

THE MODOC INDIAN WAR

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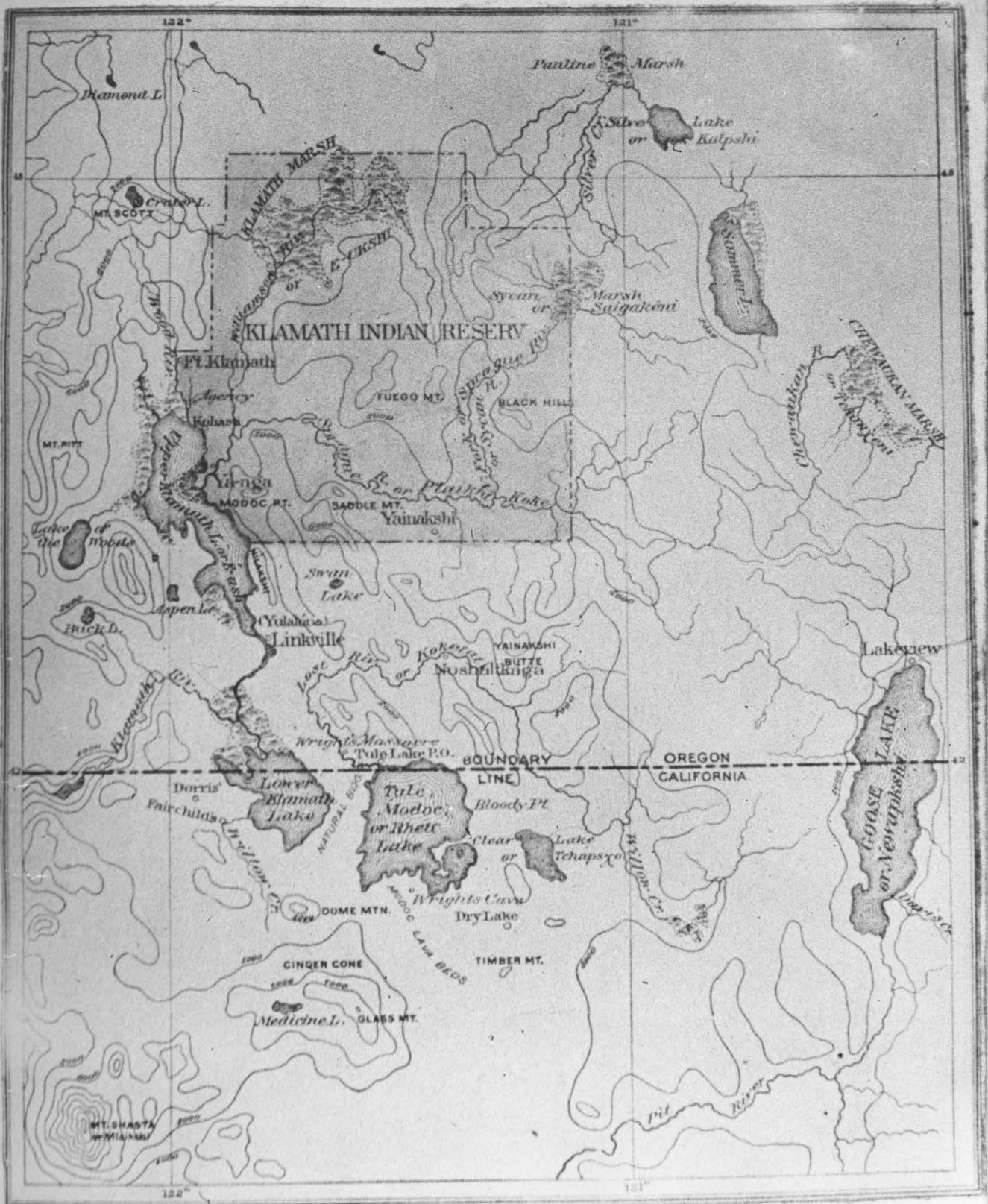
PROLOGUE

Mark Twain's "Gilded Age" was a fabulous era. The "Gospel of Wealth" created economic titans such as Andrew Carnegie, John Rockefeller, E. H. Harriman, Jim Fiske, and J. P. Morgan; it fostered the success stories of Horatio Alger; it built and sustained great slums.

Darwin, Herbert Spencer, Lewis Henry Morgan, Bob Ingersoll, Henry and Brooks Adams, E. L. Godkin, and others wielded a powerful intellectual influence.

Cowboys, cavalry, and Indians added a dubious glamour to the age; Custer made his Last Stand; Cochise tried to keep peace in the Southwest and Geronimo broke it; Ulysses S. Grant was President of the United States in 1872 and 1873 when a small band of Indians in Southeastern Oregon added a brief chapter of their own to the "Gilded Age."

This is the story of Captain Jack and the Modoc Indian War.



THE KLAMATH REGION

MAP by ALBERT S. GATSCHE

PLATE I

CHAPTER I THE CAUSES

On November 26, 1872, a band of Indians numbering some 50 warriors and 150 women and children left their reservation in Southeast Oregon, made their way forty miles South to the banks of Lost River, and waited for the United States Army or the Department of the Interior to take action. At dawn November 29, thirty-five soldiers and eight civilians arrived at the camp to return the Indians, peacefully if possible, forcibly if necessary. Making every assurance that there would be ample provision and protection should the Indians return to the reserve, a young Cavalry Lieutenant, John A. Boutelle advanced toward one of the Indians named Scarface Charley. "Hand me the gun!," he ordered. Scarface refused, and in the mounting tension two pistol shots sounded almost simultaneously, and another Indian War had begun.¹

Twenty years of attempting to avert this war disappeared with those shots, and before the Army could win the war, the cost in men and money mounted incredibly out of proportion. For over four months, 1000 American troops, well-trained and equipped tried to capture the

¹Cyrus F. Brady, Northwest Fights and Fighters. (New York, 1913) 266-267.

Indians, but they failed miserably.

The Indian tribe were Modocs--a branch of the larger and more powerful Klamath Indians--who ranged in a semi-nomadic existence over the rolling, brown hills and fertile plains of the Klamath Basin in Southeast Oregon and Northeast California. Chief of the Modocs was Captain Jack, a relatively tall, broad, moon-faced Indian. Second-in-command was Schonchin John, who exercised occasionally rigid control over subordinates with such fascinating names as Shacknasty Jim, Black Jim, Hooker Jim, Boston Charley, Long-faced Jim, and One-eyed Dave. Most of the actual fighting was in the lava beds, a grotesque and nearly inaccessible mass of lava rock in Northeast California near the present town of Tulelake. Speaking of the lava beds, Don Fisher, late Superintendent of the Lava Beds National Monument, and authority on the Modoc War jokingly suggested that had not the food, water, and ammunition of the Modocs given out, "they might still be there."

Fisher also suggested that the reasons behind this conflict can be compared to patterns of other Indian Wars in American history. Prejudice, misunderstanding, and fear were responsible for the deaths in the winter months of 1872-1873, and these reasons have certainly played major roles in creating, say, the Nez Perce War, the Apache difficulties, and the stubborn resistance of the Sioux and other Plains Indians. Thus, the Modoc War was not unusual.

Most writers concerned with the Modoc War,² contend the difficulties can be traced to the Ben Wright Indian Massacre in late 1852. For several years prior to this Massacre, emigrants moving over the

²There are not many.

Applegate Trail into Southern Oregon, had been in conflict with the Modoc and Pit River Indians, culminating in the killing of 75 white emigrants in the summer of 1852 on the shores of Tule Lake in Northeast California.³ Although there was doubt about which tribe committed the act, a company of volunteers mustered "for the protection of other emigrants" arrived on the scene two days later to bury the dead and chastise the Indians. Under the command of Ben Wright, the volunteers, some 35 strong, could not engage the Modocs in "fair battle," and resorted to trickery. Terms for a combination peace conference and feast were then proposed to the Modocs. Although naturally cautious, many of the Modocs were unable to resist the prospect of a feast and gathered around Wright's campfire. Wright first attempted to poison the Modoc food with strychnine, but the Indians waited impatiently for the Whites to begin eating. Realizing poison would not work, Wright approached the Modoc Chief, Schonchin, pulled his revolver, and shot him in the chest. Wright's men followed his example and killed 41 of 46 unarmed Modocs.⁴

Brandishing the scalps of the Modocs, Wright and his men rode back to Yreka, California, where they were met with extended congratulations for their "peacemaking."⁵

A. B. Meacham, late Superintendent of Indian Affairs in Oregon, and a Special Commissioner to the Modocs during the war, asserts that this

³A. B. Meacham, Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1873. (Washington, D.C., 1874) 78.

⁴A. B. Meacham, Wigwam and Warpath. (Boston, 1875) 298.

⁵Jeff A. Riddle, The Indian History of the Modoc War. (NP, 1914) 30.

act of treachery has always been remembered by the Modoc people and had much to do in perpetuating the bitter feelings that have since existed.⁶ Meacham's opinion must be considered as fairly reliable because he was earnestly involved in the fighting and strategy, preceding and during the Modoc War.

Doris Palmer Payne, an avid collector of Modoc artifacts, and author of Captain Jack, Modoc Renegade, agrees with Meacham: "Over and over again, the story of that horror-filled night was told until everyone knew the smallest detail by heart...until the survivors had it etched deeply in their minds."⁷

However, classifying the Wright episode as the major cause of the Modoc War is incorrect on two counts. First, many of the important Modocs who fought in 1872-73 were at the time of the massacre extremely young or not yet born which would refute the theory that memories of the "...Massacre" were deeply engraved on the Modoc mind. Second, there were other, more direct reasons for the outbreak of fighting in 1872. Effects of the Wright Massacre no doubt contributed to Modoc dissatisfaction with governmental practices. Therefore, it should be placed in context as a contributing factor.

Conflicting accounts obscure the activities of Captain Jack's band from 1853 to 1864. The obvious inference is that the Modocs during this period were peaceful, if not inclined to indolence. Lawyer Elisha Steele of Yreka, a close friend of all the tribes in the area claims

⁶Meacham, Wigwam and Warpath., 298.

⁷Doris Palmer Payne, Captain Jack, Modoc Renegade. (Portland, Ore., 1938) 16.

that Captain Jack never took a glass of liquor and often whipped his men for doing so.⁸ Jeff Riddle, the son of the Indian heroine of the Modoc War, and a first-hand observer during the conflict, states that, "along about 1859 the Whites began to settle Captain Jack's country... They (the Modocs) welcomed the settlers. They got along fine; the settlers gave the Indians work, making juniper posts and rails, etc.... The Indians never bothered the settlers and were not bothered in return."⁹ But the Yreka Journal has a different version, contending that "Jack and his band, not restrained by authority of any kind...ranged up and down among the ranchers, visiting houses in the absence of the men, ordering the women to cook their dinners, lounging on beds while the frightened women complied, and committing various similar outrages for [years] before the war began, causing the settlers to send their families to the Rogue River for safety."¹⁰ Meacham, probably the most reliable authority, concurs with the Journal, reporting to the Commissioner of Indian Affairs that the Modocs were a constant source of annoyance to the settlers and would continue to be unless placed on an adequate reservation.

Apparently this eleven-year period was one of uncertainty, with Jack and his Modocs remaining docile during the winter months when food and shelter were scarce, and becoming rambunctious in the summer when the threat of starvation or freezing was not present.

⁸Meacham, Wigwam and Warpath., 304.

⁹Riddle, Indian History., 32.

¹⁰Yreka Journal. (Yreka, California) File of issues for 1872 and 1873.
Quoted from Payne, Captain Jack, Modoc Renegade.

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However, Captain Jack's annoyances, real or otherwise, were to stop October 14, 1864, at Council Grove near Fort Klamath where 710 Klamaths, 339 Modocs, and 22 Snake Indians met with J. W. Huntington, then Superintendent of Indian Affairs for Oregon to cede their ancestral homes to the government and become "agency" Indians. Included in this vast cession was a large reserve beginning just north of present day Klamath Falls and encompassing the area bordered on the West by Klamath Lake, on the North by Fort Klamath, and on the East by a range of low mountains. For this grant, the treaty provided a total payment of \$80,000 over a period of years and an additional \$35,000 for the Indians to subsist on during the first year after their arrival.¹¹

Excerpts from the treaty that conditioned conduct during the years immediately prior to the war are important in reference to the Modoc War. Tracts of land ranging from 40 to 120 acres were assigned to Indian families and "are guaranteed the perpetual possession and use of the tracts thus granted and of the improvements which may be placed thereon; the exclusive right to 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..."¹²

"The several tribes...agree...to commit no deprivations upon the persons or property of United States citizens, and to refrain from

¹¹House Executive Documents, 44th Cong., 1st Sess. Ser 1708, vol. 1, Doc. 183, 1875. Report of the Committee on Public Lands.

¹²Otis Johnson, "The History of the Klamath Indian Reservation 1864-1900." (Unpublished Master's Thesis, Eugene, Ore., History Department, University of Oregon) 191-199.

carrying on any war upon the other tribes..."¹³ The treaty then forbids any fighting or deprivations for the tribes on the reservation--the Klamaths and the Modocs.

With these facts, the picture of the years 1864 to 1872 will come into necessary sharper focus, for these were the years that directly fostered the beginning of the Modoc War.

Although the Modocs had come on the reservation in 1865 and remained there peacefully for a year, they left in 1866 because agency living was not comparable to their former life on the Lost River. For three years the Modocs remained off the reservation until in 1869 Indian Agent O. C. Knapp began to receive letters and complaints from settlers that their cattle and property were being molested by Indians--namely, the Modocs. Knapp, a military man used to having his orders carried out unquestionably,¹⁴ and A. B. Meacham, by then Superintendent of Indian Affairs for Oregon realized that the Modocs must be brought back or a war would result.

Accordingly, Meacham and a peace commission met with the Modocs in November 1869, and persuaded them to return under the condition that the Modocs would be guaranteed protection from the more powerful Klamaths.

The Modocs were placed on a beautiful site some twenty-five miles north of Linkville, on the shores of huge Klamath Lake, Captain Jack immediately asked Agent Knapp for chopping axes, cross-cut saws, wedges and maul rings so timber could be felled, logs split, and cabins erected. Agent Knapp complied immediately, and shortly, the Modocs had split

¹³Ibid.

¹⁴Meacham, Wigwam and Warpath., 344.

900 pine rails. But snow began to fall and work halted for a few days until the snow melted. When the Modocs resumed work, several Klamaths arrived with wagons and teams, loaded part of the Modoc rails, and drove away into the timber. Captain Jack made no protest, but the Klamaths reappeared and began to load more rails, forcing Jack to appeal to Agent Knapp.¹⁵

Knapp suggested the Modocs move five miles up the Williamson River, a little farther away from the Klamath settlements. The Modoc Chief agreed, and during the rest of the winter there were no incidents.

In May 1870, the Modocs began again to make their rails, completing some 300 before the Klamaths again appeared and began to haul them off. Captain Jack restrained his men, and once more appealed to Knapp for justice.

Knapp replied: "You black son of a bitch; damn your heart; if you come and bother me any more with your complaints, I'll put you where no one will ever bother you again. Now get out of here and be damned quick about it!"¹⁶

Jack quickly exclaimed, "Bogus Charley, tell this man I am not a dog. Tell him I am a man, if I am an Indian. Tell him that I and my men shall not be slaves for a race of people that is not any better than my people. If the agent does not protect me and my people, I shall not live here. If the government refuses to protect my people, who shall

¹⁵Ibid., 345-346.

¹⁶Riddle, Indian History., 37.

I look to for protection?"¹⁷

Meacham lends credence to the above account, writing in June 1870, "it has been difficult work to keep the peace among them. The Klamaths are brave, but insolent and overbearing to the other Indians, especially to the Modocs."¹⁸ At the new Williamson River location, Meacham continues, "the Klamaths ceaselessly annoyed them and Agent Knapp blundered by moving them. The mistake may be was made in ignorance, but I cannot blame them for leaving the reservation under such management."¹⁹ Embittered, the Modocs once again left in June 1870.

