

Johnson, O.H.

The history of the
Klamath Indian reservation,
1864-1900. 1947.

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THE HISTORY OF THE KLAMATH

INDIAN RESERVATION

1864-1900

APPROVED:

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A THESIS

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Master of Science

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PREFACE

The nature and construction of a given historical work depends with it the obligations and implications of a considerable amount of expended effort toward the ultimate goal of presenting to the reader the historical events of the subject matter involved, in a readable and instructive ordianance that will leave in its wake the correct and proper knowledge of the subject matter. It is just necessarily become inherent in the nature of human efforts.

PHOTOGRAPHIC ART WORK AND MAPS -----

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by

E. ABEL

GRANTS PASS, OREGON

WILTSHIRE STUDIOS

EUGENE, OREGON, and

AUTHOR

Briefly, it will be seen that there has been an attempt to deal with the subject matter in a way that would for the direct purpose of giving a clear and concise account of the origin and life of the aborigines involved, but it should be noted here that this is also not an attempt at scientific exposition. The author has felt the need only for the purposes of clarification. The remaining sources have been those of research of the historically accounted for, and the personal contact with outside contributions.

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the success of this narrative.

PREFACE

The nature and construction of a given historical work carries with it the obligations and implications of a considerable amount of expended effort toward the ultimate goal of presenting to the reader the historical events of the subject matter involved, in a readable and instructive creativeness that will leave in its wake the correct and proper knowledge of the major sequences that must necessarily become inherent in the revelation of human efforts.

The author has sought to accomplish these motives in recording the history of the Klamath Indian Reservation, an area comprising over one million, two hundred and fifty thousand acres of land, timber, and other natural assets, located in southeastern Oregon, just east of the Cascade mountains. By the author is indebted to Dr. Dan E. Clark,

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With the latter in mind it becomes cognizant to offer personal acknowledgement to those who were responsible for the success of this narrative.

To those residents of Klamath County whose interest and patience in securing valuable material, the author is indebted to; Judge U. E. Reeder, Carroll B. Howe, Audrey McPherson, B. G. Courtright, superintendent of Klamath Indian Reservation, Joseph Monks, Chief Clerk, Klamath Indian Reservation, Malcomb Epley, Editor, Klamath Evening Herald, Percy Dixon, and Mrs. Lizzie Kirk.

For the privilege of using their private collection of priceless photographic negatives, the author is especially indebted to Mrs. Ida Momyer Odell, whose collection represents a historical masterpiece, and to Mrs. E. K. Loosely. Others who contributed to this element are, C. B. Howe, and Mrs. Lizzie Kirk.

Finally, the author is indebted to Dr. Dan E. Clark, and Dr. John Ganoe for their guidance in the research and organization of the material, and to Ivan McLeod, for his proof reading of the manuscript.

University of Oregon

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INTRODUCTION

Link River, which is sometimes referred to by the residents of the Klamath country, as "the shortest river in the world", was host on this particular evening to a flight of Pelicans, six of them, who were seemingly illustrating the graceful art of whirring up and down this short and roguish stream. One might have justly suspicioned them of preying upon some innocent fish by their sudden and dart-like maneuvers, the precision of which took them within inches of the water's crest.

They knew these waters, every inch of them, and they must have known too of the old Indian camp which lay not far away on the banks of the river. How long they had flown there no one will ever know. The ancestors of "old Mose"¹ might have known, but they would have been unable to tell in spite of the fact that they had been there some several hundreds of years.

