I, at 1 o'clock in the morning of the 29th, went to a point on the road which they would pass some three miles distant, and there gave Captain Jackson, at his request, verbal directions in substantially the following words, viz:

"When you arrive at the camp of the Modocs, request an interview with the head-men. Say to them that you did not come to fight, or to harm them, but to have them go peaceably to Camp Yainax, where ample provision has been made for feeding and clothing them, and where, by their treaty, they agreed to live; use every argument you can to induce them to go; portray to them the folly of fighting; talk kindly, but firmly, to them; and, whatever else you may do, I desire to urge that if there is any fighting let the Indians be the aggressors. Fire not a gun, except in self-defense, after they have first fired upon you or your men."

The troops arrived at the camp at 7 o'clock in the morning, obtained an interview, and a conversation ensued lasting three-quarters of an hour. Captain Jackson has since informed me that he repeated to them all I requested him to say, and used every argument he could to induce them to go. All proving ineffectual, he demanded of them to lay down their arms, when one of the leaders, "Scar-faced" Charley, raised his gun, and, with an oath, said he would kill one officer to begin with, fired at Lieutenant Boutelle, who was in front of his men, shooting four bullet-holes through his coat-sleeve. The Indians all had their guns in their hands, and a general firing commenced at once on both sides. The battle lasted two hours, when the Indians escaped, but returned again in the afternoon and attacked the troops.

The murders of the citizens were all committed by five men and one woman. All can be identified. The matter being in the hands of the military, I have of course exercised no control since the battle, further than to suggest that the terms of surrender should be that they lay down their arms and go and stay upon the reservation.

I have requested further, that the leaders be taken into custody and held subject to further orders, and that the murderers be taken charge of and delivered to the civil authorities to be dealt with according to law.

A very few individuals, who can assume a very fervent enthusiasm whenever the occasion requires it, but whose motives are supremely selfish, may say (have said in fact) that this collision might have been avoided. Ninety-nine out of every hundred men in this State, who know the facts, would express a different opinion. The facts of their refusing to talk with me; their peremptory refusal to go to the reservation at my request, or at the request of the military; and the final, and most convincing of all other facts, was the opening of hostilities against men who were endeavoring to convince them that they were their friends and desired only their welfare. The military purpose pursuing until they capture them. I believe this the only safe way to do. Should the troops return to their posts, these Indians would regard it as a defeat of the Government; their insolence and defiance would become still more intolerable, and a guerrilla warfare would be waged until every settler in that region would be murdered; and other Indians, now peaceable, seeing their success, would hasten to join them. Another result would be the most gigantic Indian war of modern times.

While residing with a Quaker agent, Mr. Harvey, of Pennsylvania, in the Osage Nation, twenty-two years ago, I became impressed with the idea, and still believe, that as a general rule Indians can be governed and controlled most successfully by peaceable means. Since that time I have resided in the immediate vicinity of Indians, and been familiar with the character of various tribes and nations, and I find that all of them, in their native condition, regard white men as their natural enemies. In this they are not altogether unreasonable, in view of the sentiment of extermination which is so prevalent on the frontiers. This idea is so firmly impressed upon their minds, that it can be eradicated only by a policy such as the Government is now pursuing, and not by this in a day or even a year. Considerable time must elapse before their prejudices can be removed and substituted by feelings of friendship and good-will toward our race. It is difficult to make them forget a wrong. They will not love their enemies. They will lie to you, but you must promise them nothing you cannot give. Though you should declare that you would punish them for some shortcoming and not do it, they would think much less of you, and a few repetitions would cause them to lose all faith in your promises, and in you. This is a characteristic of all Indians I ever knew. They are not very truthful, but want all who deal with them to be so. They should be dealt with kindly and humanely, but more as if they were children than men, until they can be educated in the ways and habits of civilized life. The Government should faithfully perform all its promises, and as a father enforces his rules and mandates, so should they be made to fulfill their promises and agreements.