With their return to Lost River the Modocs resumed where they had left off in 1864, visiting Yreka and adjacent mining towns. During the interval from summer 1870 to spring 1871 the Modocs were orderly and there were no incidents of any consequence. Also, the Indian Department and Chief Schonchin of a more peaceful branch of the Modocs made strong efforts to get Jack to return. A location at Yainax Station was proposed, "and in order that no reasonable excuse on the part of Captain Jack could be found on account of the Klamath Indians, and to remove every obstacle, the reservation was divided into distinct agencies; the western portion assigned to Klamath Indians, and the eastern portion to ...the Modocs."²⁰ Agent Knapp was also removed from his post on September 15, 1870, by order of A. B. Meacham, and the new acting agent

¹⁷Ibid.

¹⁸Meacham, Annual Report 1870., 11.

¹⁹Ibid.

²⁰Meacham, Wigwam and Warpath., 349.

was Meacham's son John.

Captain Jack, evidently, was seriously considering settling on the new location when another misunderstanding occurred that drove Jack and his band off the reservation for good. A child fell sick in the Modoc camp and Captain Jack employed an Indian doctor to cure the child, paying the fees in advance. The child died, and according to Modoc custom, Jack either killed the doctor personally, or ordered him killed. Under Modoc law, this would have closed the affair, but friends of the Indian insisted that Captain Jack be caught, tried, and punished under the white man's law. Apprehensive and confused, Jack hurried away from the agency, not to return until October 3, 1873.²¹

With the tension mounting, and war a definite possibility, Jesse Applegate petitioned the Indian Department to grant the Modocs a small reservation 6 miles square, at the mouth of Lost River, their old home. Meacham agreed with Applegate's solution, and wrote to the Commissioner of Indian Affairs in Washington, "I would recommend that they (the Modocs) be allowed a small reservation at the place indicated above, and also a pro rata division of the Klamath and Modoc treaty--funds for employes and annuities. Otherwise they will doubtless be a source of constant expense to the government, and great annoyance to the white settlements near them...it is not strange or unreasonable that great charity should be extended to these people...actual experience demonstrates the impracticability of 'consolidating' tribes of Indians..."²² Meacham

²¹The day he was hanged.

²²Meacham, Annual Report 1871., 306.

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also requested that the government defer any military action until a further attempt for peace could be made.

Meacham then instructed his son, John Meacham, Indian Agent, Klamath Agency to inform the Modocs, "that I will try to get a small reserve for them in their country; but it will require some time...and I desire them to go on any unoccupied lands on the Klamath Reservation."²³ Referring to Captain Jack's fear that he would be arrested for the death of the Indian doctor, Meacham continued, "Captain Jack and his men shall be free from arrest until I am ordered to investigate the affair...and if ever arrested, he shall have benefit of trial by his peers or white men, under civil law; on the condition he return to Klamath subject to authority of the Indian Department; and that if ordered to trial he will surrender himself and accomplices."²⁴ In a further attempt to conciliate the Modocs, Meacham wrote, "If I succeed in getting a home for them on Lost River, they will be allowed their proportion of the Klamath and Modoc treaty funds with the privilege of the mill at Klamath Agency to make lumber, etc...if I fail in this they may elect to go into the Snake country beyond Camp Warner."²⁵

With these instructions from his father, John Meacham, accompanied by Ivan Applegate, a pioneer settler of the area, and two other men left to confer with the Modocs in September 1871.

The council began "in a wild desolate region of the country, many miles from the nearest white settlement,"²⁶ and both sides, white and

²³Meacham, Wigwam and Warpath., 351-353.

²⁴Ibid.

²⁵Ibid.

²⁶Ibid., 355.

Indian, were heavily armed.

Captain Jack opened the council by explaining the grievances of his band, particularly against the Klamath Indians and the Indian Agent on the Reservation for failing to protect his people against Klamath deprivations. He argued that the government had not kept its word in the 1864 treaty, and therefore the Modocs were released from its obligations and could come and go as they pleased; further that the crime he was charged with--killing the Indian doctor--was not a crime under Modoc law, and that he should not be held accountable for laws that were not his laws. Jack, turning to life on the reservation, then announced that the Modocs could not live in peace with the Klamaths and would try no more because they had already made two attempts. He concluded his speech, saying, "[I would] not object to the white man settling in [this] country [and] I would keep [my] people away from the settlements, and...prevent any trouble between white men and [my] Indians."²⁷

Meacham and his associates continued by offering the Modocs a home on any section of the Klamath Reservation with all the protection his tribe would need. The commissioners then proposed that the Modocs stay where they were only until a full report could be submitted and the recommendation made that his people be granted a tract of land at the mouth of Lost River.

Although Jack emphatically declined the offer to live permanently on the Klamath Reservation, he did agree to stay at Lost River until

²⁷Ibid., 356.

such time as a decision could be made by the United States government.

Of the situation at this point, General Ed. R. S. Canby, Commander. Military Division of the Pacific, wrote, "I am not surprised at the unwillingness of the Modocs to return to any point of the reservation where they would be exposed to the hostilities and annoyances they have heretofore experienced (and without adequate protection) from the Klamaths, but they have expressed a desire to be established upon Lost River, where they would be free from this trouble...in no other respect are the Modocs entitled to such consideration, and although many of the complaints against them have been found to be greatly exaggerated, they are, without being absolutely hostile, sufficiently troublesome to keep up a constant feeling of apprehension among the settlers."²⁸

But the white settlers in the region took a different point-of-view. In a letter dated January 25, 1872 to A. B. Meacham and Canby: "We, the undersigned citizens of Lost and Link River, Klamath and Tule Lake country, after suffering years of annoyance from the presence of the Modoc Indians, ...ask now...shall a petty Indian chief with twenty desperadoes, and a squallid band of three hundred miserable savages any longer set at defiance the strong arm of the government, driving our citizens from their homes, threatening their lives and destroying their property.

[We recommend] their removal to their reservation in the winter season..."²⁹

Captain Jack and the Modocs had been growing restless with the

²⁸House Executive Documents, 43rd Cong. 1st Sess. Ser 1607, Preliminary Correspondence. Report from General Canby to Assistant Adjutant General, Military Division of the Pacific, Feb. 7, 1872, p. 6.

²⁹Ibid., 8-9.

inactivity at their designated location and by the first two months of 1872 were again annoying the settlers. The tension and the probability of hostilities prompted Meacham to reverse his former conciliatory attitude and he wrote to Canby on February 8, 1872: "had they behaved honestly and on their part maintained peaceable relations with the white settlers they might have remained where they were undisturbed. Such has not been the case, and much as I regret the necessity of forcible arrest and return to the reservation, I can see no other way to secure peace and mete out justice."³⁰

Meacham's change in attitude was prompted by a complaint from J. M. True, a settler on Lost River, who testified in a sworn statement, to Lieutenant W. L. Clarke January 3, 1872, to the Modoc unruliness, "He says certain Modocs came to his house, knocked down fences which enclosed his haystacks, and turned their ponies on to the hay, and also took hay away to their wigwams and also carried it away nightly for several nights. They also stole household utensils from Mr. Doten and halters from Mr. Whitney, both the aforesaid parties living near Mr. True. They also...demanded money from Mr. True. Captain Jack, chief of the Modocs threatened the lives of several white men, among them Messrs. Ball and Blair living near Lost River, Oregon. Mr. True also believes there is a likelihood of those threats being carried into effect."³¹

With the potentially explosive situation unchanged, Meacham was

³⁰Ibid., 12.

³¹Ibid., 7.

replaced as Superintendent of Indian affairs in March 1872, by Thomas B. Odeneal, a lawyer with limited knowledge of the Indian character.³² While this change was taking place, General Canby, on March 15, sent a force of thirty-three men to the Modoc region to remonstrate with Captain Jack about annoying the settlers and to prevent any further hostile action. On April 3, 1872, Major Elmer Otis met with Captain Jack and repeated to him the complaints and warned the chief that "he must control his men thoroughly," adding that..."the troops [were there] to secure...quiet and good order."³³ Captain Jack denied the charges, and a Mister Ball and a Henry Miller, residing some six miles and ten miles respectively from Jack's headquarters corroborated Captain Jack's explanation that other Indians were responsible for the deprivations, and testified to Jack's peaceable attitude.³⁴

After meeting with the Modocs, Major Otis was of the opinion that "if left where they now are, it will probably lead to a serious outbreak."³⁵

The presence of troops in the region prevented any further incidents and the summer of 1872 was passed peacefully.

Despite the recommendation by Meacham proposing location of the Modocs on a Lost River Reservation, and despite the knowledge held by the Department of Indian Affairs that Captain Jack positively would not

³²Meacham, Wigwam and Warpath., 361.

³³House Executive Documents, 43rd Cong, 1st Sess., 21-22.

³⁴Ibid., 22-23.

³⁵Ibid., 21.

go back on any part of the Klamath Reservation, Odeneal received on September 6, 1872, an order from the Commissioner of Indian Affairs, instructing him "to remove the Modoc Indians to Camp Yainax on Klamath Reservation, peaceable if you can, but forcibly if you must."³⁶ Acting accordingly Odeneal sent J. D. Applegate, a rancher in the area, to the Modoc camp to order Jack to meet with him.

Captain Jack reportedly replied, "we do not want to see him or talk to him; we do not want any white man to tell us what to do; our friends and advisers are in Yreka, California; they tell us to stay here, and we intend to do it, and will not go on the Reservation; we are tired of talk, and we are done talking."³⁷ There is no evidence linking Elisha Steele, to whom Jack was undoubtedly referring in this speech, with this advice.

Immediately after receiving this reply, Odeneal, on November 27, 1872, requested the military in Southern Oregon to "arrest Captain Jack, Black Jim, and Scar-faced Charley and hold them subject to my order... I think they might be induced to surrender and come on the reservation without further trouble,"³⁸ On the following day Odeneal received this reply from Fort Klamath: "In compliance with your written request of yesterday, I will state that Captain Jackson will leave this post about noon today with about thirty men; will be at Link River tonight, and I hope before morning at Captain Jack's camp...John Green, Major, First Cavalry, Commanding Post."³⁹

³⁶Ibid., 38.

³⁷Meacham, Wigwam and Warpath., 362.

³⁸House Executive Documents, 43rd Cong, 1st Sess, 38.

³⁹Meacham, Annual Report, 1873., 74.

Captain Jackson left Fort Klamath at 11 a.m., November 28, 1872 with Lieutenant John Boutelle, guide Ivan Applegate, and thirty-six troopers. At dawn on the 29th they arrived at the Modoc Camp, creating a "great commotion" among the Indians. At this point there are varying accounts of what actually happened. Jeff Riddle reconstructs the conversation: "Captain Jackson, 'now Jack lay down your gun here;'; Jack, 'what for?'; Jackson, 'you are the chief, you lay your gun down, all your men to the same;'; Jack, 'why do you want to disarm me, I have never fought white people yet, and I do not want to;'; Jackson, 'if you believe what you say, Jack, you will give up your gun. I won't let anyone hurt you.'"40 According to Riddle, every Indian laid down his gun except Scarface Charley who kept an old revolver strapped on. When Jackson ordered him to take the pistol off, Scarface answered, "You got my gun. This pistol all lite. Me no shoot him you."<41 Jackson ordered Boutelle to disarm the Modoc. Boutelle stepped forward and swore, "Here Injun, give that pistol here damn you, quick!"42 Scarface laughed, "Me no dog, me man, ...You talk to me I just like a dog. Me no dog. Talk me good. I listen you."<43 Boutelle unlimbered his own revolver, saying, "You son of a bitch, I will show you not to talk back to me!"44 and he leveled the gun at the Indian's chest. Scarface by this time had his own revolver

40Riddle, Indian History., 45.

41Ibid.

42Ibid.

43Ibid.

44Ibid.

out, and "at the same instant, both pistols made but one report,"⁴⁵ and neither man was hit. Meacham agrees substantially with Riddle's whole account saying, "Scarface was enraged at the vile epithets applied him ...at all events," the pistols were discharged "so nearly simultaneous that even Boutelle does not know who fired first."⁴⁶

However, Jackson maintains, "Captain Jack, Scarfaced Charley, Black Jim and some others would neither lay down their arms, nor surrender, and some of them commenced making hostile demonstrations against us, and finally opened fire."⁴⁷

There is no way of learning the facts of this encounter, but the truth probably lies somewhere between Meacham's and Riddle's account and Captain Jackson's report. Certainly the Modocs had been jarred out of a sound sleep by the arrival of the troopers, and became apprehensive because word had reached them that the soldiers would force them back on the reservation. With this in mind, it might be safe to say that some of the Modocs did keep their guns and were reluctant to obey Jackson's orders. However, according to Boutelle's own story (which was used to introduce this chapter) the Modocs did not open fire first, and did not start shooting until after the argument between Scarface and Boutelle, thus refuting Jackson's statement.

The Boutelle-Scarface fracas launched the Modoc War, and Jackson writes, "I poured volley after volley among the hostile Indians, took

⁴⁵Ibid.

⁴⁶Meacham, Wigwam and Warpath., 369.

⁴⁷House Executive Documents, 43rd Cong, 1st Sess, 43-44.

their camp, killed eight or nine warriors, and drove the rest into the hills...I had one man killed, and seven wounded...However, my force was too weak to pursue and capture the Indians that made off, owing to the necessity of taking immediate care of the wounded and protecting the few citizens who had collected at Crawley's ranch...From the best information I can get, Captain Jack, Scarfaced Charley and Black Jim are killed or mortally wounded."⁴⁸

Meacham says, "Jackson lost ten killed and five wounded, and on the reappearance of the Indians a few hours later, drew off his forces, leaving the Modocs in possession of the battlefield."⁴⁹

Details of this engagement then are conflicting and also obscure because Jackson's boasts of killing the Modoc leaders were obviously false, as were other parts of his report, indicating his judgment might have been swayed by the recent heat of battle; Meacham's report of ten soldiers killed was likewise false, as was his inference that the Modocs forced the cavalrymen to retire or be killed. If there were a choice between either the Meacham-Riddle or Jackson accounts of the entire November 29th episode as to which was closer to the truth, the choice would lie with Meacham and Riddle, for a supposedly unimpeachable source claims Captain Jackson was drunk on the morning of November 29, 1872.⁵⁰

The variety of accounts dealing with this first chapter make it extremely difficult to pin down one person or party as guilty in provoking the Modoc War.

⁴⁸Ibid.

⁴⁹Meacham, Wigwam and Warpath., 369.

⁵⁰Johnson, History Klamath Indian Reservation., 86, footnote 130.

Conceptions of the Modocs as a much-maligned, defenseless, and completely docile tribe pushed into war in an attempt to save their ancestral hunting and fishing grounds are not correct. Several points indicate that the Modocs must share a part of the blame for the tragedy begun on November 29.

Captain Jack almost immediately violated two sections of the 1864 Council Grove Treaty by leaving the Klamath Reservation for three years in 1866. The section read, "they (the Indian tribes signing the treaty) agree that they will submit to and obey all laws and regulations which the United States may prescribe for their government and conduct. The tribes agree to remove to said reservation and remain thereon, unless temporary leave of absence is granted to them by the Superintendent or agent in charge of the tribes."⁵¹ During the years 1864 to 1872 Captain Jack and the Modocs were repeatedly requested by governmental authorities to return to the reservation and abide by the dictates of the treaty. This the Modocs refused to do, partly on the grounds that they did not fully understand the treaty and therefore could not be expected to abide by it. Captain Jack consistently relied on this reasoning despite the fact that the treaty had been fully explained and interpreted to the Modocs; despite the fact that Jack had affixed his mark to the treaty under his Indian name, Kientpoos; and despite the fact that immediately after signing the treaty, the Modocs received tools, seeds, clothing and provisions in lieu of forthcoming payments by the United States government.

⁵¹Ibid., 191-199.

These evasive answers on the part of Captain Jack and the Modocs illustrate the tendency of the Modocs to shift the blame for criminal acts from themselves to other parties. For example, during the summer of 1872, Jack's band caused the Lost River settlers no end of annoyance by their deprivations. When confronted with the evidence, the Modocs claimed the Pit River Indians were actually the guilty ones; and early in 1872 when asked to return to the Reservation, Jack replied that his friends in Yreka had advised him to stay put, although there is absolutely no evidence of the "friends" counseling Jack to defy the authority of the United States Government.