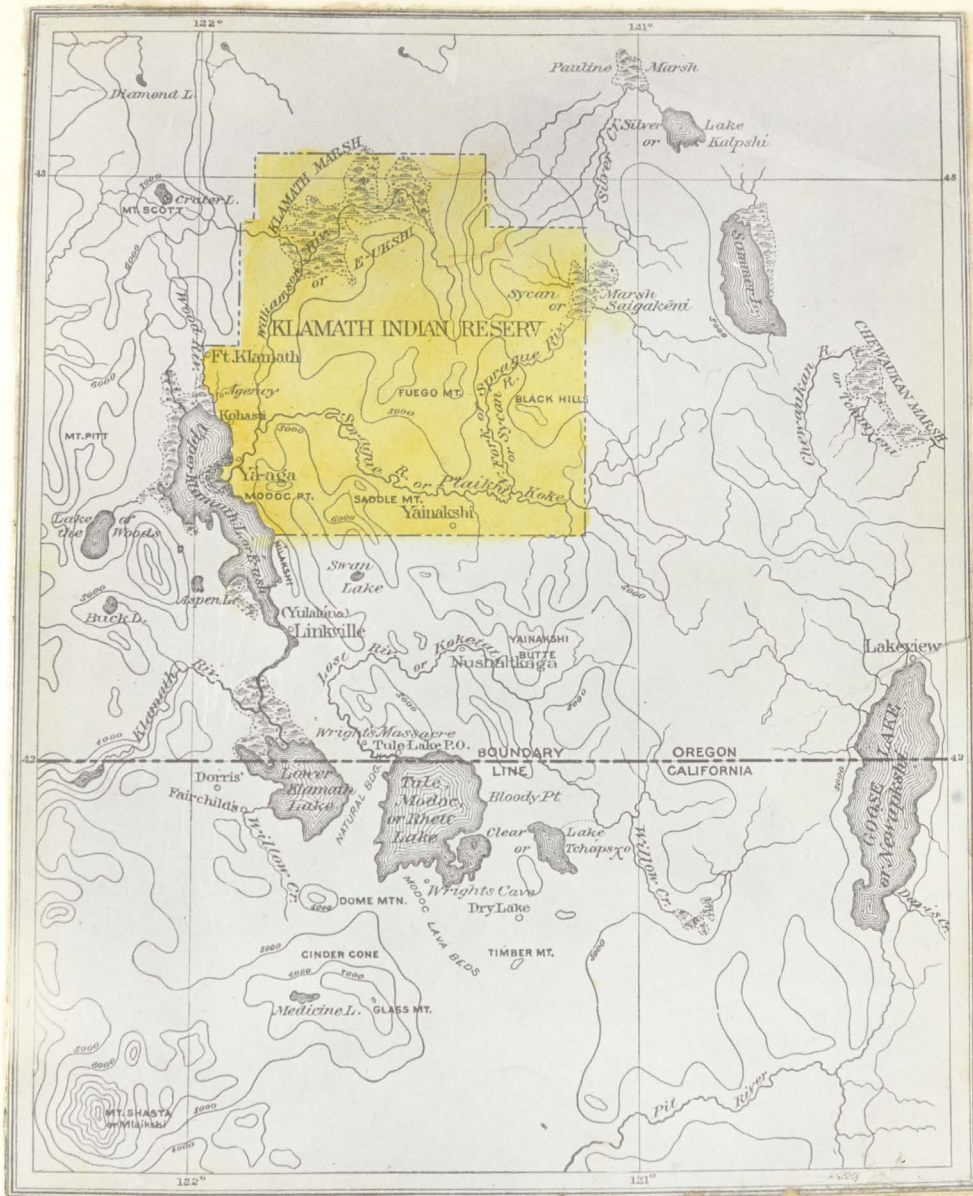
The truth is, they must have flown there a long time before the eyes of a Klamath, a Modoc, or a Yahooskin Snake ever beheld the wings of this great white bird. But if one knew all these things of age one might be in circumspect of the time when the Klamaths and Modocs made their first appearance at Yulalona,² a site they held in common, or at Kowasti,³ on the shore of Upper Klamath Lake, where the Klamaths eagerly waited to break the soil of their "new home" under the direc-

tion of the first Indian Agent.

The record does not show previously to 1825-26, of their contact with white civilization, yet a statement by Peter Skene Ogden, a trapper of the Hudson Bay Company, would indicate that they had known of traders and trappers who had come their way at an earlier date, else their attitude would have not been what it was when they were found by him. On this occasion it was the Klamaths of the upper marsh area with whom he had come in contact, and we learn for the first time in written records of these particular people.

They had lived from time immemorial in the southwestern part of what is now the state of Oregon, and to be more specific, on the eastern slope of the Cascade range in what is now known as the Upper Klamath Lake area. It was here that they were to ally themselves under a new form of life. This time under the supervision of the government of the United States.

There is a movement of public opinion today that is demanding the abolishment of the "reservation" as a national policy in dealing with Indian affairs, and it is possible that the American Indian may yet take his place in American society as a responsible and independent individual, subject to the same qualities of law and manners of living that have been extended to those races of lesser heritage in America.