Believing, as I ever have, that many acts of injustice have, in the past, been committed against them by representatives of the Government, as well as by individual white men, all my sympathies are enlisted in their favor when I see any attempt to trample upon or disregard their rights. I can make all due allowance for the ignorance which their habits, condition, and want of opportunity to become enlightened has entailed upon them. But there

are exceptions to all rules. A majority of the Modocs have, for years, been residing upon the reservation, and demeaning themselves properly, while Captain Jack, disregarding the counsel of the head chief, Scon-chin, has persisted in roaming whithersoever he pleased, taking as many others with him as he could persuade to go. No injustice has ever been done the Modocs, that I am aware of, though they have been bad Indians in the past, having murdered helpless emigrants, passing through their country, by the score. Captain Jack and other leaders of this band are not educated in books, but for good natural common sense I believe them not inferior in intellect to ordinary white men. They are educated in all the vices of our race, and have no apparent desire for any other kind of knowledge. It is not ignorance which impels them to pursue the course they do. They know better, but, like many white men, are outlaws, having no respect for the rights of others, and being destitute of all moral principle. They boast of the number of people they have killed, (both Indians and whites.) There are enough of them to demoralize all the Indians in that part of the State, and I believe that to subdue them now is not only the most merciful and christianlike, but the only safe way to deal with them. For eight years they have been permitted to baffle and defy the Government in the course desired to be pursued for their benefit, until many Indians on the reservation, familiar with their conduct, were becoming discontented, and soon would have fled from the restraints, as they consider them, connected with living at an agency. The good of all Indians in that part of the State demanded that your order be executed without further delay. I tried to carry out your instructions peaceably. Persuasive measures proved fruitless. The military tried to effect the desired object, by both argument and intimidation. All failed. The Indians commenced hostilities, and now, I think, no terms should be made with the band which could in any way interfere with afterward arresting and removing the leaders, and the trial of the murderers. If they should consent to all go upon the reservation, and the chiefs be permitted to remain with them, there would be a repetition of these troubles at least once a year as long as there should be one of them left.

Since you first ordered these Indians to be removed, I have received many letters from citizens, some addressed to me, and some by reference from the governor, complaining of Captain Jack's band and asking for relief.

The Indians were becoming more insolent every day. When they wanted a barrel of flour or a beef, they would go and demand it of the nearest settler, who was afraid to refuse, and gave them whatever they called for. A dozen or more would go into a house, demand their supper, breakfast, or dinner, and the frightened women, not daring to refuse, would prepare the meal for them, while they lounged around on the beds, or sat and smoked by the fire. The lands had been taken by settlers under the pre-emption law, yet the Indians claimed it, and would demand and take half the hay, grain, &c., as rent.

I have sufficient evidence to satisfy me that there are a few men in Yreka, California, some sixty miles from Lost River, who are to a great extent, if not entirely, responsible for the insubordination of Captain Jack's band, and for the present trouble with them. There are several letters in existence which go to show these men have persuaded them to remain off the reservation, making them believe that they could hold the land they claim under the pre-emption law, if they would stay where they were, but that if they went to the reservation they would lose all right to it. On the evening before the battle, one of the letters I refer to was given to me by a settler, (who had found it with some others,) and is in the words and figures following:

"YREKA, September 19, 1872.

"DEAR SIR: You will have to give me a description of the land the Indians want. If it has been surveyed, give me the town, range, section, and quarter-section. If not, make a rude plat of it, by representing the line of the lake and the line of the river, so that I can describe it.

"Mr. Varnum, the county surveyor, will not go out, so I have to send to Sacramento to get one appointed. Send me an answer by an Indian, so that I can make their papers soon. I did not have them pay taxes yet, as I do not know whether the land is surveyed and open for pre-emption.

"Respectfully, yours,

"E. STEELE.

"MR. HENRY F. MILLER."

Other letters which parties have promised to send me have been found, and are said to be more full and explicit than this.

The friends and counselors referred to by Captain Jack have supplied the Indians with the best of guns and an abundance of ammunition, to enable them to remain off the reservation. They will, of course, find great fault with the authorities for interfering with their customers. They have evidently made a large amount of money by their illicit traffic, and their only desire was to make more, caring nothing for the ultimate fate of the Indians. E. Steele is said to be a prominent lawyer. Among others implicated is a judge of the State court. I propose to investigate this matter fully, for my own satisfaction, whether it amounts to anything beyond or not. It is my experience that nine-tenths of the trouble with Indians in

this superintendency is brought about by meddling white men giving them improper advice and dealing illicitly with them. We are endeavoring to put a stop to these things as fast as we can find cases which can be successfully prosecuted in the courts.

The latest news I have from the Modoc country is to the effect that there has been no fighting since the first battle, and no depredations have been committed since that time.

This may be considered an inexcusably long report, but I could not give you all the facts and my views in fewer words.

Very respectfully, your obedient servant,

T. B. ODENEAL.

Hon. F. A. WALKER,
Commissioner, &c., Washington, D. C.