

## HISTORICAL SKETCHES.

## CHAPTER IV.

## THE PEACE COMMISSION AND THE MODOC.

In a remote section of our country two thousand miles from the home of the Kiowas and Comanches upon the southern border of Oregon is a region of desolation some ten miles long by six in width, consisting of a vast field of rocks, which appear as if while cooling from a molten condition, had been rent and shivered, by some terrible convulsion of Nature, into an almost inconceivable and utterly indescribable mass of fragments of hard metallic ringing rock, of every conceivable size and form.

Among these were innumerable fissures, chasms, gorges and caverns, with wild sage growing here and there among them. These are the Lava Beds—the wild home of the Modocs, and Captain Jack.

Here this intrepid chief with fifty three warriors, had successfully resisted and held at bay the U. S. troops consisting of one thousand men under the command of an efficient officer for a hundred days.

"You cannot depend upon the Modocs keeping any compact after this; they will not trust you.

They will justify themselves in anything, to get even with you." "Meacham, Gen. Canby will pay dearly for keeping the horses." These were the faithful words of warning, uttered by the heroic Modoc woman Winema, who with her husband was interpreting for the Peace Commission, after the General had refused to return certain Modoc ponies, which Major Biddle had found under guard of women and children, and in violation of the then existing armistice, had driven into the army corral. This armistice or compact for mutual cessation of hostilities, during the Peace negotiations was made with the full co-operation of General Canby, Commander of the Department of the Columbia and Commanding General for the Modoc War, and who at the time of making the compact was located a number of miles from the Modoc camp. The terms of the armistice, according to Col. Meacham were thoroughly understood by all parties. The Modoc Chief had agreed to it by a message sent by his sister who was authorized to say, "My brother will not be the first to break the new law", and so anxious was he to avoid any occasion for suspicion of hostile intentions that he had even kept his men in the rocks and committed the herding of the ponies to the women and children. To still farther add to the complication of the case, Gen. Canby moved his forces to within two miles of the Modoc Camp. Col. Meacham declares this to have been in direct violation of the terms of the compact. It is certain that Capt. Jack viewed it in that light, and looked upon it as a menacing act for intimidation, and determined to make no treaty while it was there. If there is a cessation of hostility, why is this move made? If there is no hostility, why are our ponies driven off and detained in the army corral? These

questions have never been satisfactorily answered.

In order to more fully comprehend the situation and understand why Capt. Jack and his people were occupying this defiant attitude; it will be necessary to go back, and review some of the previous history of this people.

Ki-ent-pooz (man of few words) or better known as Captain Jack, had in younger life, in order to secure his signature, as hereditary chief, to a treaty alienating the land of his fathers, and accepting in common with other Indians, a Reservation on the Upper Klamath Lake, been acknowledged as chief of equal authority, and promised equal recognition with Shonges, who had been called to the headship of the tribe during the minority of Kientpoos the hereditary head of the tribe.

Notwithstanding this promise, the government continued to transact official business with the now usurping chief to the utter disregard of its pledge and of the right of Ki-ent-pooz, the hereditary chief. Under this provocation considering the terms of the treaty absolved by which he had alienated the land of his fathers, he left the reservation and returned to his old home.

When Col. A. B. Meacham as Superintendent of Indian Affairs in Oregon visited him, he found him defiant but after a two days council, he consented to return to the Reservation, provided he and his people could have their land set apart from all other Indians. This was promised.

After going to the land set apart for them, making rails, and buildings cabins, they were treated as intruders, their cabins and rails claimed by the other Indians. Cap. Jack applied to the Agent—Capt. Knapp U. S. Ind. Agt. for protection. So far from finding what he sought, he was coolly advised, "Try another place." Assenting to this he left his improvements and made another beginning. Again his rights were invaded and again he applied to his Agent for protection and met the same advice, "Try still another place." Again a third application was made for protection in his legitimate rights and was met with the threat of imprisonment if he came again. Maddened by the threat and exasperated by the perfidy of Government officials whose duty it was to protect him, he again left the reservation for his old home.