THE KLAMATH REGION

M AP BY
ALBERT S. GATSCHET

PLATE I

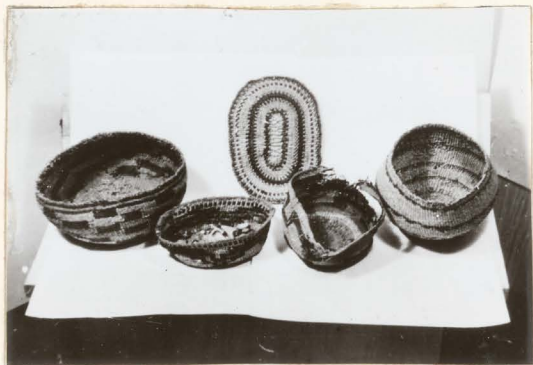
CHAPTER I

In recent years, the eastern part of Oregon has been the proving ground of archaeological researches which have done a great deal to ascertain the probability of early man in that area. Cressman¹ and others have labored tediously to show the existence of a people there whose remains indicate that they must have inhabited this region many hundreds of years ago. This has been accountable for largely to the discovery of the articles of their culture in the caves² in the southeastern part of the state.

We do not know when the Paiute Indians, or as they are more commonly known, "Snake Indians", made their first appearance in eastern Oregon, as they were a roving lot. But it is safe to say that they must have arrived a long time before the advent of the white man, with whom they were to come into conflict with in the middle of the 19th century.

What is known about them appears to indicate that they belonged to the Shoshoni tribes of Paiute Indians that inhabited the western parts of the United States, specifically, the Snake River country, which involves the states of Wyoming, Idaho, Nevada, and Oregon. They were also known to have penetrated other areas, and were identified as the most northerly division of the Shoshean family.³

It seems that they formerly occupied western Wyoming,



MODOC SKULLS AND CULTURE
ITEMS

meeting the Ute on the south, the entire central and southern parts of Idaho, except the territory that was claimed by the Bannocks, and a small strip of territory in Utah, west of the Great Salt Lake. The Snake River country in Idaho is perhaps to be considered their homeland, or stronghold. The northern bands were found by Lewis and Clark in 1805, on the headwaters of the Missouri river in western Montana, but they had ranged previously farther east on the plains country, from whence they had been driven into the Rocky Mountains by the hostile Atsina and Siksika, who had already possessed firearms. They had not established themselves at any place on the Columbia river, although they had reached that river on their raiding excursions, for which they were famous.

The origin of the term Shoshoni appears to be unknown. It does not seem to be a Shoshoni word,⁴ and although the name is recognized by them as applying to themselves, it seems to have originated among some other tribe. The Cheyenne name for the Commanche, who speak the Shoshoni language, is, "Shishinoatshitaneo", or "Snake people"; but they, the Cheyennes, seem to have a different name for the Shoshoni.

It has no etymological connection with the designation Shoshoni.⁵ It has been variously used and frequently applied to the northern bands of the Shoshoni, especially those of Oregon, and by recent official usage the term "Snake" has been applied or restricted to the Yahuskin (Yahooskin) and

Wal-Pah-Pe (Walpapi) of Oregon. Hoffman⁶ was of the opinion that the term snake comes from a misconception of the sign for Snake Indian, made by a serpentine motion of the hand with the index finger extended. This he thought really has a reference to the weaving of the grass lodges of some of the Shoshoni, a reasonable assumption, since they are known as "grass people", or some similar name, among numerous tribes.

The more northerly and eastern Shoshoni were horse and buffalo Indians, and in character and in war-like spirit they compared favorably with most of the western tribes. To the west in western Idaho, along Snake river, and to the south in Nevada, the tribes there represented a lower type. Much of this country is barren and was devoid of large game, and since a culture of any given type depends upon the geographical setting for its cultural traits, it is not surprising to find that these Snake Indians depended to a large extent upon fish, which was supplemented by rabbits, roots, nuts, and seeds.

These foods, however, were not uncommon to other tribes who lived in less desolate areas. The name, "digger" was applied to these Shoshoni, and they were also called, "walkers", which alluded to the fact that they were too poor to own horses, or had not been able to gain them by conquest from other tribes. This term, however was not restricted to this area, as it applied to horseless Shoshoni everywhere.

