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### Modoc War

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H.R. Rep. No. 248, 43d Cong., 2nd Sess. (1875)

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MODOC WAR.

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FEBRUARY 19, 1875.—Recommended to the Committee on Military Affairs and ordered to be printed.

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Mr. NESMITH, from the Committee on Military Affairs, submitted the following

REPORT :

[To accompany bill H. R. 4811.]

*The Committee on Military Affairs, to whom was referred the letter of the Secretary of War of the 15th of December, 1874, transmitting the report of Inspector-General James A. Hardie upon the claims of the State of Oregon and certain citizens of the State of California on account of the Modoc war, and made in pursuance of the act of Congress approved June 18, 1874, having had the same under consideration, submit the following report :*

Your committee cannot, in this report, go into a detailed history of all the circumstances which led to the Indian hostilities in Southern Oregon and Northern California in 1872 and 1873, commonly known as the Modoc war, but will briefly state that, on the 14th day of October, 1864, a treaty was made with the Indians in Klamath Lake Basin, including the Modocs, by which they ceded their lands to the United States, excepting those included in the Klamath reservation, and agreed to reside exclusively upon said reservation. The Modocs did, in pursuance of the stipulations of the treaty, go upon the reservation, but becoming dissatisfied, abandoned the home provided for them by the Government, and returned to their former haunts.

In the mean time the public lands ceded by the tribe to the United States had been surveyed by the United States, and the same, being open for settlement under the laws of Congress, it became sparsely settled under the pre-emption laws, when these Indians began a system of petty annoyances to the settlers, with the evident intention of forcing them to abandon their homes. The Modocs claimed the ownership of all the lands which they had sold, and demanded of the settlers rents for its occupation and pay for the privilege of grazing, &c., which demands were complied with for the purpose of preserving peace. This conduct caused many settlers to abandon their claims, and some of them, with their families, to leave the country.

The Indians continued their annoyances, such as stealing the settlers' stock and threatening their lives, until the citizens appealed to the Indian Department for protection, and asked the removal of the Indians to their reservation where they properly belonged, and where, by the provisions of the treaty, they had agreed to reside.

The superintendent of Indian affairs for Oregon made frequent but unsuccessful attempts to induce these Indians by peaceable means to

go upon their reservation. In the month of November, 1872, the superintendent of Indian affairs, having previously conferred with the Indian Department at Washington, proceeded to Link River, in the Klamath country, for the purpose of requiring the Modocs to comply with the stipulations of their treaty. His instructions were to remove them peaceably, if possible, but if peaceable means failed, to resort to force. The result was that, on the 29th day of November, 1872, Major Jackson, in his attempt to execute the order of removal, was resisted and fired upon by the Indians. The Modocs, under Captain Jack and others of their leaders, scattered themselves over the country, and began an indiscriminate slaughter of the people and the destruction of their property. The people, in their extremity, being unprotected by the General Government, called upon the authorities of the State for protection. The governor of Oregon, in response to these demands, called out troops, purchased supplies, and furnished transportation. The State troops co-operated with the soldiers of the United States Army, and served under the orders of the officers of the Regular Army, and rendered valuable aid in bringing the war to a successful termination.

While it is conceded that the Oregon and California Volunteers were not actually called out by orders from the General Government, for the reason that the emergency admitted of no delay, still, they co-operated with the regular troops, and served under the orders of the Regular Army officers, and it is admitted by all who have any knowledge of the facts that their services were necessary to protect the lives and property of the settlers of that remote region.

At the close of hostilities, a board of State auditors, consisting of the governor of Oregon, the secretary of state, and the adjutant-general, were assembled to examine and audit the accounts, so far as to determine the indebtedness of the State to individuals, whether for services or supplies. The board allowed two dollars per day for private soldiers and two dollars per day for private horses taken into the service. The State purchasing supplies and procuring transportation on credit, was compelled to pay higher rates than were paid for such services and supplies by officers of the Regular Army, who purchased for cash. The board of State auditors found due to the citizens of Oregon, for services rendered and supplies furnished, the sum of \$131,000, and at the ensuing session of the legislative assembly of the State of Oregon an act was passed and approved on the 22d day of October, 1874, providing for the payment of the entire amount by the State of Oregon.

Inspector-General James A. Hardie, who was detailed by the Secretary of War to report upon those claims, visited different portions of Oregon and California in the summer of 1874, and made a thorough investigation of all the circumstances connected with said indebtedness, and, after reducing the pay of soldiers from \$2 per day as allowed and paid by the State, and making other reductions, so as to bring all prices for services and supplies and transportation to the standard paid by the officers of the Regular Army at the same times and places, he finds in his report that there is due to the State of Oregon, to partially re-imburse her for those expenses, the sum of \$72,637.83; and to the citizens of the State of California, the sum of \$4,621.33. An adjustment of the claims of the State of Oregon upon the basis of General Hardie's report gives her a return of \$72,637.83 in currency, for \$131,000 paid by her in gold coin for furnishing that protection to her citizens for which she had a right to look to the General Government.

Believing that the States of Oregon and California are entitled to

re-imbusement for their expenses incurred in suppressing Indian hostilities, in accordance with existing precedents, your committee report the accompanying bill, based upon the reduced allowance, and, concurring with the recommendation of the Secretary of War, recommend its passage.

J. W. NESMITH.  
CHAS. ALBRIGHT.  
J. M. THORNBURGH.