Another point against the Modocs is their unreasonable attitude toward governmental attempts to bring them back on the Klamath Reservation. Several times during the years 1870-1871, A. B. Meacham, a respected figure among the Modocs, pleaded with the tribe to return, promising protection and a worthwhile and profitable life. But the Modocs refused.

Possibly contributing to this attitude was the unruliness of the Modocs. Time and time again in the 1864-1872 period the Modocs caused grief and consternation among the white settlers because of their annoyances, and this accounts for the biggest share of Modoc guilt in perpetrating the war. Unwilling to give up their unfettered way of life, the Modocs forced the United States to take appropriate action that would protect the settlers health and property in the Modoc region. In this indirect manner, the Modocs were responsible for the shots being fired on November 29, 1872.

But despite this evidence, it seems that an even greater share of

the guilt for causing the war can be traced to the United States government and the Klamath Indians.

During the two brief Modoc tenures on the Klamath Reservation, the United States government represented by O. C. Knapp, and the Klamath Indians directly violated important sections of the 1864 treaty which stated, in essence, that all products of the land belonged to the tribe working the land, and if there were violations of this law the Indian Agent in charge would protect the tribe whose land and privileges were being usurped. The Klamaths, of course, violated this section by stealing log rails from the Modocs. When the Modocs appealed for redress to Agent Knapp, he refused.

From Knapp and the Klamaths, the Modocs learned to distrust all white overtures that would have them come back to the reservation.

Reinforcing this distrust, and hanging like a cloud over the entire Modoc affair was the memory of the Ben Wright Massacre. The legacy of this Massacre made the Modocs cautious when listening to the white man, and undoubtedly made it easier for them to refuse his solutions that would result in peace.

But in spite of these deterrents to peace, the Modoc War was probably not an "irrepressible conflict." Four hypotheses back up this statement. First, if Modoc rights had been even adequately protected on the reservation the second stampede quite probably would not have occurred in 1870, and a logical extension of this theory would see the Modocs still on the reservation, war averted, and permanent peace secured. Second, had the United States Government exhibited strong military force at critical points during the Modoc difficulties war

might have been averted. For example, had a powerful detachment of troopers been used to return the Modocs after their excursion of 1866, the Indians might have been impressed by the United States and caused no more trouble. Third, had the Indian agents been thoroughly instructed in the mores of the Indian, a harmony between Indian and white theories might have been achieved that could have prevented the war. Fourth, and most important, if the government had granted the Modocs their desired reservation on Lost River, the whole area might have been peaceful for years to come, but the Washington officials procrastinated, and finally there was war.

But even if there was war, the Department of the Interior, the Commissioner of Indian Affairs, and the military were not worried. However, the patriarch of the Applegate clan, Jesse, took a different point of view and wrote prophetically: "No kind of force can pursue as fast as they can retreat, and the military force on the Pacific is insufficient to hunt them out and rout them from their fastnesses..."⁵²

⁵²House Executive Documents, 43rd Cong, 1st Sess., 13-14.

CHAPTER II PRELUDE TO DISASTER

After the engagement with the troops on Lost River, the Modoc women and children utilized dugout canoes to float down the river toward Tule Lake and safety in the lava beds.

Captain Jack's men who fought the soldiers on the west side of Lost River, including Schonchin John, Scar-face Charley, Black Jim, One-eyed Mose, and eleven others retreated directly to the lava beds, committing no deprivations of any kind. However, the Modocs on the east bank led by Old Longface, Boston Charley, Hooker Jim, Slolux and ten other warriors made their retreat a blood-bath. At ten a.m., on November 29 with Hooker Jim in the van, the Indians descended on Mr. Boddy's farm south of Lost River, killed Boddy, dragged him into the woods, and confronted Mrs. Boddy with "their garments covered with the life-blood of their victims." Bogus Charley said, "Don't be afraid Mrs. Boddy, we won't hurt you. We're not soldiers. We men never fight white women; never fight white girl or baby. Will kill women's men, you bet! Soldier kill our women, gal, baby, too. We no do that. All I want is something to eat. You give, I go. Maybe I see white man; I like kill him. No like kill white woman."⁵³ Mrs. Boddy gave Bogus

⁵³Riddle, Indian History, 47.

flour and sugar; he then thanked her and went on his way.

Not stopping with Boddy the Modocs killed ten more settlers by sundown of the 29th.⁵⁴

Illustrating that the fear pervading the entire region was not limited to the whites, Alexander McKay reported to the military at Fort Klamath on December 5, 1872, "Gents; yesterday p.m., Messrs, Fairchild, Ball, Davis, and Culver of [Hot Creek] Oregon started from this place with the Indians who have lived here and in this vicinity, some forty-five in number for the reservation at Fort Klamath. When the party reached Bob Whittle's on Link River, the Indian Agent (L. S. Dyar) met them and told them that there was a party who would mob them if they undertook to cross the river, and there were also eight or ten men at Whittle's who opposed the party proceeding. The gentlemen above mentioned then undertook to enter some arrangement to run the Indians through and avoid Linkville, but the bucks became frightened and broke, and are now scattered all over the country, except a few who came back with the squaws and children in charge of Mr. Culvert."⁵⁵ Fourteen of these Indians, (Hot Creeks) disillusioned by the threats of the Linkville citizens went to Captain Jack's camp where Curly-haired Doctor told them he would make medicine to protect them if they would join the Modocs. The Hot Creeks agreed, and with the arrival of Hooker Jim's marauding band, the total fighting force of the Modocs numbered fifty-three.⁵⁶

⁵⁴Ibid., 49.

⁵⁵House Executive Documents, 1st Sess., 43rd Cong., 30-31.

⁵⁶Meacham, Wigwam and Warpath, 376.

Captain Jack when told of Hooker Jim's raid, denounced Hooker's warriors, particularly for the killing of Mr. Henry Miller who had been a good friend to the Modocs. He declared that the men who had committed these "outrageous" crimes "should be surrendered for trial; that a great mistake had been made; and that unless these men were given up the whole band would be lost."⁵⁷ But Captain Jack's proposal to surrender the errant warriors was voted down by a large majority.

After all the Modocs who would come arrived at the lava beds, a heavily armed burial party was sent out to find the bodies of the Modoc victims. The reports of this group, as described by Meacham, fostered the feeling of terror in the region and made revenge a thought uppermost in the minds of the settlers: "on arriving at the grove of timber where Brotherton was killed, they found his body lying cold, with his glassy eyes wide open. He had been pierced by four Modoc bullets. Near him was found his axe, with the handle painted with his own blood. Then another was found on a wagon lying across the coupling poles with his face downwards. He, too, was stripped of his clothing. Another was found a few rods from his work with his bowels beside him, and his heart taken from his body, and hacked to pieces. This was the work of Hooker Jim."⁵⁸ Meacham's next comment is interesting, "My humane, kind-hearted reader, who has a soul overflowing with kindness that goes out for 'Lo! the poor Indian,' look on this scene a moment...and tell me truly... do you still have hard words for the pioneers who brave these dangers?"⁵⁹

⁵⁷Ibid., 375.

⁵⁸Ibid., 378.

⁵⁹Ibid., 379.

Meacham implies that this type of tragedy has been repeated "over and over again,"⁶⁰ and that the Indians should at least share the guilt with the Government and settlers.

A solid citizen, in a Linkville saloon, outlined the problems of the coming campaign cogently but without Meacham's eloquence: "Captain Jack ain't on open ground now; not by a damn sight. He's in the all-firedest place in the world. You've been to 'Devil's garden' at the head of Sprague River haven't you? Well, that place ain't a patchen to that ere place where the Injuns is now. I've been there and I tell you it's nearly all litenin', all rocks and caves, and you can't lead a horse through it in a week--and then the Injuns knows every inch of the ground, and when they get in them there caves, why it 'taint no use talking, I tell you, you can't kill nary an Injum--you can't! I'm a-goin down just to see the fun."⁶¹

But the United States military took a different point of view. Lieutenant John Q. Adams, the Commanding officer at Fort Klamath, began plans for a force that would crush the Modocs, by requesting on December 1, 1872, that Lieutenant Colonel Frank Wheaton, Commanding Camp Warner, proceed with all available troops to Captain Jack's camp. Adams believed that with reinforcements from his own outpost Wheaton should be able peacefully to coerce the Modocs into submission--"It is not believed that more than a show of military force will be necessary..." Adams also explained Wheaton's objective more fully as "compelling Captain Jack

⁶⁰Ibid., 381.

⁶¹Ibid., 383-384.

and his people to recognize Superintendent Odeneal's authority, without bloodshed, if it is possible." Adams further illustrates the military opinion of the Modocs by writing in the same letter, "Should the presence of Captain Jackson's force of cavalry (now numbering twenty-five soldiers) in the Modoc country already have accomplished all that Mr. Odeneal desires, and Captain Perry's reinforcements not be required, you will please direct its return to Camp Warner."⁶²

By the beginning of the new year 1873, Colonel Wheaton and a force of 400 armed men were closing in on the lava beds. Of this force, about 250 were regular troops, 120 Oregon militiamen, and 25 California volunteers under John Fairchild's direct command. The Oregon militia, though under Wheaton's command was divided into two companies; Harrison Kelly captain of one, and Oliver Applegate of the other. Included in Applegate's command were Klamath Indian scouts.⁶³

These troops were concentrated in two camps, one under a Colonel Barnard at the South end of Tule Lake about five miles east of Captain Jack's stronghold, and the other under Wheaton at Van Bremer's ranch, fifteen miles due West.

Wheaton encountered difficulty in getting supplies, howitzers, and ammunition into the two camps for the Modocs began to cover all the available roads. On December 22, 1872, a Captain Bernard's supply wagon was within a mile of camp when Wheaton claims sixty-five armed Modocs

⁶²House Executive Documents, 1st Sess., 43rd Cong., 40.

⁶³Ibid., 48-51.

attacked the detail. Wheaton also claims that ten mounted troopers led by Lieutenant Kyle easily chased the sixty-five Modocs from one rocky ledge to another.⁶⁴

In the same dispatch to General Canby, dated December 26, 1872, Wheaton said, "Unless the Modocs crawl off South through the lava beds, on our approach, we hope to make short work of them very soon after our ammunition comes up...I am confident of soon clearing them out of that country."⁶⁵

On January 15, 1873, Wheaton wrote to Canby, "I am happy to announce that after all our annoying delays, we are now in better condition than I ever saw troops for a movement against hostile Indians."⁶⁶ By this time howitzers and ammunition had arrived and Wheaton was ready to press the attack on January 17.

Wheaton painted the prospects for the battle in glowing terms, "Now our artillery pack-train and howitzer details are admirably drilled, we leave for Captain Jack's Gibraltar tomorrow morning, and a more enthusiastic, jolly set of regulars and volunteers, I never had the pleasure to command.

"If only the Modocs will try to make good their boast to whip a thousand soldiers, all will be satisfied...Our scouts and friendly Indians insist that the Modocs will fight us desperately, but I don't understand how they can think of attempting any serious resistance, though, of course, we are prepared for their fight or flight...No effort on our part can prevent the Modocs from crawling out and scattering; we will do all we can to prevent it...I hope in forty-eight hours to be

⁶⁴Ibid., 49.

⁶⁵Ibid.

⁶⁶Ibid., 49-50.

able to send you satisfactory information."⁶⁷

A conversation between John Fairchild, a veteran rancher of the area, and several volunteers, indicates that Wheaton's enthusiasm had caught on in the rank-and-file; despite the cautiousness of men like Fairchild. A captain of volunteers announced, "I have but one fear, and that is that I can't restrain my men, they are so eager to get at 'em; they will eat the Modocs up raw, if I let 'em go." Fairchild replied, "Don't fret, you can hold them; they won't be hard to keep back when the Modocs open fire." Another volunteer asked, "I say Jim, are you going to carry grub?" Jim, speaking scornfully, "No, I am going to take Modoc sirloin for my dinner." Still another volunteer chimed in, "I think that I'll take mine rare." Fairchild sarcastically got the last word, "Never you fear,...them Modocs are sure rarin' and they sure know how to rare!"⁶⁸

⁶⁷Ibid., 50.

⁶⁸Meacham, Wigwam and Warpath, 386.

CHAPTER III THE FIGHTING

On January 12, 1872, Wheaton had issued General field-order, No. 3,⁶⁹ containing the strategy he thought would force the Modocs to surrender.

All troops were ordered from their camps east and west of the lava beds to positions on the immediate perimeter preparatory to the attack at dawn on January 17. Wheaton also ordered every precaution taken to prevent the Indians from discovering the number of soldiers and their precise location.⁷⁰

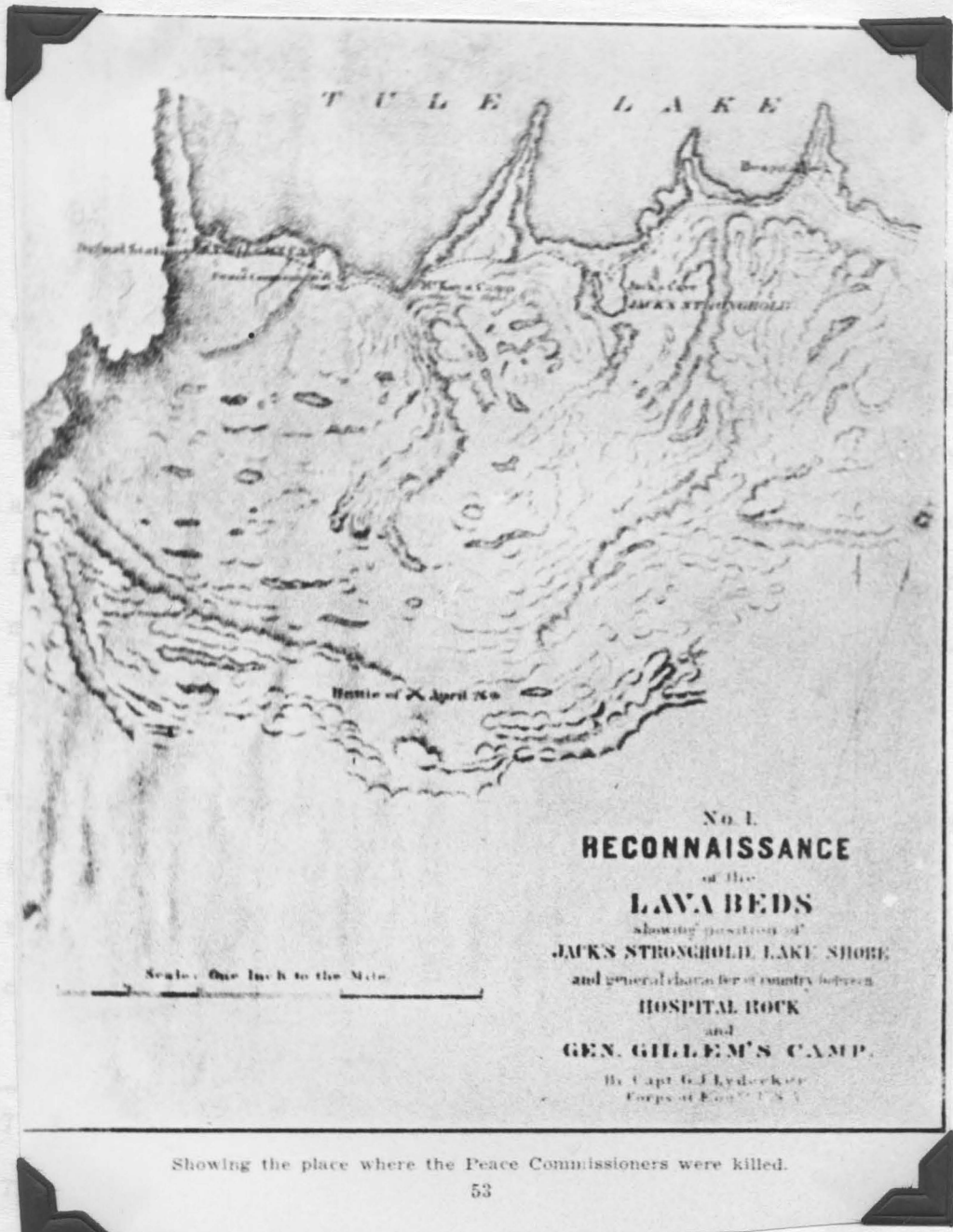
Part V of the General order instructed Major E. C. Mason's Battalion, Twenty-first Infantry; a detachment of twenty men from F Company, Twenty-first Infantry; General John Ross' Oregon volunteer militia; and a battery of mountain howitzers to march from Van Bremer's Ranch and be ready for the attack January 17. Wheaton ordered Mason's Twenty-first battalion to lead the attack followed by the militia, the mountain-howitzers packed, and Captain Perry's F troop, First Cavalry. Assuming the troops could reach a position near the Modoc camp Wheaton ordered the force to deploy on the right of the infantry battalion in close skirmish

⁶⁹House Executive Documents, 1st Sess., 43rd Cong., 53.