None of these Shoshoni were agriculturists. In general, the style of habitation corresponded to the two types of them. In the north and east, they lived in Tipis, but in the sage-brush country to the west they lived in brush shelters without roofs, being merely half-circles of brush behind which they obtained an imperfect protection from wind and snow. It is thought⁷ that they also lived in caves in the winter time when extreme temperatures prevailed. There were many dialects among them, corresponding to a more or less degree of isolation of the several tribes. They presented no essential differences, and were all mutually understood.

When the Hudson Bay Company, a British fur trading concern, organized the "Snake Expeditions" for the purposes of extending their interests in the pacific northwest, they selected Peter Skene Ogden as the leader of the second-year expedition, that is, of 1826, and so contributed in part, to the further knowledge of the Snake Indians; this time in the form of a written account.

On his second trip in the pursuit of Beaver skins in the interests of this company, Ogden had many experiences with them. In one instance, he came upon a Snake hut,⁸ and his curiosity being aroused, he decided to investigate. Upon close examination of this circumstance he found an old Snake woman stirring something in a large stone bowl, and discovered that its contents were mashed ants and locusts. He relates that these Indians gave preference to the ants

for they were more oily and tasty.

They made a paste of these and dried it and then chewed it for food. He further stated that these Indians lived on these things for about four months out of the year. Another significant thing that he noticed was that out of thirty Snake families that he had encountered, there were only three children to be seen in the camp, the others were too ill to move about as a result of starvation which had been upon them for some time.

He estimated that the Snakes had a population of about 2,500, and that they were divided into two groups, the upper and lower. On his third trip under the same conditions as noted above, he was confronted by an old Snake woman who revealed that:

from the severity of the winter last year her people were forced to live on the bodies of their relations who had died from starvation. She had not killed any herself, but she had been living on the bodies of two of her own children who had died from weakness (starvation).⁹

Whether it was the severity of winters or that of other factors, it is rather evident that this condition of existence among the Snake Indians was a current of conditioning in the stream of living among them. To anyone who might be familiar with the snake country, this ought to appear as consonant with its geographic features. The ruthless character of their mode of living was a product of it. Man the world over is governed to a large extent by his relative

environment, and no less the same may be said for these north tribes.

The "snake country", as referred to in fur trader parlance, is a high plateau, irregular in contour, and rises in elevation from three to over five thousand feet. Its soil, light at times and in places, and then a heavy, sticky adobe in others, and variable in its volcanic alternates, produced little in forms of subsistence. The variety of grasses, roots, sagebrush, were aids in some matters of protection. Food, though, had to come from running feet or flying wings, and much of this was scanty. Insects played their unworthy role, too.

We can say then, that these people had an inherent right to be masters of the "raid", and other forms of warfare to perhaps a higher degree of skill, or at least to a more wanton degree of lust in their struggle for survival.

The importance of the Snake tribes as related to certain phases of Oregon history, and particularly to the segment that concerns the Indians and their wars in Oregon, is illustrated by Spier,¹⁰ who has shown that after acquiring horses, the Snake Indians became a dangerous menace to their neighbors.¹¹ After having been driven out of the Rocky Mountains, as mentioned above, they turned their efforts westward to the detriment of the other tribes, and early emigrants to the Oregon Country. He has said among other things that a series of movements beginning in the 18th century

(1750) resulted in the withdrawing of the Salish to the north of Priest Rapids (Wash) because of the occupation of their territory by the Sahaptins and the Cayuse.

The Mollas also withdrew into the mountains westward, even beyond the Willamette river. The Sahaptins, Tyighpams settled in part of their country (Mollas), and the Tenino joining the Wasco. The immediate cause of these movements seemed to have been the pressure of Snake Indian raids, at their height about 1830. Now this is supposed to be consonant with the very early acquisition of horses by most of the Snakes. However, this does not mean that all Snake tribes had them, for the "digger" Snake Indians had no horses at all as late as 1841.

Thus it seems that the Snake tribes were bent upon their drive to occupy all of eastern Oregon. This they accomplished together with the Bannocks by 1860.¹² Their attacks on the Warm Springs reservation was done in part, by the age-old hatred for these Indians as well as to inconvenience the white settler and his institutions.