We next find him acting under the advice of some of his white friends, with his name and those of his people enrolled and collecting a tax upon every article possessed in order to avail himself of the protection of citizenship, under the negative provision of the U. S. Constitution, prohibiting "Indians not taxed" from becoming citizens. Notwithstanding Col. Meacham's recommendations in his report to the Department, with those of prominent citizens of Oregon to give him a home on Lost River, these laudable efforts were disregarded. Col. Meacham going out of office, his successor

was instructed to remove Capt. Jack and his band to the Klamath Lake Reservation, "peaceably if you can; forcibly if you must." The peaceable plan failing, the forcible was attempted and after the sacrifice of three millions of dollars and two hundred lives by the Government, we find Capt. Jack in the Lava Beds with one hundred and sixty nine people all told, fifty three only of whom were fighting men. The Government weary of the forcible measures were now trying to negotiate the peaceable, thro' a Peace Commission, but still keeping the army where it could thwart every peaceable measure for a settlement.

"We will keep the horses in the corral" was Gen. Canby's reply, when the wife and sister of the Modoc chief were sent to demand them, "where they will be fat when peace is made." "But General, they will construe this thing as a breach to the compact," expostulated Col. Meacham, whose thirty years experience with these and other Indians of the Pacific Coast, entitled his views to some respect, but his pleading was in vain, and Wi-ne-ma gave utterance to the fearful warning before given, and as the sequel proved, he did "pay dearly for keeping the horses."

The Peace Commission consisting of Col. A. B. Meacham, chairman of Commission, Dr. E. Thomas, a minister in the Methodist Episcopal Church of Cal., and Hon. L. L. Dyer, U. S. Indian Agent at Klamath Reservation, was thus crippled by the military arm of the Government.

Of course we shall never know what the results might have been, had the terms of the Armistice not been flagrantly violated by the military, and the Peace Commission have been permitted to act independent of the army, but it is difficult to conceive a result more disastrous than the one which occurred.

The Peace Council Tent was erected mid-way between the rocks and the army camp.

In the Modoc camp were sixteen men who had been indicted for murder by the authorities of Jackson Co., Oregon. These men never denied the crimes for which they were indicted, but claimed them to have been committed in avenging themselves against the white people for crimes against them, and for which they had no redress. Some of these were for burning alive an old decrepit mother in her sto-nash, others for the killing of their wives, one for the shooting of his child, and still another for the outrage of his wife before his eyes, while he was held under guard so that he could not defend her.

An unconditional surrender of their stronghold meant the giving up of these men to death, which the chief was unwilling to do. The next day after the erection of the Peace Council Tent, Capt. Jack sent for Col. Meacham to meet him in it, objecting to the presence of the Soldier

Chief (Gen. Canby) and the Medicine Chief (Dr. Thomas). The invitation was complied with except the presence of a private citizen. In a conference which lasted seven hours, the chief rehearsed, after the true Indian style of diplomacy, all the grievances and indignities to which he and his people had been subjected. Many of these charges the Col. from his long acquaintance with the Indian Affairs of the country, knew to be true and had no reason to disbelieve the others. He could offer no palliation but plead a better Government now. "How long has it been better? Was it since your army stole my horses and refused to give them up? Is it a better Government than it was four days ago, when your army was moved near me under a white flag, bringing guns which shoot bullets as big as my head?" For some time Meacham was silent. At length he said "I came to make peace. If you wish to settle every thing up, bring out all your people and let your young men be tried by law."

"I want no more blood; my people are tired of war. If you want my young men before your law, give me your men who burned the woman, and killed the women and children on Lost River and let them stand before Indian law," replied the wily chief. "No, I cannot give you white men to be tried by Indian law," replied the Commissioner for Peace. *Indian law is dead!*

"Will you try your men by your law?"

Again silence was the answer. "Name any White Man who has ever been punished by your law for crimes committed against Indians, or any Indian who was ever arrested and not punished?"

"Guess you cannot" he sarcastically remarked, amid the suppressed laughter of the other Indians present. The commissioner unable to answer could only listen in shame that his people had not more justice in their defence. "Take away your soldiers and give me a home on Lost River, bury everything of the past, then we can make peace."

"The Lost River country" replied Meacham "is covered with blood. You could never live in peace on that ground. Gen. Canby brought the soldiers here to prevent white men from killing your people and he will not take them away until the troubles are all settled."

Swinging his arms over the Lava Beds the chief exclaimed "Give me these rocks for a home, I can live here, I can take care of my people here." "No Ki-ent-pooz, you could not live here. Gen. Canby will not remove the soldiers until you surrender, & acknowledge the authority of the United States," was replied. After a few moments of deep thought the chief, assuming a defiant attitude, gave vent to his feelings in the following impassioned but pathetic speech; "No, no, my friend I cannot give up my young men to die. They have done wrong; but I cannot give them up to your law.