⁷⁰Ibid.

order with the whole line executing a left half-wheel to connect with
the right of the main force and surround the Indians. (See diagram)

Captains R. F. Bernard and James Jackson commanding detachments
of the First Cavalry and Kiowa Indian Scouts on the east side of the



No. 1
RECONNAISSANCE
of the
LAVA BEDS
showing position of
JACK'S STRONGHOLD LAKE SHORE
and general character of country between
HOSPITAL ROCK
and
GEN. GILLEM'S CAMP.

By Capt G. J. Lydecker
Corps of Eng'rs U. S. A.

Showing the place where the Peace Commissioners were killed.

order with the whole line executing a left half-wheel to connect with the right of the main force and surround the Modocs.⁷¹ (see diagram)

Captains R. F. Bernard and James Jackson commanding detachments of the First Cavalry and Klamath Indian Scouts on the east side of the lava beds, were ordered into position January 16 prior to the attack the following day. From a position not more than two miles from the Modoc fortifications and with the right resting on or near Tule Lake, these troops were to execute a right half-wheel connecting with the troops on the West and capturing any canoes the Modocs might use to escape.⁷²

Except for miscellaneous details, Wheaton concluded the order: "After the first three shots have been fired from the howitzer battery, as a signal to the troops attacking on the east side of the Modoc camp, firing will cease for fifteen minutes, and an Indian scout directed to notify the nearest Modocs that ten minutes will be allowed them...to surrender."⁷³

At four-thirty a.m., January 17 in intensely cold weather, the "fall in" sounded in both the eastern and western army camps and the troops moved off on a short march to the jumping-off point. By dawn, to the dismay of Wheaton and his troopers, the lava beds were completely concealed by a great bank of fog.⁷⁴

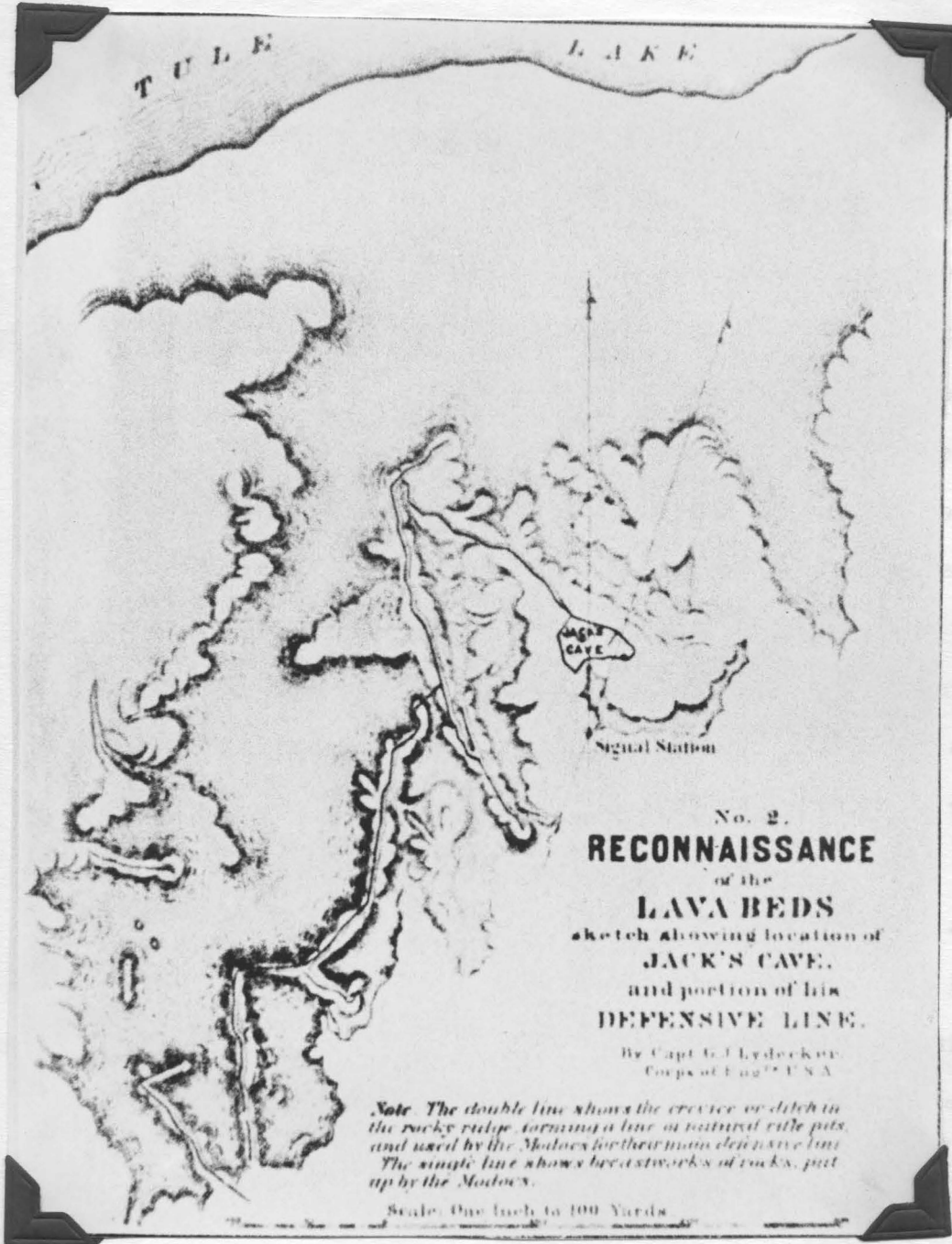
⁷¹Ibid.

⁷²Ibid.

⁷³Ibid., 53-54.

⁷⁴Meacham, Wigwam and Warpath, 402.

Despite this obstacle the attack began at 2 a.m., but no Modoc could be seen. A volunteer remarked, "I knew they wouldn't stand and fight when the volunteers got after them, they knew we was a regular."



Six men were killed and many wounded in the special battle by the Modocs.

These Fighting Dogmen, 1st Regt., 4th Div., 2d

Despite this obstacle the attack began at 8 a.m., but no Modoc could be seen. A volunteer remarked, "I knew they wouldn't stand and fight when the volunteers got after them, they knew we was a comin'." ⁷⁵

But the Indians hadn't left.

Suddenly Modoc sharpshooters began to fire, taking a heavy toll of Mason's troops on the West, and Bernard's on the East. ⁷⁶

Mason's soldiers, after advancing about a mile and a half over broken and rocky country, began to find the advance increasingly difficult to maintain. Mason says, "[the] volcanic rock was piled so as to afford complete shelter and protection to the Indians who could thus hold their place until our line was within a few feet of them and then deliver their fire with deadly effect." ⁷⁷ Mason's attempt to move the battalion by the left flank and effect a junction with Bernard was hindered by a rocky ridge on the shore of the lake, the ridge being held by the Modocs. However, Mason finally made contact with Bernard's right, only to find that his movement had not been followed by the majority of troops with which he had been operating; thus the same gap between the western and eastern forces existed that had been there at 8 a.m.

Bernard's troops, about 100 men and officers, had advanced about 100 yards to a deep gorge when the Modocs opened fire. Finding the gorge impassable the troops fell back 150 yards, established a strong position, and spent the rest of the day watching Major Mason attempt to

⁷⁵Ibid., 403.

⁷⁶Six men were killed and many wounded in the opening volley by the Modocs.

⁷⁷House Executive Documents, 1st Sess., 43rd Cong., 61

part the Hodocs entrenched on the ridge.⁷⁸

At five p.m., Wheaton ordered the troops to retreat from the lava
beds and retire to their respective camps.

Official recapitulation by Wheaton listed nine privates killed,
three officers wounded, six non-commissioned officers wounded, and
twenty-seven privates wounded.⁷⁹

The Hodocs sustained no casualties.

Harner, in his report to Wheaton, wrote, "I have wished, respect-



American troops constructed this outpost under
heavy enemy fire, January 18, 1873.

78 Ibid., 62-63.

79 Ibid., 58.

80 Ibid., 63.

81 Ibid., 61.

pass the Modocs entrenched on the ridge.⁷⁸

At five p.m., Wheaton ordered the troops to retreat from the lava beds and retire to their respective camps.

Official recapitulation by Wheaton listed nine privates killed, three officers wounded, six non-commissioned officers wounded, and twenty-one privates wounded.⁷⁹

The Modocs sustained no casualties.

Bernard, in his report to Wheaton, wrote, "I have wished, respectfully, to say that the place the Indians now occupy cannot be taken by a force of less than 700 men and to take the place by an assault with this force will cost half the command in killed and wounded. A large force, judiciously handled, moving at night by approaches, piling up rocks to protect themselves so they can operate during the day, may take the place."⁸⁰

Major Mason concurred with Bernard's opinion writing that he would leave it to others to find words that would convey an adequate idea of the impassible character of the country over which the operations were conducted, and which make the "Modoc position a second Gibraltar."⁸¹

Beaten and discouraged, but wiser, Colonel Wheaton reported to Canby "I have been twenty-three years in the service of the government ...and in this service I have never before encountered an enemy, civilized or savage, occupying a position of such great natural strength

⁷⁸Ibid., 62-63.
⁷⁹Ibid., 58.
⁸⁰Ibid., 63.
⁸¹Ibid., 61.

bullets? Where is the Modoc that has been struck with the white man's bullets? I told you 'Soch-a-la Tyee' (the Great Spirit) was on our side...We can kill all the white men that come."⁸⁴

Caught up in exultant mood, Schonchin John exclaimed, "I felt strong when I saw the fog that our medicine-man had brought over the rocks yesterday morning. I knew we could kill the soldiers! We are Modocs!"⁸⁵

When the Modoc warriors had reviewed their exploits in the battle, Captain Jack rose to speak. Ill at ease, and not sharing in the happy atmosphere, the Modoc Chief accurately put his finger on the reason Indian tribes have consistently failed to halt the advance of American civilization, and the reason why the Modocs would ultimately fail in their fight: "It is true we have killed many white men. The Modoc heart is strong; the Modoc guns were sure; the bullets went straight [and] we are all here. But hear me, my people. The white men are many; they will not give up; they will come again; more will come the next time. No matter how many the Modocs kill, more will come each time and we will all be killed after a while..."⁸⁶ Many of the Modocs reacted to this statement by ridiculing their chief, pushing him to the ground and calling him an "old squaw" and other like insults. Finally, when the Modoc victory dance began, Captain Jack was absent, and more important, his authority and leadership had been seriously weakened by his seemingly timid statements.

⁸⁴Ibid., 408.

⁸⁵Ibid., 409.

⁸⁶Ibid., 409.



The outcropping of rock in the foreground was occupied by a lone Modoc warrior.

as the Modoc Stronghold, nor have I ever seen troops engage a better-armed or more skillful foe."⁸² Possibly in an attempt to save his self-respect, Wheaton continued in his report that due to the length of the line defended by the Modocs and the ferocity of their resistance he would estimate that his troops had encountered a fighting force of not less than 150 Indians. Actually, there were fifty-three Modocs opposing the soldiers.

Wheaton's disconsolate attitude was reflected in the soldier's camps. A captain in the Oregon militia caustically asked a volunteer, "How did you like your 'Modoc Sirloin' eh? putty good, eh? Didn't take it raw, did you?...Wonder if those boys who were spoiling for a fight are out of danger?" Not content with deriding the enlisted volunteers, the captain approached a volunteer officer and wondered, "Where was you during the fight anyhow?...Donal' McKay...said you was down on the point...and that he saw some of you raise your heads once in awhile and look around and then Shacknasty Jim would shoot, and you would all lie down again."⁸³

In sharp contrast to the pained feelings in the army camps, Captain Jack's Modocs were jubilant. Immediately after the main body of troops had left the battlefield Hooker Jim, Bogus Charley, Boston Charley and other Modocs swarmed over the dead and wounded soldiers, taking their coats, arms, ammunition and in a few cases their hair. Curly-haired Doctor opened the celebration when all had returned to the Stronghold, claiming, "I promised you a medicine that would turn the white man's

⁸²Ibid., 55.

⁸³Meacham, Wigwam and Warpath, 412.

Intoxicated by their victory over the soldiers, the Modocs did not guess that a determined Wheaton would, on January 19, ask General Canby for 300 additional soldiers to rout the Modocs out of their caves. Eventually, Wheaton, or whoever commanded the army in the Modoc area, would have either killed or captured all the Modocs as Captain Jack predicted, but a dispatch from Secretary of Interior, Columbus Delano, halted hostilities, and set the stage for a tragic chapter in the war.

Embarrassed by the defeat at the lava beds, Delano wrote to Secretary of War, William Belknap: "...with a view of stopping, if possible, the further effusion of blood and again establishing peace between the Indians and whites, I have decided to send to the scene of difficulties, a commission consisting of three persons."⁸⁷ Delano also requested that offensive operations against the Modocs by the military cease until the commissioners arrive at the lava beds and determine if peace could result without further use of force.

Delano immediately selected General Canby as advisor to the commission, and on January 29, 1873 outlined to the Commissioner of Indian Affairs the specific goals of the commission, which were: "To ascertain the causes which have led to the difficulties and hostilities...the most effective and judicious measures for preventing [their]...continuance and for the restoration of peace [and] to make an amicable arrangement for locating the Indians, with their consent, on some portion of a reservation lying between Capt Lookout on the north, Cape Perpetua on

⁸⁷House Executive Documents, 1st Sess., 43rd Cong., 65.

to the south on the Oregon coast, and bounded by the Pacific Ocean...
and the Coast Range of Mountains.⁸⁶ Force, or a display of force could
be used, only as a last resort.

The reason for the governmental shift in attitude from forceful
to peaceful measures was a meeting between John Fairchild, Pross
Harves, a rancher in the area, and Captain Jack. Captain Jack speaking
presumably without the consent of his warriors, told Fairchild that he
wanted to listen to their side of the story; that he did not want war.



An American soldier's view. Modocs held the
rocks in the background.

⁸⁶ *Ibid.*, 65-66.

⁸⁷ *Benches, Slaves and Warriors*, 413-414.

⁸⁸ *Ibid.*, 421.

⁸⁹ *Ibid.*

on the south on the Oregon coast, and bounded by the Pacific Ocean... and the Coast Range of Mountains."⁸⁸ Force, or a display of force could be used, only as a last resort.

The reason for the governmental shift in attitude from forceful to peaceful measures was a meeting between John Fairchilds, Press Darres, a rancher in the area, and Captain Jack. Captain Jack speaking presumably without the assent of his warriors, told Fairchilds that he wanted to listen to their side of the story; that he did not want war; that he would pay for the cattle killed; and that he only wanted to live in peace on Lost River.⁸⁹

Captain Jack's conciliatory speech plus the fact that two white men had talked to a Modoc without a formal peace arrangement helped convince Delano that the peaceful way was the best way.

A. B. Meacham, then in Washington, was appointed Chairman of the Commission to the Modocs and upon his recommendation, Delano appointed to the commission, Jesse Applegate, a "man with long experience and success in the management of Indians..."⁹⁰

On February 5, 1873, Meacham left Washington for the lava beds "fully realizing the danger attending..."⁹¹

⁸⁸Ibid., 65-66.

⁸⁹Meacham, Wigwam and Warpath, 413-414.

⁹⁰Ibid., 421.

⁹¹Ibid.