While the process of arresting the influence of the Snake Indians was to wait for a few years, the Klamath and Modoc tribes had inhabited the southeastern slopes and valleys of what is now the Klamath country, and the latter had lived partly in northern California, near what is now the Tule Lake section. They were less protected from the invasion of white settlers than the Klamaths who lived to the

north of them, but their environment was still much different from that of the Paiute tribes to the east, and north. In either case, they had lived in comparative isolation, and had begged Ogden not to reveal their location to the Snakes.¹³

It is true that some of the Klamaths had traded captives with the Columbia river Indians and had visited relatives there. It is also true that the Modocs ranged as far west as Yreka, California, where they too had traded captives. But as to when these people began their settlement in the country in question, it is still simply a matter of pre-historic conjecture that will have to be attended to by archaeological discovery.

There was a great contrast between the homelands of all three of these tribes. The Klamaths lived by the shores of Upper Klamath Lake with its verdant slopes, blue waters, and rugged terrain; a most attractive sight. The principal feeder stream of the area, the Williamson River which rises about thirty miles to the north in the swamps, was a source of much tribal livelihood. After passing through the Klamath marsh, it pursues its winding course and empties itself after having joined the Sprague River six miles from its mouth.

The two rivers thus contribute to the waters of Upper Klamath Lake. This body of water is about eighty feet higher than that of what was once Lower Klamath Lake. Wood River, with its affluent Crooked River, is another noteworthy feeder of the lake. The Lake is about 32 miles long and

varies between three and seven miles in width. On the eastern shores it is more shallow than on the western. The waters of the lake first empty themselves through Link River, and after a course of half a mile or a little more, fall over a rocky ledge at what was once called Linkville or what is now known as Klamath Falls.

From there onward the stream takes the name of Klamath River, and it formerly received the waters of Lower Klamath Lake, then follows a circuitous course to the Pacific Ocean, on the northern California coast. It hardly needs to be said that through this whole course of travel it passed by many Indian camps and villages, some Klamath, and some Modoc, but mostly Klamath in this area. It is not strange to find the Modocs farther to the south on Lost River and its adjacent area----they were driven there by the arrogance of the tribe that was racially and linguistically related to them, the Klamaths.¹⁴

The Modoc country presents a close analogy to the environment of the Snakes, already described. It differs in that it lies closer to a source of water and wooded hills, but is geographically related to that of the Snake areas. It has been described¹⁵ as a country whose soil is formed of sandstone interstratified with infusorial marls, or clay formations. The natural bridge on Lost River has been upheaved by a fault which left a rocky natural passage across the river that was to play a rather important part in later times.

This area was less productive than the shores of the grassy, green flatlands that surround much of the home of the Klamaths. The Modocs, however, were able to live there in a rude fashion, and being an open country it did not offer the conducive elements of livelihood to the extent of a satisfactory or cheerful setting such as that possessed by their northern neighbors, the Klamaths. They knew this too.

The culture of these people was of a lesser quality in the richness of life, and we may allude here again to the influence of the geographical setting, and its almost unerring patterns of status and role of civilizations in their respective patterns of regulations as to ultimate conditioning.

Cressman¹⁶ has stated that the culture of the region as found by the basketry of the area indicates that it would appear to be the center of diffusion or the spreading of the respective cultures of the area. This he terms to be one which includes archaeologically the Northern Great Basin that extends to Lovelock (Nevada) on the south to the Deschutes and John Day River on the north. According to this evidence we do not know, even though this region extends to the western limits of the Klamath basin, a great deal about the Klamath region archaeologically. The type of basketry found in the caves of southeastern Oregon is associated with that found in Lovelock and Humbolt caves. He concludes this offer of evidence by saying that:

If our theory of diffusion is correct, its appearance at Catlow Cave would be expected to antedate its appearance at this marginal locality. We may have here the origin of the Klamath-Modoc culture.¹⁷

However it may be, this is at least a definite step forward in uncovering things we do not know about these people beyond the pale of the written record. The most accurate early information that we have of the Klamaths and Modocs comes, as we have already pointed out, from the diary of Ogden who discovered them by accident in the late fall of 1826. His discovery was a belated one, for one of his party the year before had seen them, but unfortunately, left no record of it.

These fur trappers had left their old tracks¹⁸ and had turned south towards the forks of the Deschutes which would take them in a southerly direction. In the process of doing all of this, Ogden discovered two lakes which came to be known as East Lake and Paulina. This occurred on November sixteenth. They moved slowly and crossed over another branch of the Deschutes, and from here they knew the trail as one of their party, Thomas McKay, had been there the year before. It was not long until they turned toward the Klamath country, and soon enough they encountered the first bands of the Klamaths of the marsh area. The village where these Indians lived was composed of twenty "tents" built up on the water, approachable only by canoe; the tents being built out of logs shaped like block houses, and the foundation was

composed of stone or gravel about six feet in height.

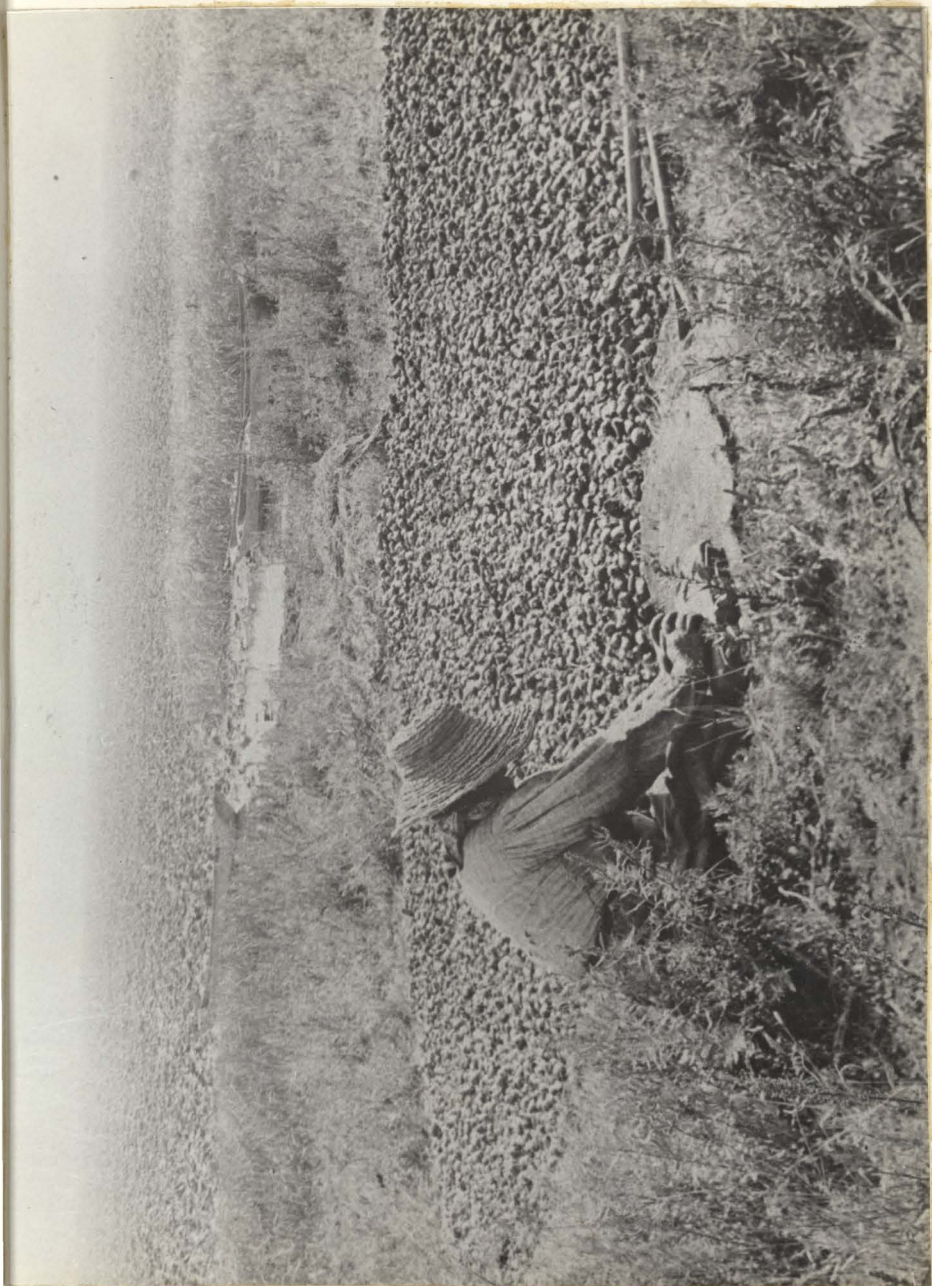
After remaining a few days among them, during which a certain amount of trade was carried out, an opportunity for observation of their particular condition as a tribe was revealed in the statement that:¹⁹

Thirty Clamitte Indians paid us
a visit. Fine men in good condition
but wretchedly clad.