CHAPTER VI THE ASSASSINATION

Meacham's premonitions proved to be correct, and today three miles due Northwest of Captain Jack's Stronghold in the Lava Beds, on a relatively level, consistently dusty plain bordered on each side by grotesque lava formations reaching occasionally to a height of 35 feet, stands a monument to General E. R. S. Canby and Reverend Eleazer Thomas.

This monument serves as a memorial to Canby and Thomas, who were murdered by Modoc Indians on April 11, 1873.

The official charges lodged against these Modocs at their trial beginning July 5, 1873, at Fort Klamath were: "Charge First: 'Murder in violation of the laws of war.' The specification is the murder of General E. R. S. Canby and Dr. Eleazer Thomas.

"Charge Second: 'Assault with intent to kill in violation of the laws of war.'

"Specification Second: 'Assault on the Commissioners.' 'Attempt to kill A. B. Meacham and L. S. Dyar.'

"All this at or near the Lava Beds, so-called, in the State of California on or about the 11th day of April 1873."⁹²

⁹²House Executive Documents, 43rd Cong., 1st Ses., 134-136.

To these charges, the accused Modocs pleaded "not guilty"--a plea which was shown to be a direct lie by the testimony of A. B. Meacham, Chairman of the Special Commission to the Modocs, L. S. Dyar, the Indian Agent at Klamath Agency, Frank and Toby Riddle, (Wi-Ne-Ma) interpreters at the peace conference, four Modoc Indians who turned state's evidence, and of course, the mute testimony of the bullet-ridden, stripped, and mutilated bodies of General Canby and Dr. Thomas, found dead April 11, 1873, by troopers of General Gillem's command rushed to the rescue at the "double-quick."⁹³

However, the important story to be told in relation to the so-called "Canby Massacre" is not that Captain Jack and his cohorts were guilty of murder, but rather what (1) led to the arrangement of a peace conference, (2) what prompted the Modocs to resort to treachery, (3) what actually happened at the peace conference, and (4) why did the Commissioners elect to meet the Modocs at all on April 11, realizing as they did, that their lives might be in jeopardy?

The need for an immediate settlement of difficulties between the United States Government and the Modoc Indians became sharply apparent on January 17, 1873, when a combination of fog, lava formations, overconfidence, and Modoc bullets resulted in a humiliating defeat for the United States Army. Every officer and trooper stationed near the lava beds was aware that the Modocs had lodged themselves in one of the most defensible positions to be found anywhere in the world, and that any attack launched to force the Modocs out of the lava beds would inevitably add to the list of killed and wounded. Realizing this, Secretary of the

⁹³A. B. Meacham, Wigwam and Warpath., 609.

Interior Delano's Peace Commission sought first to devise a method of preventing any major hostilities during their attempts to confer with the Modocs and reach an effective peace agreement.⁹⁴

To initiate peace talks with the Modocs, Bob Whittle and his Indian wife, Matilda, were sent to the Modoc camp February 19 with instructions: first, to inform the Modocs of the presence of the commission and the commission's desire to arrange a council-meeting with the view of adjusting the difficulties that existed, and to prevent a re-opening of hostilities; and second, to ascertain with whom the Modocs would prefer to arrange the contemplated council.

Whittle and his wife returned from the Modoc camp with the news that the Indians were willing and anxious to meet with "Frank Riddle (white husband of Wi-Ne-Ma, a Modoc woman) and John Fairchilds to conclude details for the proposed meeting. On February 21, Fairchilds left for the Modoc stronghold, accompanied by a Modoc woman, Artina, with a reply to the Modocs, stating that "no act of war will be allowed while peace talks are being had, no movements of troops will be made. We come in good faith to make peace. Our hearts are all for peace." The note was signed by A. B. Meacham.⁹⁵

When Fairchilds and his party returned on February 23, he reported that the Modocs wanted peace most urgently, but that a meeting had not been arranged "because they were unwilling to come out of the lava-beds."⁹⁶

⁹⁴H. H. Bancroft, History of Oregon XXX, (San Francisco, 1888). 596.

⁹⁵Meacham, Annual Report, 1873., 74-75.

⁹⁶Ibid.

With matters at a standstill, Judge Elisha Steele, a long time friend of the Modocs who lived in Yreka, was sent for in the hope that he might arrange a meeting. On March 4, Judge Steele arrived at commission headquarters and met with the Board of Commissioners now including Meacham, Jesse Applegate, Samuel Case and Judge John Roseborough, who was added to the commission at the request of General Canby.

After deliberation on what course to follow, the Board voted to send Steele as a messenger to arrange a council with the Modocs and also to offer terms for peace which were; "...a general amnesty to all Modocs on condition of their full and complete surrender and consent to remove to a distant reservation within the limits of Oregon or California." On the vote as to whether to include this authorization, Roseborough, Case, and Applegate voted yes, and Meacham no. Steele was further instructed to tell the Modocs that "General Canby would make peace and conclude terms" Meacham was again the lone dissenter when a vote was taken to include this statement.⁹⁷

On March 5, Steele, Frank Riddle and Wi-Ne-Ma, Fairchilds, and reporter R. H. Atwell met with the Modocs but were unable to agree on a time and place for a council-meeting, so Steele and his group proposed the "amnesty terms" to the Modocs which were accepted by Captain Jack, even though there was evidence of bitterness and dissatisfaction among the Modoc warriors. Steele evidently was not aware of this dissatisfaction or else chose to disregard it, because he reported to commission

⁹⁷Ibid.

headquarters that "Peace was made; they accept." Even while a general feeling of relief was sweeping through the army camp, Fairchilds who had also been with the peace party disagreed with Steele, and said, "There is some mistake, the Modocs have not all agreed to surrender and removal." The Modoc messengers who had accompanied Steele's group back to commission headquarters could say nothing definite, when questioned about the matter. Steele then proposed to return to the Modoc Stronghold, "and settle the matter beyond question."⁹⁸

Steele left for the Modoc camp the second time, minus Fairchilds who feared the Modocs would misinterpret Steele's first report as an "outrage" and inflict bodily harm on their visitors.

When Steele arrived at the Modoc camp, he realized that he had indeed misinterpreted the Modoc reply to the "amnesty proposal," for there were hostile demonstrations against Steele and Atwell, and only Steele's long and friendly acquaintance with Captain Jack and Scarface Charley saved the party from assassination. The following morning, March 5, Steele proposed to return to commission headquarters and bring the commissioners back with him. On this promise Steele and his party were allowed to depart peacefully.

At commission headquarters, Steele made a full report of his visit and concluded, "that no meeting could be had, no peace could be made."⁹⁹

Despite these reports made to Secretary of Interior Delano that the Modocs were unstable and not to be trusted, the Secretary replied to commissioner Meacham, "I do not believe the Modocs mean treachery. The

⁹⁸Bancroft, History of Oregon., 600.

⁹⁹Meacham, Annual Report, 1873., 75-76.

commission should not be a failure. I think I understand their unwillingness to confide in you. Continue negotiations. Will consult the President, and have the War Department confer with General Canby tomorrow. C. Delano."¹⁰⁰

On the day following Steele's return from his second visit, a delegation of Modocs headed by Captain Jack's sister, Mary, appeared at commission headquarters and said that if General Canby would send out wagons to meet them, they would surrender under the terms offered by Steele during his first visit to them. To this proposal, the Commission agreed, and a time and place was appointed where the final surrender would take place. However, before the appointed day arrived, Modoc messengers came to the Commission Headquarters and asked for more time because they were busy burying their dead, and caring for their wounded. General Canby agreed to the delay, but assured the Modocs that if they did not appear on the re-appointed day, he would compel them to do so.

The day before the Modocs were to appear (probably around March 15) Riddle's wife, Toby, warned General Canby that treachery was intended and "no Modocs come; maybe come to steal teams; they no give up." Toby's warning was shunted aside, and again there was relief in the army camp when the wagons were sent; in fact the "whole country was rejoicing that the Modoc War was at last over."¹⁰¹ But when the wagons returned, there were no Modocs.

¹⁰⁰Meacham, Wigwam and Warpath., 430.

¹⁰¹Meacham, Annual Report, 1873., 76.

At this point, negotiations for peace with the Modocs seemed hopeless, but Secretary of Interior, Delano, instructed the Commissioners "...to continue negotiations."¹⁰²

Following these instructions, General Canby moved the Commission headquarters to the more comfortable Van Bramers ranch, a few miles East of the lava-beds, and renewed attempts to arrange a council-meeting. During this interval, the personnel of the peace commission changed-- Jesse Applegate, confident that peace was a reality, had resigned the day before the wagons were sent out, along with Mr. Case. To fill these vacancies L. S. Dyar, a United States Indian agent at Klamath, and Reverend Doctor Eleazer Thomas, from Northern California, were added to the Commission.

Between March 15 and April 2, two notable advances were made-- troops were moved to within two miles of the Modoc Camp, and the Commissioners met the Modocs under peaceful conditions for the first time. This meeting was held April 2, midway between the lava-beds and Commission headquarters. Due to a severe storm, nothing concrete was accomplished during this conference except an agreement to erect a council tent for future conferences. On April 4, Captain Jack requested that Meacham meet him and a few men at the newly erected council tent. After consulting the board, and disregarding Toby's renewed warning, Meacham, Fairchilds, and Judge Rosborough with Frank Riddle and Toby as interpreters met Jack, six warriors, and various Modoc women at the peace tent.

Opening the conference, Captain Jack remarked that he had been

¹⁰²Ibid.



Indicates the difficulty of the terrain,
American troops had to cross.

afraid to talk in the presence of Canby and the "Sunday Doctor" Thomas, but now he could talk. He continued by reviewing the whole Modoc question beginning with the Ben Wright Massacre, mentioning the insults of the Klamaths, the failure of Agent Knapp to protect him and his tribe while they were on the reservation, continuing that Major Jackson had attacked him before he was up on the morning of November 24, 1872, and complaining that citizens had taken part in the battle: "No citizens been in the fight, no Indian women and children would have been killed, no citizens would have been murdered." Jack concluded his speech by saying his partly educated "young men had done a great wrong while in hot blood, but I cannot control them any more than bad white men are controlled by American laws; I can never live in peace with the Klamaths, I want a home, just the same as a white man on Lost River, the soldiers taken away, and the war will stop."¹⁰³

Meacham replied to this proposal that since United States soldiers and citizens had been wounded on Lost River, Captain Jack could never have Lost River unless Hooker Jim's murders surrendered, and submitted to trial. After this proposal was interpreted to the Modoc Chief, Jack retreated from his Lost River demand and asked if he could have the lava-beds as a home saying, "No man will ever want it." Meacham again assured Jack that no peace would be made, or soldiers removed until Jack and his Modocs left the lava-beds and went to the well-provisioned new home promised them by the United States Government. This was not agreeable to Captain Jack and he remarked, "The Governor of Oregon has

¹⁰³Meacham, Wigwam and Warpath., 447-453.

demanded our blood, and the law is all on one side, it was made by the white man for the white man, leaving the Indians all out." Jack's final statement was that he could not control his people, and he would die with them if no peace was made.¹⁰⁴

At this meeting, no further conferences were arranged for but on the day following Wi-Ne-Ma, the commission's go-between, was sent to Captain Jack proposing that he surrender with such others who might decide to do so--Jack declined these terms. But this mission was not a complete failure, for as she was leaving the camp, Wi-Ne-Ma was warned by a Modoc warrior Wheium that treachery was intended against the Peace Commissioners, a fact which she reported to Meacham and General Canby. Wi-Ne-Ma's warning was again not accredited by the Commissioners.¹⁰⁵

On April 6, General G. C. Gillem, in command of the troops at the scene informed a Modoc messenger, Bogus Charley, "that unless peace was made very soon the troops would be moved up nearer the Modoc Stronghold and that one hundred Warm Springs Indians would be added to the army within a few days." This information evidently caused consternation in the Modoc camp, for on April 8 a Modoc visited the Commissioners and requested a "peace talk" saying that six unarmed Modocs were at the peace tent willing and anxious to make peace. However, a signal officer reported that in addition to the Modocs at the peace tent there were about twenty other armed Modocs hidden in the lava rocks. Treachery was evident, and no meeting or further negotiations were held on

¹⁰⁴Ibid.

¹⁰⁵Ibid.

April 8.¹⁰⁶

On April 10, the Modocs renewed their proposition for a peace talk proposing that, "if the commissioners including General Canby and General Gillem would come next day to the council tent unarmed to meet a like number of unarmed Modocs thus proving the confidence of the Commission in the Modocs, they would all come to headquarters and surrender on the day following." After consultation, the Commissioners decided to accept.

On the fatal morning of April 11, the Commissioners again consulted one another on the advisability of attending the meeting. Doctor Thomas said it was "a duty which must be performed." General Canby believed, "the importance of the object in view, justifies taking some risk." Commissioners Dyar and Meacham along with interpreters Frank and Wi-Ne-Ma Riddle vociferously opposed attending the meeting and pleaded that if the Commissioners must meet the Modocs, they at least go armed. These protests were overruled by Canby and Thomas who reminded the dissenters that they must keep the spirit of the compact, and furthermore, that a strict watch had been kept on the area around the peace tent since dawn and the report was "There are only five Indians unarmed at the council tent."¹⁰⁷

With their sense of honor leaving them no recourse but to attend, Meacham, Dyar, Frank and Toby Riddle, left with Canby and Thomas at 11:06 a.m. April 11, 1873, to keep their rendezvous with Captain Jack and his Modocs. Before departure time arrived, Meacham and Dyar violated the spirit of the agreement by secreting derringers (small one shot pistols)

¹⁰⁶House Executive Documents, 43rd Cong., 1st Sess., 139.

¹⁰⁷Meacham, Annual Report, 1873., 77.

on their persons.

About noon, the commissioners arrived at the tent and were met by eight armed, instead of five unarmed Modocs: Captain Jack, Schonchin John, Shacknasty Jim, Ellen's man, Hooker Jim, Boston Charley, Bogus Charley, and Black Jim.

After both sides maneuvered for favorable positions, the council opened, with the Modocs directly facing the peace commissioners. Talk began with Meacham referring to Jack's proposition made April 10 to the effect that he wanted the soldiers removed, and after this was accomplished, the war would stop. While this speech was being delivered and interpreted, Hooker Jim left the council area, tied Meacham's previously untethered horse securely to a sage brush, put on Meacham's overcoat and remarked, "me Meacham now, Bogus you no think me look like Meacham." Meacham reacted by saying "take my hat too," to which the Modoc replied, "I will very soon." Meacham took no further notice of Hooker Jim's actions but turned to Jack and said, "The President sent the soldiers here, we did not bring them; we cannot take them away without his consent, they will not harm you if you are peaceable; we want peace, we do not want war; we will find a new home for you; you cannot live in this lava-bed always; there are many good places for you, and we will together work out a new home. General Canby is the soldier chief, and he is your friend, he will talk now." Canby continued the council by remarking, "The President sent the soldiers here to see that everything was done right, they are your friends and will not harm you...I have no doubt that some time you Modocs will receive me as kindly as other Indian tribes have."¹⁰⁸

¹⁰⁸Ibid.

Doctor Thomas was the next speaker and said, "I believe the great spirit put it in the heart of the President to send us here and make peace. I have known General Canby fourteen years, Mr. Meacham eighteen years, Mr. Dyar four years. I know all their hearts are good, and I know my own heart. We want no more wars. The great spirit made all men. He made the red men and the white men. He sees all our hearts and knows all we do. We are all brothers, and must live in peace together."¹⁰⁹

The restless, nervous, and silent Modocs finally leaped to action in the form of Schonchin who shouted, "Take away your soldiers, and then we will go and look for another place. We want Hot Creek for a home! Take away the soldiers! Give us Hot Creek for a home! Take away the soldiers; give us Hot Creek!";

Meacham - "Hot Creek belongs to white men now, perhaps we cannot get it for you."

Schonchin - "I have been told we could have it."

Meacham - "Who told you so? Did Fairchilds or Dorris say you could have it?"

Schonchin - "No they did not, but Nate Beswick says we can have it."

Meacham - "We can see Fairchilds and Dorris about it, and if we can not buy it for you we will find another home."

Schonchin - (very much excited) "Take away the soldiers and give us Hot Creek or stop talking!"¹¹⁰

While Frank Riddle was interpreting Schonchin's speech, two Modoc warriors advanced from behind the lava rocks to the south bearing as many rifles as they could carry. The Commissioners all turned to

¹⁰⁹Ibid.

¹¹⁰Ibid., 78.

Captain Jack (he had been standing near to General Canby) and asked, "What does this mean?"

His reply was "Ot-we-kantux-E!" (all ready!); he then pointed his revolver at General Canby's head and pulled the trigger but the pistol misfired; however, the second shot exploded and the ball from Jack's gun struck General Canby just below the left eye wounding him severely. Canby was dispatched by Captain Jack's knife, with Ellen's Man's assistance, some distance away from the council tent. Doctor Thomas was shot fatally in the left breast and taunted by Boston Charley and Bogus Charley, who wondered where his God was now? Commissioner Dyar, although hotly pursued by Hooker Jim, managed to escape to the army camp on foot as did Frank Riddle. Schonchin wounded Meacham almost mortally and Meacham, weak from loss of blood would have been scalped by the Modocs had not Wi-Ne-Ma frustrated the attempt by shouting, "Soldiers, Soldiers!"¹¹¹

Canby and Thomas, stripped of their clothing, valuables and hair, were found by troopers of General Gillem's command who had been rushed to the massacre scene. Meacham was still alive when the soldiers arrived, and eventually he recovered from his wounds.¹¹²

The establishment of Modoc guilt does not complete this chapter of the Modoc War. Important questions remain to be answered; questions dealing with the "whys" connected with the tragic peace conference of April 11, 1873. These cannot always be answered on the basis of substantiated fact--reliable evidence is not always available, thus logic

¹¹¹Ibid.

¹¹²Ibid.

and conjecture must necessarily enter into any summation or conclusions.

The germ of the peace conference idea as a possible solution to the perplexing Modoc question evidently can be traced to January 25, 1873, a week after the Modocs severely defeated the attacking United States troops. E. L. Applegate, a brother of O. C. and Ivan, was in Washington, D.C., at this time as a commissioner of immigration, along with A. B. Meacham. Both men proposed a peace commission to Secretary of Interior Delano as a possible solution to prevent further bloodshed in the lava-beds. Delano and General William T. Sherman, head of the War Department, agreed to this proposition and immediately appointed Meacham as Special Commissioner to the Modocs with the power to organize a commission. There is no evidence as to what Delano, Applegate, Sherman or Meacham were thinking or hoping when they were formulating plans for the peace commission. However, the most logical reason for the Commission's formation was that the Modoc defensive positions in the lava-beds were so inaccessible and so strongly fortified that many more American troopers would be killed in any future attempts to storm the Modoc Stronghold.¹¹³

With the peace commission organized on February 18, 1873, and attempting, by the most peaceful means, to arrange a meeting with the Modocs why did Captain Jack's band decide to resort to treachery?

There is no valid information available relating to the atmosphere and reasoning prevalent in the Modoc camp between January 18 and April 11, 1873. The most reliable source is Jeff Riddle's, Indian History of the Modoc War, because Riddle was the son of the Modoc Indian woman, Wi-Ne-Ma who did have easy access to the Modoc Stronghold.

¹¹³House Executive Documents, 43rd Cong., 1st Sess., 239-240.

Presumably Riddle's source of information consists of talks with his mother and his own observations, for he was on the scene, and occasionally accompanied his mother into the Modoc fortress.

Riddle offers the hypotheses that several Modocs asserted to an unconvinced Captain Jack—"...the Commissioners intend to make peace with you by blowing your head off with one of them big guns. You mind what I tell you, Jack (the warrior speaking was Black Jim, ardently backed up by other Modoc braves) the only way we can get an even start with them peacemakers is to kill them next-council: then all we can do is to fight until we die." Riddle also says that several warriors, particularly Black Jim and Hooker Jim ridiculed Jack when the chief appeared reluctant to murder the Commissioners, pushing him to the ground and calling him a "squaw," "fish-hearted woman" and other like insults.¹¹⁴ Captain Jack evidently could not stand to be taunted in such a degrading manner, and agreed to kill Canby, although he thought it would eventually cost him his life. One reason for the Modoc treachery then, might have been a desire to delay action and inflict as much delay and sorrow on the American troops as possible before hostilities were recommenced.

No Modocs who were in the lava-beds at this time left any records of what actually happened, thus Riddle's opinions, backed by the fact that he was Wi-Ne-Ma's son have to be accepted as the truth or approximating the truth.

General Canby and Doctor Thomas must share part of the guilt for

¹¹⁴Riddle, Indian History., 71.

the massacre because they consistently disregarded Wi-Ne-Ma's warnings that the Modocs intended treachery and that to attend any kind of a conference with the "Renegades" would be very foolhardy. But, Canby and Thomas did attend the "peace" conference with unruly, dissatisfied, and desperate Indians sans the benefit of firearms or the protection of soldiers. The General and the Reverend evidently felt, respectively, that the possible worthwhile results of a peace conference justified "some risk", and that God would protect the Commission because of its benevolent intentions. The protests of the other Commissioners and the Riddles were overruled by Canby and Thomas, a decision that resulted in their death.

Secretary of the Interior Delano certainly must take part of the blame for his orders to the Peace Commission to "continue negotiations" and effect an amicable truce, despite the fact that he was some 2,500 miles removed from the scene of negotiations, and had received official reports from Commissioner Meacham that the Modocs were unstable and not to be trusted. Despite these reports Delano stated, "I do not believe the Modocs intend treachery,...continue negotiations." Delano could scarcely have had any idea as to what the Modocs were thinking.

A major share of the blame rests on the Modoc warriors, particularly Black Jim, Hooker Jim and Boston Charley who taunted and ridiculed their Chief into sanctioning the assassination. No matter how many injustices had been committed against these Indians in the past, white law would never pardon such a flagrant violation of wartime honor.



Looking Northwest from the Stronghold. An excellent example of terrain American soldiers had to cross to get at Jack's Stronghold.

115. Manahan, Minnan and Wright. 1915

116. Gillett reported Wheaton as commander in the 1915

CHAPTER V CAPTURE

At the same time Captain Jack's group was carrying out its plan to murder the Peace Commissioners, Curly Haired Jack and Curly Haired Doctor tried to lure Colonel Mason at the west end of the camp into a conference. Mason refused to meet with the Modocs, but a Major Boyle and Lieutenant W. L. Sherwood volunteered to talk to the Modocs. Obtaining grudging consent from Colonel Mason, the two officers began to walk toward the Indians when Boyle noted guns concealed in the Modoc's clothing and shouted at Sherwood, "Run for your life!" However, before the officers could get away, Curly-haired Jack broke Sherwood's leg with a musket-ball. Troops, rushed to the scene immediately, managed to chase the Modocs back into their Stronghold.¹¹⁵ This attempt to murder high-ranking officers of the army was also carried out under a flag of truce.

Reaction to the Modoc actions on April 11, was fairly uniform, varying only in degree of bitterness. Major General J. M. Schofield, commanding the military division of the Pacific, wrote his superior officer, W. T. Sherman: "I have telegraphed Colonel Gillem¹¹⁶ to let

¹¹⁵Meacham, Wigwam and Warpath., 505.

¹¹⁶Gillem replaced Wheaton as commander in the lava beds.



This niche, occupied by one Modoc warrior, shows the impregnable Western approach to the fortress.

117 *House Executive Documents*, 43rd Cong., 1st Sess., 72.

118 *Ibid.*

119 *Reynolds, History and Geography*, 211.

120 *Ibid.*

the punishment of the Modocs be severe as their treachery has merited and [I] hope to hear soon that he has made an end of them."¹¹⁷ Sherman replied on April 13, 1873 that he had seen the President, who now sanctioned the most severe punishment for the Modocs. Sherman also hoped to hear soon that the Modocs had met the punishment they so richly deserved for their "insolence and perfidy."¹¹⁸

The feeling in the army camp at the lava beds was a combination of despair, sadness, and anger. Despair, because the last chance to avoid further loss of life was gone; sadness, because General Canby and Doctor Thomas were respected men; and anger because the assassinations and attempted assassinations were carried out under a flag of truce.

But once again, as was the case after the January 18 battle, the Modocs were for the most part jubilant. Thinking that the soldiers would press an immediate attack the Modocs had reconciled their differences in order to present a strong, united front against the soldiers. When morning April 12 came and no soldiers, the Modocs felt they had won a great victory over the government; Schonchin said, They are afraid. They will grant us...all we ask! Captain Jack took a more realistic stand, "The soldiers will come. Our victory is not complete. We must fight now until [we] are all dead."¹¹⁹ There was little remorse in the Modoc camp over the assassinations, only the false hope that their actions would bring the United States to its knees.¹²⁰ Again, Captain Jack's

¹¹⁷House Executive Documents., 43rd Cong., 1st Sess., 76.

¹¹⁸Ibid.

¹¹⁹Meacham, Wigwam and Warpath., 511.

¹²⁰Ibid.

prediction was to prove correct.

Colonel Gillem spent April 12 and 13 settling on the plan he would use to punish the Modocs. The battle of January 17 had proved that a direct, frontal assault would cost many lives, thus Gillem ordered his troops to surround the Indians urging them to advance cautiously and make use of every possible cover. If this were accomplished the Modocs would not be able to escape and more important, their water supply would be cut off.¹²¹

Accordingly, on April 15, after the troops had moved into position during the night, the second attack began on the Modoc Stronghold. At 1:30 p.m. following heavy fighting the soldiers had advanced several hundred yards into a strong position near the outcroppings of the more formidable center section of the lava beds. By nightfall, the army had strengthened their lines, and set up mortar batteries which shelled the Stronghold intermittently throughout the night. Army casualties were: One officer wounded, three enlisted men killed and nine wounded. The Modocs had no casualties.¹²²

Early on the morning of the 16th, the whole line advanced but the lava rocks and deadly Modoc sharpshooters made progress agonizingly slow. However, a junction was completed by the left of Major Green's command and the right of Colonel Mason's thus cutting off the Indian's water supply. By nightfall the persistent soldiers had almost reached the main caves of the Stronghold, so near in fact, that some troops retreated so as not to interfere with the shelling. The night of the 16th saw

¹²¹House Executive Documents, 43rd Cong., 1st Sess., 80.

¹²²Ibid., 81.

little lull in the fighting for the Modocs made several attempts to reach water,¹²³ even disguising a warrior as a squaw. However, none of the attempts succeeded and the Modocs faced two problems: how to get water; and how to get ammunition.

But before the night battle began, the Modocs suffered their first dead of the war. Two young warriors had been abusing an unexploded mortar shell till one hit it with an ax. The shell exploded, scattering parts of the warriors' bodies over the adjacent area.¹²⁴ Saddened by the death of the two warriors, and realizing their hopeless situation, Scarface Charley admitted in a night council on the 17th, "I have given up hope of standing these soldiers off. We cannot do it...I do not like to run but I think it's the best thing for us to do...let's go out of here tonight. I think we can do so without much trouble."¹²⁵ All the Modocs agreed, and on April 16, all but two old women and one man made their escape to the South.

When the soldiers renewed their attack on the 17th, they met no resistance and the troops finally took possession of the "celebrated Stronghold."¹²⁶

The following day Warm Springs Scouts¹²⁷ reconnoitered the area to the South but could report nothing except that the Modocs had not left

¹²³Ibid.

¹²⁴Riddle, Indian History., 102.

¹²⁵Ibid., 109.

¹²⁶House Executive Documents., 43rd Cong., 1st Sess., 81.

¹²⁷Some 70 Warm Springs' Scouts had arrived with McKay.

the lava beds proper. Two days passed with the army inactive, until the Warm Springs' discovered the Modocs in a new position four miles due South of their old Stronghold.

Colonel Gillem immediately wrote to the Assistant Adjutant General, Military Division of the Pacific that "Arrangements will be made as rapidly as possible to attack, and if possible, surround them."¹²⁸

After a week's preparation, six commissioned officers, sixty-four foot soldiers, and fourteen Warm Springs' scouts, all under Captain Evan Thomas' command, left the west camp at 7 a.m. to make a "reconnaissance in a Southeasterly direction to a point about four miles from camp."¹²⁹ The object of the reconnaissance was to find out if a pack train and mortar battery could be taken through the lava beds. By noon the detachment reached the four mile limit, and having encountered no sign of a Modoc, they sat down, stacked their rifles and began lunch.¹³⁰

At this moment the Modocs were 800 yards away holding a hurried consultation as to details of the attack. A Lieutenant Wright began to feel apprehensive and quoted an ago-old maxim, "When you don't see Indians is just the time to be on the look out for them."¹³¹ Disregarding this advice Captain Thomas called in all his pickets for lunch, placing the entire command at the bottom of a small ravine.

Just as the signal-sergeant was preparing to send a message to the main camp, the Modocs opened fire with unerring accuracy. The official

¹²⁸House Executive Documents., 43rd Cong., 1st Sess., 82.

¹²⁹Ibid., 83.

¹³⁰Riddle, Indian History., 112.

¹³¹Meacham, Wigwam and Warpath., 568.

report then says: "The officers, though surprised, immediately sprang up and prepared for action. A well-directed fire...from the Indians caused a large number, probably two-thirds, of the enlisted men to break, and run away in the most cowardly manner. The officers, thus deserted by their men, rallied the few brave spirits--mostly non-commissioned officers--and fought the foe with undaunted courage. They and the brave men who stood by them were all found killed and wounded where they so nobly but ineffectually fought."¹³²

Of the original detachment of 70 soldiers resting in the ravine, 23 managed to reach headquarters at the lava beds.¹³³

Having taken the food, arms, and ammunition from the soldiers, Captain Jack led the Modocs Southeast, and on May 7 captured a train of four wagons and fifteen animals near Supply Camp on the East side of Tulalake. In this engagement "fifteen or twenty" Modocs "whipped" the train's army escort of about the same number, the Modocs suffering no casualties, while the Army had three wounded.¹³⁴

On May 8, two companies of soldiers accompanied by Warm Springs Scouts left the lava beds headquarters to try and catch the slippery Modocs, and also to prevent them from "murdering any settlers in their probable retreat."¹³⁵ Captain Jack appeared on the morning of the 10th, and "although [the troops] were not fully prepared for the [attack],

¹³²House Executive Documents., 43rd Cong., 1st Sess., 83.

¹³³Meacham, Wigwam and Warpath., 571.

¹³⁴House Executive Documents., 43rd Cong., 1st Sess., 84.

¹³⁵Meacham, Wigwam and Warpath., 576.

[they] at once sprang to arms and returned the fire."¹³⁶ According to General Jefferson Davis' report,¹³⁷ the Modocs then broke and fought a rear-guard action for three miles, until they disappeared into the lava beds again. This Dry Lake (see map) battle is significant for three reasons. First, it gave the Army a victory, thereby boosting the sagging morale. Second, although both sides did not know it, Dry Lake was the last pitched battle of the Modoc War. Third, Ellen's Man, a Modoc sub-chief was killed at Dry Lake. His death brought into the open simmering quarrels among the Modocs and led directly to the end of the war.

Ellen's Man was popular in the Modoc tribe, and after his death several Modocs irritably accused Captain Jack of causing his death. They said Jack was guilty of placing outside¹³⁸ Indians in the front lines, thus directly contributing to their death.

After quarreling all night, the Modocs began to take sides for a fight in the morning, only a few standing by Captain Jack. The Modoc Chief spoke to Black Jim, "You accuse me wrong, but if you people think I killed Ellen's Man or caused his death, you know what to do. Shoot me...I just as leave die fighting my own men as to die fighting soldiers. I know we will all be killed anyway in battle, or I know I shall be hung if I am captured...You men are the very men that drove me to kill General Canby and now you want to blame me for Ellen's Man's death..."¹³⁹

Black Jim replied, heatedly, "I will stop your talk, you coward!," and only a hasty intervention by another Modoc, William, saved Jack.

¹³⁶Ibid.

¹³⁷Davis replaced Gillem as commander.

¹³⁸Pit River Indians of which Ellen's Man was a member.

¹³⁹Riddle, Indian History., 123.