This might indicate a general condition for all of the Klamath tribes, but such is not the case. The marsh area in which this scene took place was in those times devoid of any of the assistance of white civilization, and the natives were dependent solely upon their own resources for clothing, food, and shelter. The Wocus seed, ducks, fish and some wild game furnished the means of existence, assisted by roots etc. (see Plate III)

Under such conditions as these plus the fact that the marsh area is a high, swampy, flatland, leaving the inhabitants exposed in an open country to the elements of nature, it should not be expected that they were to be found in as full abundance as their relative further south, who were given the additional satisfaction of having a still greater amount of protective shelter, food sources, etc., that are found in a forested area such as around Klamath Lake. Even these sometimes felt the pinch of starvation, in spite of what they had for their own resources.

Following the Williamson river (see Plate I) these men



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PLATE NO. 111
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PLATE NO. 111
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reached Upper Klamath Lake on December 12, 1826, and made several more observations. One of them was that the Klamaths had a contemptuous opinion of all traders, indicating a previous contact with the white world at some earlier time. The type of individual found here was better clothed and sheltered, and in more favorable circumstances than reported by Ogden of the up-land group. Without spending a great deal of time, the Hudson Bay trappers passed on down through the Modoc country, and into California.

According to the evidence so far, it would be a fair question to ask why the Klamaths, although war-like in some respects, did not bear the imprint of being murderous savages in their attitude toward white intruders. Gatschet²⁰ and Spier²¹ have alluded to this characteristic and they have offered an explanation for it.

First, the geographic locale of their home site had left them almost unknown to the outside world. Secondly, they did not have to travel great distances in search of food, and shelter. Thirdly, they had been unmolested by the inroads of white travelers, and lastly, their historical experience as a tribe had not left the scars of destitution and want in the mind and on the bodies of their respective generations. This may account for the greater degree of self-satisfied arrogance that persisted among them as a tribe.

CHAPTER II

By 1843 the movement to the Oregon Country by many hundreds of people in their search for new locations, brought on by various reasons, was aggravated by the conflict between the white settlers and their desire for homes, and the attitude held by the tribes of the country that these people were invaders of what they held to be their own, though not having a sovereign title to the land that they occupied. They had held it by the ancient right of possession which according to them was sufficient enough.

This conflict is not a new one; it has been one of the links of American history, and in almost every case, the Indian was forced to give ground to superior numbers and forces of circumstance. It is not, therefore, surprising to find that the same pattern of inevitable conflict should again arise with the same plots, new characters, and on a new stage. The chief difference was that the government of the United States had a policy for dealing with the Indian that was becoming rather well developed; namely, the reservation.

After the provisional government of Oregon Territory had been established in 1843, the newcomers began to look about them for further development of their interests. Anson Dart²² had been appointed Superintendent of Indian

affairs for Oregon on July 20, 1850, and three agents were also appointed; namely, Anson G. Henry, Reverend Henry Spaulding, and Elias Wampole. In October of that year, three commissioners were appointed to negotiate treaties with the several tribes in the Territory for the purpose of extinguishment of their claims to lands lying west of the Cascade range of mountains.

Three years later when Joel Palmer took charge of Indian affairs, he found the natives in a restless condition, and warlike in their attitudes. By the fall of 1854 the situation looked critical. Writing to the Indian Commissioner at Washington, he revealed that:

The crisis of the destiny of the Indian race in Oregon and Washington Territories is now upon us; and the result of the causes now operating unless speedily corrected will be disastrous to the whites, destructive to the Indians, and a heavy reproach upon our national character.²³

Palmer's fears were not unfounded. The Indian had witnessed the arrival of emigrant trains, and understood that this meant that his ancestral domain was being encroached upon, at least to his way of thinking.