Black Jim wheeled on William saying, "I quit my chief today." Captain Jack, his family, Schonchin John, four other families, and four or five men followed Jack as he started walking east. Black Jim, Bogus Charley, Boston Charley, Hooker Jim and the rest went in the opposite direction.

While the death of Ellen's Man was the outward reason for the break, there was another broader and more important cause. General Davis hints at it in his official report: "The chief could no longer keep his warriors up to the work required of them, lying on their arms night and day, and watching for an attack. These exactions were so great, and the conduct of the leader so tyrannical, that insubordination sprang up, which led to dissensions and the final separation of the band into two parties..."¹⁴⁰ In other words, despite the fact that the Modocs had defeated detachments of the United States Army on January 17, April 15-17, April 26 and May 10, the pressure was too great for the Modocs to stand; they lost their unity and thus their only chance either to defeat the army or evade them. Captain Jack's prediction that the soldiers would never give up had been realized, and it had brought the disintegration of the Modocs.

Black Jim's group camped near Willow Creek, California, on the South slope of Van Bremer's Mountain. At mid-afternoon on May 12, Warm Springs' scouts got to within 200 yards of Black Jim's camp and called up the soldiers. In the brief engagement that followed the Modocs beat off the soldiers and the Warm Springs', and escaped to Fairchild's mountain about four miles from the Southwest tip of Klamath Lake, California.¹⁴¹

¹⁴⁰Meacham, Wigwam and Warpath., 579.

¹⁴¹Riddle, Indian History., 126.



A Modoc trench indicating the type of cover the Indians utilized.

142 Ibid., 120.

143 Ibid.

144 Ibid., 120 and 121.

145 Ibid.

While concealed on Fairchild's Mountain, scouting parties of Warm Springs began to come closer and closer to the Modoc camp. Finally, Bogus Charley, Hooker Jim, Shacknasty Jim and Scarface Charley came into Fairchild's Ranch on May 22. Scarface Charley announced, "Hello, mans, me come here with this my mans, me like no more fight; me like quit, me much tired; no sleep long time now...You soldiers, many, many; pore me; 'spose you fight me and one man, me lick you puty damned quick, you bet."¹⁴² The following day, the rest of Black Jim's Modocs surrendered.

Also, on May 23, Bogus, Hooker, Boston and Scarface were hired as scouts at 100 dollars per month, plus horses, guns, and uniforms to track down Captain Jack, who, in the meantime had led his few followers between Clear Lake and Tule Lake into Langell's Valley. (See frontispiece.)¹⁴³

After three days of hunting the scouts found Captain Jack camped on Willow Creek, fourteen miles from Applegate's ranch. According to Davis' dispatch, "The scouts reported a stormy interview with their chief. He denounced them in severe terms for leaving him; he intended to die with his gun in his hand; they were squaws, not men. He intended to jump Applegate's ranch that night (the 28th)."¹⁴⁴

Davis immediately ordered Captains H. C. Hosbrauck's and James Jackson's commands to rendezvous at Applegate's ranch. At nine a.m., May 29, the troops reported, and were in an exultant mood for "the impenetrable rocky region was behind them; the desperado and his band were ahead of them, in comparatively an open country."¹⁴⁵ After resting

¹⁴²Ibid., 128.

¹⁴³Ibid.

¹⁴⁴Meacham, Wigwam and Warpath., 579.

¹⁴⁵Ibid.

the horses for an hour, the soldiers renewed the pursuit. At one p.m., on May 29, they jumped Jack's camp, but the Indian slipped away. After two days of a chase Davis describes as "more of a chase after wild beasts than war"¹⁴⁶ the soldiers caught up again with Jack. This time there was no escape because he stood on a ledge in front of a cave.

When the troops approached and took his gun, he was a ragged, dirty, and beaten Indian.

He said, "Jack's legs give out."¹⁴⁷

On June 3, General W. T. Sherman telegraphed the Commander of the Military Division of the Pacific, J. M. Schofield, that the Modocs were to be held in protective custody until President Grant should decide on their final disposition.¹⁴⁸ Sherman's order halted General Davis' plan to execute eight or ten Modocs on the spot. Davis reported on June 5: "I have no doubt of the propriety and necessity of executing them on the spot at once. I had no doubt of my authority, as department commander in the field, to thus execute a band of robbers, outlaws, and murderers like these. Your dispatch indicates a long delay...which I regret. Delay will destroy the moral effect which their prompt execution would have upon other tribes, as also, the inspiring effect upon the troops."¹⁴⁹ Davis also said the four "traitorous" scouts¹⁵⁰ had won the admiration of all for their aid in capturing Captain Jack. Although Davis recommended

¹⁴⁶Ibid.

¹⁴⁷Payne, Captain Jack., 235.

¹⁴⁸House Executive Documents., 43rd Cong., 1st Sess., 86.

¹⁴⁹Ibid., 87.

¹⁵⁰Bogus Charley, Shacknasty Jim, Scarface Charley, and Hooker Jim.

these four be exempted from the death penalty, he did this realizing "Hooker Jim and [Scarface Charley] have been among the worst of the band."¹⁵¹

Meanwhile, President Grant asked Attorney General of the United States, George H. Williams for an opinion as to whether the Modoc prisoners could be tried by a military tribunal. Not possessing a close knowledge of the Modoc difficulties, Williams did not present a detailed opinion; yet in his reply dated June 7, Williams made the case against the Modocs quite convincing without actually calling them guilty of murder.

Referring to the April 11 assassination, Williams wrote, "According to the laws of war, there is nothing more sacred than a flag of truce dispatched in good faith, and there can be no greater act of perfidy and treachery than the assassination of its bearers after they have been acknowledged and received by those to whom they are sent."¹⁵² Williams then mentioned that no statute of the United States makes this a crime and thus it is not punishable under the Rules and Articles of War and if punishable at all, it had to be through a power derived from the usages of war.¹⁵³ He cited Attorney General Speed's¹⁵⁴ opinion that bushwhackers, jayhawkers, bandits, assassins, etc...may be tried, condemned, and executed as offenders against the laws of war as understood and practiced by the civilized nations of the world.

¹⁵¹House Executive Documents., 43rd Cong., 1st Sess., 87.

¹⁵²Ibid.

¹⁵³Ibid.

¹⁵⁴Ibid.

Continuing, Williams states that while the laws and customs of civilized war may not be applicable to Indian tribes, still the circumstances of the "Canby Massacre" make their murder as much a violation of the laws of savage as of civilized warfare, and that the Modocs fully understood the baseness and treachery of their act.

In his concluding paragraphs Williams writes that relations of Indian tribes to the United States are often difficult to define, but since "they have been recognized as independent communities for treaty-making purposes, and as they frequently carry on organized and protracted wars, they may properly, it seems to me, be held subject to those rules of warfare...which make perfidy like that in question punishable by military authority."¹⁵⁵

Accordingly, Secretary of War, William Belknap wrote to General Schofield in San Francisco, "I am instructed...to direct you...to have the Modoc prisoners tried by military commission..."¹⁵⁶

¹⁵⁵Ibid.

¹⁵⁶Ibid., 90.

CHAPTER VI THE TRIAL*

On July 1, 1873 at 10 a.m. the Military Commission that would try the Modoc prisoners met at Fort Klamath pursuant to the order of General Jef. C. Davis commanding the military Department of the Columbia. Lieutenant Colonel W. L. Elliot was President of the Commission with Major H. P. Curtis as the Judge Advocate; other Commissioners were Captains John Mendenhall, Henry Hasbrouck, Robert Pollock, and Second Lieutenant George Kingsbury.

After a delay of four days while Judge Advocate Curtis prepared his case, the Commission reconvened and went through the usual pre-trial formalities. The Modocs on trial, including Captain Jack, Schonchin John, Boston Charley, Black Jim, Banncho, and Slolux, having agreed to the Riddles as interpreters, listened impassively to the list of crimes they were charged with. The Modocs on trial were those who actively participated in the Canby Massacre. Hooker Jim and Scarface Charley, who were reputedly very bad Indians, were free to do as they pleased presumably because they had aided the United States in capturing

*All quoted material in this chapter is found in the official transcript of the trial. House Executive Documents., 43rd Cong., 1st Sess., 131-203.

Jack.

Before examining the actual questioning process an important paragraph in the transcript should be noted. "The prisoners were then severally asked by the Judge-Advocate if they desired to introduce counsel; to which they severally replied in the negative; and that they had been unable to procure any." This statement would later be the basis for severe recriminations directed at the United States Government.

T. F. Riddle, a witness for the prosecution, was the first to be questioned. In the initial twelve questions the Judge Advocate established that Riddle had been at the council tent April 11 and could identify the Modocs on trial. Curtis then asked Riddle if he had been present at the killing of General Canby to which Riddle replied a definite, "Yes, sir." Curtis followed with a series of questions indicating that Riddle had known the Modocs intended treachery at the council, and had appropriately warned the Commissioners. In the course of the questioning, Riddle stated the terms for the April 11 conference were that five, unarmed Indians would meet the Commissioners but actually there were eight armed Modocs in attendance. After this evidence had been presented, Curtis steered Riddle through an account of the proceedings at the council tent April 11th. He asked Riddle, "Did you perceive as soon as you got there that these men were armed?" Riddle answered, "Yes, sir, I did."

Curtis then wanted to know if Captain Jack represented the Modocs at this council, and Riddle said, "Yes, sir." Then in the key questions of Riddle's testimony, the Judge Advocate asked, "You say Captain Jack got up and went to the rear, and you saw him put his hand to his breast?"

Riddle replied, "Yes, sir," and then the Judge Advocate asked, "What then occurred?" Riddle answered that he came back, stepped in front of General Canby, said in the Modoc tongue, "All ready, Boys!" and "before you could crack your finger, he fired."

The next questions were concerned with Riddle's account of what happened after Captain Jack fired at General Canby. In this exchange Riddle admitted he saw no other Indians fire on the Commissioners because he thought it was "warm times there" and had run away. Riddle did say he saw the bodies of Canby and Thomas, who were dead, and Meacham, who was badly wounded, after they had been brought back to Army Headquarters.

In the final few questions Curtis brought out testimony that must have weighed heavily against the Modocs. He asked Riddle, "Was anything done by the commissioners, on any one or more of them, to give occasion for this attack upon them at the hands of the Indians?" Riddle answered, "No, sir; not that I know of." Question, "Did you see anything?" Answer, "I saw nothing." Judge Curtis then assumed, "So far as you saw, then, it was without justification?" and Riddle agreed, "Yes, sir; it was without justification."

Riddle's clear and occasionally colorful testimony said, in effect, that the Modocs committed calculated murder without any sort of provocation. However, his answers were not complete because he had not remained on the scene at the Massacre and thus had seen only Captain Jack and Schonchin John fire shots. But the next witness, Riddle's wife Wi-Ne-Ma, supplied the missing details.

Through Wi-Ne-Ma, Curtis immediately confirmed Riddle's testimony

that the accused Indians had all been present at the Massacre. Curtis then asked the Indian woman questions that would fill the gaps in Riddle's testimony. He wanted to know if Wi-Ne-Ma had seen particular Indians fire on the commissioners. Seldom using more than a "yes", or a "Yes, sir," Wi-Ne-Ma testified she had seen Schonchin fire at Meacham, Boston Charley at Dr. Thomas, Hooker Jim at Dyer and Captain Jack at General Canby. She also testified, in a series of questions, that she knew the Massacre was pre-arranged because a Modoc named William had warned her several days before.

Wi-Ne-Ma's lucid testimony was so curt and pat that it almost seemed rehearsed. At no time in her answers did she use more than one sentence, and all her answers were thoughtful and to the point, reinforcing what her husband had said and adding information that her husband was unable to supply.

L. S. Dyar, still Indian Agent at the Klamath Agency was the next witness for the prosecution, and proved to be the worst one. Curtis' preliminary questioning was devoted to finding out if Dyar had been legally appointed to the Peace Commission by the correct authority. Dyar replied that his authority had been a telegram from Oregon Superintendent of Indian Affairs Odeneal. Satisfied, Curtis took Dyar through a resume of incidents leading up to April 11. Finally, Curtis asked if Dyar had seen Captain Jack fire his revolver at Canby. Dyar replied, "I/ saw he was aiming his pistol at General Canby; I think he was..." Dyar continued, under questioning, that he saw no more because he had started running and was about 150 yards away before he even turned around. But the Indian Agent was of some value to the prosecution for he stated that he had no doubt Hooker Jim's intention was to kill

him. Hooker was the Modoc who had followed Dyar away from the site of the Massacre.

For some reason Dyar's testimony was evasive, full of inconclusive statements beginning "I think" or "I believe." Dyar was undoubtedly the poorest witness the prosecution examined. He was also the last witness of the day.

The Commission re-convened on July 7 at 7 a.m., and Curtis began to question various Modocs about the Massacre. The first was Shacknasty Jim. Shacknasty's testimony added little except to corroborate previous statements as to what Indians had attended the April 11 conference. The Modoc could not tell who had been responsible for planning the Massacre.

Steamboat Frank, the next Modoc witness had more to offer. In reply to a question about who proposed the Massacre, Steamboat answered, "Captain Jack." In addition, Steamboat testified that he had gone to a position near the fatal council tent only because "Captain Jack told me to come there."

At this point in the trial, L. S. Dyar was called back to the stand to correct a trivial flaw in his testimony.

Bogus Charley followed Dyar to the stand and in a brief examination by Curtis admitted that he did not know Canby's group were to be murdered only that he had heard Captain Jack and Schonchin John "talk about it a little."

Curtis' purpose in questioning these four Indians was obviously to establish that Captain Jack was the leader and originator of the scheme to murder the Peace Commission, and on the basis of the transcript the evidence is conclusive that Captain Jack was the moving force in the Massacre. Yet an analysis of the testimony in the light of other

factors casts doubt on the validity of the testimony.

Jeff Riddle and A. B. Meacham in their sections on the Canby Massacre contend that Captain Jack was quite reluctant in giving his consent to the murder of the Commissioners. Riddle and Meacham assert that it was actually the younger warriors of the tribe who pressed the issue in a violent debate about a week before April 11. Yet in their testimony, Shacknasty Jim, Steamboat Frank, Hooker Jim and Bogus Charley who were all important members of the Modoc tribe, insist that Captain Jack did not even discuss the matter with them and it came to their knowledge only through hearsay. It seems strange that a chief would not discuss such an important decision with his lieutenants, and it seems even stranger in view of the fact that Hooker Jim was the most fanatic of the Modocs when it came to killing defenceless persons.

But Curtis took absolutely no notice of these points, and contented himself with testimony that plans for the Massacre were being made by Captain Jack and Schonchin John about a week before April 11.

Captain Jack, however, declined to cross-examine the witnesses thus missing a fine opportunity to take some of the blame for premeditation off his shoulders, and thereby receive a lighter sentence. Had the Modoc Chief been given a capable and unbiased lawyer, the trial might conceivably have taken a different course at this moment with the finger of guilt being pointed at the uneasy Modoc defectors.

But the chance passed, and A. B. Meacham was called to the witness stand. Meacham was questioned closely by the Judge Advocate and his eye-witness testimony was the prosecution's clinching argument.

After telling of the circumstances leading up to April 11, Meacham got in his most conclusive testimony in the last twenty-one questions.

Meacham said Captain Jack was within three feet of General Canby when he shot him and that there had been no angry words, nothing, done by the commissioners that justified the attack. Even though he had been severely wounded, the former Indian Agent was able to testify that he had seen Indians running after Dyar and Riddle in an attempt to kill them. Curtis then asked four questions that put the Modocs in a very bad light. Question: "Do you have any doubt that the Indians intended to kill and murder you?" Answer: "None." Question: "Had General Canby a weapon on his person?" Answer: "Not that I am aware of." Question: "Had Doctor Thomas?" Answer: "I know he had not." Question: "Were there any weapons in the party which could have been seen by the Indians?" Answer: "I think not."

The commission then adjourned till 9:30 a.m., July 8th when Lieutenant H. R. Anderson of the Fourth Artillery, and personal aide to General Canby, was called to the stand. Anderson was used to establish whether there were hostilities of any kind going on during the period of the peace negotiations. Curtis asked the Lieutenant if, at the time Canby was killed, there were any military operations going on, to which Anderson answered, "None whatever." A little later Curtis repeated his question, "At the time of General Canby's death, I think you said, a suspension of arms and hostilities were existing?" Anderson said, "Yes, sir."

Henry McEldery, Assistant Surgeon of the United States Army, was the last witness called by the prosecution. Under questioning, McEldery testified that he saw General Canby on the field April 11, quite dead, and "stripped of every article of clothing. He had three wounds on his body, and several abrasions of the face. One of the wounds, apparently

made by the ball was about at the innercanthus of the left eye..."

McEldery continued that the cause of death was a ball which entered the eye, came up into the head and through the brain. McEldery then testified that he had examined Dr. Thomas and concluded that the Doctor died of a gunshot wound in the heart. The surgeon closed his testimony, saying that both men met their death on April 11.

In two and one-half days Judge Advocate Curtis proved through his witnesses, that the April 11 Massacre was premeditated and that the accused Indians were guilty of murder and/or attempted murder while under a flag of truce. The only thing remaining in the trial was the defense testimony of Captain Jack.

Jack's uneducated attempt to save himself and his comrades was, to say the least, pathetic.

Scar-faced Charley was the first witness to testify for the defense. Captain Jack's first question to his former lieutenant was, "Tell about Link-River Jack coming and giving us powder and stuff." Scarface said that the first time Link-River Jack had come was down at the east end of the lava beds when the Modocs were being attacked by soldiers and that Link River told the Modocs not to shoot at the Klamath Indians. Captain Jack's next question was "When was this?" Scarface did not answer this question but went into a lengthy description of the relations between the Klamaths and the Modocs during the war. He implied that some of the Klamaths were not loyal to the United States (Link-River Jack) and were cowards to boot.

These were the only two questions Captain Jack asked Scarface. The commission then took over the questioning and found that Scarface

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had seen Captain Jack and the other Modocs firing on the Peace Commission April 11.

What Captain Jack had in mind to accomplish with these questions is unknown. Certainly they offered no refutation of the charges leveled against Jack. Possibly the Modoc Chief was attempting to blame the Klamaths for their part in instigating the war.

The following defense witnesses seem to bear out this theory. Dave, a low-ranking Modoc was asked, "What do you know about Lalake and what he done?" It turned out Lalake was a Klamath sub-chief and had been sent by the Klamath Chief, Allen David, to tell the Modocs "not to give up to the soldiers--not to make peace." Dave closed his testimony saying Lalake had told him, "The Klamaths are your friends and have given you ammunition and will give it to you whenever you want it."

Assuming Dave's testimony was true, which is doubtful in view of the bad feeling between the two tribes, it still accomplished nothing in the way of absolving Captain Jack and the other accused of the guilt for the Canby Massacre; nor did One-eyed Mose, Captain Jack's final witness, who was told to "Tell about Link-River Jack."

Judge Advocate Curtis then asked the other accused Modocs if they had any witnesses to summon. Each of them said no, and Captain Jack was then given an opportunity to address the trial commission.

Portions of this long speech are worth quoting for it was Captain Jack's last-ditch effort to save himself: "No white man can say that I ever objected to their coming to live in my country; I have always dealt honest and upright with every man...I would like to see the man who started this fuss, and caused me to be in the trouble I am in now.

"I have always lived on what I could kill and shoot with my gun and catch in my trap. Riddle knows that I have always lived like a man, and have never gone begging; that what I have got I always got with my own hands honestly...I hardly know how to talk here. I don't know how white people talk in such a place as this; but I will do the best I can."

The Judge Advocate: "Talk exactly as if you were at home in a council."

Jack, (continuing): "I didn't know anything about the war--when it was going to. Major Jackson came down there and commenced on me while I was in bed asleep...When Major Jackson came and got there just at daylight and made me jump out of my bed without a shirt or anything else... and I hollered to Major Jackson for them not to shoot, that I would talk ...Major Jackson shot my men while they were standing around.

"I had never told Hooker Jim and his party to murder any settlers and I did not want them to stay with me...(To Hooker Jim) What did you kill those people for? I never wanted you to kill my friends. You have done it on your own responsibility.

"While the peace talk was going on there was a squaw came from Fairchild's and Dorris' and told us that the peace commissioners were going to murder us...There was an old Indian man came in the night and told me that Nate Beswick told him that that day Meacham, General Canby, Dr. Thomas, and Dyar were going to murder us if we came at the council ...then there was another squaw came from Fairchild's and told me that Meacham and the peace commissioners had a pile of wood ready built up and were going to burn me on this pile of wood.

"I never commenced the fight. Hooker Jim is the one that always wanted to fight and commenced killing and murdering. When I would get

to talking they would tell me to hush! I and Hooker Jim had a fuss... and I wanted to kill him for he is the one that murdered the settlers on Tulelake.

"Hooker Jim said, 'You are like an old squaw; you have never done any fighting...You are not fit to be chief!'" I told him I was not ashamed of it; that I knew I had not killed anybody, and that I did not want to kill anybody, and I would have felt sorry if I had killed anybody."

The trial then adjourned, resuming on the fifth day, July 9, 1873, when Captain Jack made his last statement: "I told them that I did not want to have any trouble with the peace commissioners; that I did not want to kill them. Hooker Jim he said that he wanted to kill Meacham, and we must do it. That is all I have got to say."

Captain Jack's speech went to naught, for on the same day, July 9, the trial commission returned a verdict of guilty on all charges for all the accused Modocs.

Judge Advocate General, J. Holt, confirmed the verdict and wrote to President U. S. Grant on August 12, 1873, "It is the conclusion...of this bureau that a full and just trial has been had; and as all the accused are shown...to have participated in the murders charged, no doubt is entertained that the finding in the case of each one is entirely warranted by the testimony.

"And the punishment adjudged by them for the treacherous and dastardly assassination of unarmed men, engaged in the peaceful discharge of high public duty...was certainly the only one which justice and the usage of civilized war would regard as adequate."

On August 23, President Grant approved the sentences, and on September 10, Grant commuted the sentences of Barncho and Slolux to

life imprisonment on Alcatraz Island.

Mid-morning, October 13, saw the bodies of Captain Jack, Schonchin John, Black Jim, and Boston Charley swinging from the pine trees in a grove just outside of Fort Klamath. They were buried in this same grove.

There is no doubt that the United States government proved the four Modocs guilty of murder and attempted murder while under a flag of truce. Rules of civilized warfare gave the United States the opportunity to try these Indians, even though the Modocs had never heard of the rules of the game, so to speak.

But the trial was not a fair one.

By what right could the United States judge and convict other human beings who had not had the benefit of trial counsel? Especially when the accused were Indians, completely ignorant of the processes of American law.

Despite the fact that Captain Jack and his cohorts were guilty of the charged crimes, there were extenuating circumstances that might have given the Modocs commuted sentences, had the Indians had a competent lawyer.

For example, Hooker Jim and other young firebrands apparently were guilty of pushing and goading Captain Jack into the Massacre. Also, consider the fact that Hooker Jim led a group of Modocs in a brutal raid on November 29, 1872 that resulted in the death of many white settlers. Yet Hooker Jim and his band were never tried for any crime.

And what of the point that the United States Government through its Indian Agent, O. C. Knapp, had been partially responsible for the war beginning. It seems strange that a government could execute a

death sentence on Indians for crimes that the government was partially responsible for.

In the broader sense, the advance of American civilization with its fences and plows almost forced the Indian to fight back--if not for their homes, then at least for their honor.

But the United States did not consider these points and the Indians died.

In view of the extenuating circumstances would not a verdict of life imprisonment have been more logical and just?

CHAPTER VII AFTERMATH AND CONCLUSIONS

It is not the purpose of this thesis to deal with public opinion regarding the Modoc War. The objective has been to present an accurate and unbiased account of the Modoc War¹⁵⁷ with personal opinions interspersed at appropriate points.

Most Americans accepted the death sentence levied on the four Modocs and the removal of the remainder to the Quapaw Reservation, Indian Territory, Nebraska, with approval.¹⁵⁸ But there were factions and individuals with idealistic and admirable, if impractical, theories who protested the final decisions in the Modoc matter.

On June 8, 1873, Mrs. Mary Benham of Fort Ross, California wrote an indignant letter to Interior Secretary Delano. Speaking as an authority on military tactics, Mrs. Benham wrote, "General Canby and Dr. Thomas disregarded three warnings. They walked to their fate. It was sad, very sad, but General Canby was an old army officer. He knew that war is an art, a science, and that in time of war, all stratagems are legitimate..."¹⁵⁹ She says, then, that the Modocs were justified

¹⁵⁷This has never been fully accomplished.

¹⁵⁸House Executive Documents., 43rd Cong., 1st Sess., 329.

¹⁵⁹Ibid., 290-291.

in perpetrating the Canby Massacre while under a flag of truce. This theory is difficult to subscribe to. The Modocs were not aborigines completely cut off from the mores of white civilization; by Captain Jack's own admission, the Indians had lived near white settlements and had even been eager to embrace the ways of the white man. It seems feasible that the Modocs were aware of the white conception of the flag of truce, and possibly even aware of the consequences of violating the truce. Therefore, it is impossible to excuse the Modocs from their guilt because of ignorance, or because "anything is fair in love and war." Consider this proposition that "anything is fair in love and war." That implies that the agreed upon cessation of hostilities in the Modoc War need not have been observed. Now the intangible word, honor, enters the picture; the United States represented by the peace commissioners approached the April 11 conference with no intention of violating terms of the truce; the Modocs did not.

In essence, the Modocs tricked the United States and committed murder in violation of a section of the common law of the American military. A white person would be prosecuted for such trickery; is it not logical then that the Modocs should be punished for their actions, especially in view of the fact that there were no hostilities going on anywhere in the whole region.

The question could be asked, "But did the white laws mean anything to the Modocs." In this case the answer is yes, and thus the United States was justified in prosecuting the Modocs.

Alfred Love and his Universal Peace Union, an organization whose title denotes its purpose made many mild protestations that President Grant extend clemency to the Modocs who were on trial. On March 18, 1873,

Love wrote to Delano, "To us the solution of the matter seems so plain and simple that perhaps we forget the distance we are removed from the Indians and the meager reports we have; but we see there has been a want of confidence, and that want of confidence has engendered fear on each side...the peace question must be carried forward without fear and without dependence on carnal weapons...Let these Modocs know that the military is not to interfere; that their true friends are there to meet them, and let those friends be friends in spirit and in truth and their lives will not be in danger, and the peace of our country and the judgment of your administration in this particular will be secured."¹⁶⁰

Love's statement is important in three respects. He reflected the attitudes of the Quakers, and other groups dedicated to promoting peace and good-will among racial entities; it indicates that most of the American nation was not aware of the realities in the lava beds; and it hit on a basic point--the fear which was prevalent on both sides. Fear was the cause of the Modoc War. The Modocs feared the army and life on the reservation; the whites feared the casualties that would come before the elusive Indians could be caught and, whether they realized it or not, the very prospect of an Indian outbreak was enough to stop any serious or prolonged peace negotiations and call on the military. Because of this unreasoning fear, neither side would trust the other. War became the easy alternative.

Love renewed with vigor his plea for clemency when he wrote on August 18, 1873, "It is...evident that in the trial at Fort Klamath ending about the 9th of July, the original and real causes of the war,

¹⁶⁰Ibid., 278-279.

and the death of Canby and Thomas, were entirely ignored, in obedience to public opinion in that region, showing that an impartial jury trial could not be had."¹⁶¹ In the same letter, Love quotes Thomas Cree, Secretary of the Board of Indian Commissioners as his source of information. Cree's statement said "that only sixty out of three hundred and eighteen Modocs ever assented to the treaty of 1864; that the balance with Captain Jack, refused to go on the reservation under that treaty; that, in 1869, Captain Jack and his band were persuaded to go on certain conditions, but which were most shamefully broken by the agents; and after suffering on the cold barren mountains and being compelled to return to their home; that the Modocs were not thievish or mischievous, and gave no trouble to the white people so long as they were allowed to remain in peace."¹⁶² Cree's statement contains some false information--Captain Jack signed the 1864 treaty and went immediately on the reservation, agreeing to abide by the terms of the treaty; evidence cited earlier in the thesis proves that Captain Jack's Modocs were "thievish and mischievous;" nor does Cree mention A. B. Meacham's wise and conciliatory efforts to get the Modocs back on the reservation.

But in essence, Cree's opinions are quite correct. The activities on the Klamath Indian Reservation during the years 1864 to 1872 could not be endured by the Modocs. Thieving of the Klamath Indians and the insulting, inactive manner of Indian Agent Knapp forced the Modocs to leave the reservation and rebuff any attempts to effect their return.

¹⁶¹Ibid., 319-321.

¹⁶²Ibid.

The United States government, through its failure to control its agents and wards, was at least equally responsible for the outbreak of war. Because of this reason the United States government would have done well to commute the death sentences to life imprisonment. Another point that favors a life imprisonment sentence was brought out by Captain Jack's trial testimony and other fairly reliable evidence--namely that Hooker Jim, Black Jim and other young Modocs were the most villainous members of the tribe and actually insisted that Captain Jack commit murder or relinquish his leadership in dishonor.

The American Indian Aid Association in an article in the New York Star, July 23, 1873 re-inforced the arguments of the Universal Peace Union and other parties interested in the salvation of the Modocs, claiming that any execution by virtue of a trial in which the original causes of the war, and the death of Canby and Thomas should be denounced as murder. But more interesting were the implications that the ignorant and defenseless Modocs were unlucky victims of American Manifest Destiny; also, that basically, the Indian cultures were hygenically, dietetically, morally, and religiously superior to their white counterparts.¹⁶³

In the case of the Modocs, these implications or allegations are ridiculous. Most of the Modocs were neither ignorant nor defenseless; rather they were intelligent and relentless opponents, whose personal habits are not comparable to white habits because the standards are quite different.

Yet all of the persons who appealed for clemency for the Modocs, assumed that Indians per se could not possible be guilty of any crime. The Eastern section of the nation, from which most of these arguments

¹⁶³Ibid., 317-318.

came, evidently conceived of the Modocs as tall, handsome warriors with feathered warbonnets trailing to the ground and victims of persecution and ill-treatment from the United States.

The Modocs were actually unkempt, dirty, "theivish," ruthless and just as much to blame for the war as the United States. America was wrong in executing the Modocs, but on the other hand, the Modocs were wrong in executing Canby and Thomas.

In fact, the whole Modoc episode was the fault of both sides--both sides must share the blame, not just the United States as has been the prevalent opinion.

If a definite assessment of guilt be demanded, this author would recall a basic argument for clemency to the Modocs--"All's fair in love and war;" and counter it with a Biblical quotation--"An eye for an eye, and a tooth for a tooth."

EPILOGUE

Today, ironically enough, the Modocs are back on the Klamath Indian Reservation; and the enmity between the Klamaths and the Modocs still exists, although it is now a repressed and sullen feeling.

However, the Modoc lot in 1954 is much better than it was 85 years ago. Stability and security in the form of farming, cattle, stores, and clapboard houses have replaced the uncertain existence of Captain Jack's band. There is no threat of starvation or freezing now.

Despite these advantages of agency life, the Modocs are still not content; for, in addition to directing their way of life, the white population is snobbish and distrustful. This makes the Modoc situation, particularly in Klamath Falls, a touchy one--so touchy that many of the 1954 Modocs may secretly wish for another Captain Jack to give impetus to their hopes for some kind of equality.

Captain Jack, you see, is almost a legend among the today's Modocs.

Captain Jack and his Modocs also placed a unique chapter in the American history of Indian Wars--in this case, it was the Indian that had the fort, not the white man; in this case, the Army was not forced to chase the Indians; and in this case, there was nothing that warranted heroic legends growing up around the Modocs, as is the case with the Sioux, Cheyenne, Blackfeet, Comanche, Kiowa and the Nez Perce.

The Modoc War was an unhappy, dirty little affair, not at all in the tradition of Indian Wars.

Yet, the Modocs actually do deserve a legend; a legend based on the fact that they whipped and bulldozed the United States Army for four consecutive months, at consistent odds of 20 to 1.

Can even the Apache claim that distinction?

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