To the Snake Indian this meant further opportunity to invest all of the genius for resistance that his ancestry had taught him. He knew no other answer. Certainly he was not inclined to favor the giving up of those things which he had counted as his heritage, and still more certain was the fact that he would not permit all this change to take place

without offering more than a token resistance.

Palmer had reported that there had been a renewal of warfare²⁴ east of the mountains in which half of the powerful tribes of the Nez Perce had joined. He was aware of the fact that unless the disturbance were quelled, it would lead to the necessary removal of other friendly tribes to the Warm Springs Reservation which had been established in 1855. Gold had been discovered in central Oregon and this only added to the responsibility of maintaining peaceful conditions on all fronts.

When the sporadic warfare actually broke out in 1852 it was one of a guerilla-like type, carried on in isolated sections, and had not yet become organized on a large scale until in 1855 when it began to take on the appearance of a larger and more definite scheme. The principal motive behind Snake raids was the stealing of horses and cattle from the settlers. This was the chief cause of the violence, and a form of retaliation was not slow in getting under way.

This condition of affairs could not be carried on without the inclusion of considerable loss of property and life, and the Snake Indian had little regard for either. Through the 1850's and into the next decade they carried on their attacks. In one particular instance they went so far as to attack the Agency buildings at the Warm Springs Reservation,²⁵ forcing Dr. Thomas L. Fitch, the acting Agent, and several other employees to flee for their lives. Several Indians

were killed in this encounter and one white man. This occurred in 1859.

Rifles and ammunition began to move to various points, and vengeance groups began trailing the raiders into the interior. One account reveals that a party of this kind came upon two Snake lodges, killing all the Indians and recovering some of the stolen horses found there.

The same kind of accounts can be found relating to the mining parties who attempted to cross over into the gold regions. One might pursue these stories to almost no end for the next few years. The military forces of the government had not yet reached any proportion of real effectiveness in subduing these depredations. That was to come later.

In the meantime, other places in the state were giving up evidences of this same struggle, but one of the most peculiar quirks about this series of Indian wars was the fact that the Klamaths and Modocs took no part other than to ally their sympathies with it. The explanation if any, can be found in the fact that they had no real reason for getting into it. They had not been driven from their lands, although white settlers were moving into the Klamath country by 1860. Further, there had not been any real form of antagonism from white settlers as yet.

The first break in the relations between the Modocs and the white immigrant came from an incident that occurred, at what is now known as Bloody Point, on the eastern side of

Tule Lake in 1852, when eighteen immigrants were murdered, and the Modocs were accused of the deed. The guilt of this act has been disputed many times by both white and Indian.

These Modocs who were accused of this deed had lived in and about the Lost River, Tule Lake country in the same manner of ancient heritage as their neighbors and relatives to the north. They spoke the southern dialect, and before the war of 1872-73, in which they lost their freedom, they formed the southern part or chieftaincy, extending over the Lost River Valley²⁶ and the shores of Lower Klamath Lake, including Tule Lake.

Of their number, one hundred and fifty or more lived on the middle course of the Sprague River; some of them were scattered at the lower reaches. They called themselves Moatokni-maklaks, which was abbreviated to Moatokni, Modokish (living at Motak) this being the name of Modoc or Tule Lake. The more important local divisions were the groups at Lower Klamath Lake, the Kumbatwath and the Pasxanuash at Tule Lake. The Nushaltxagakni or the Spring Lake people were located at Bonanza, and the Plai-Yaneks or "uplanders" were on Sprague River, at and above "Yaneks". Formerly the Modocs ranged westward as far as Butte Lake and Butte Creek, in Siskiyou County, California, where they fished and dug the Camas root.

They were referred to as a churlish people²⁷ and the fact that they showed themselves more aggressive towards

whites was the fact that they lived in an open country through which a greater number of white people were moving. This contact aided in bringing on the acts of violence that they were charged with.

The record of deeds among white men and Red, is one that has been largely written by the white, and it should not be unusual to find that the accounts are colored in favor of the white man. It has been a tradition to blame the Indian for many things that he did not do, and in many cases the opposite must have taken place also. However the case may be, and to present both sides of the story, the Indian ought to be allowed to tell his. Whether the white race is willing to accept it is another matter. There is good evidence to lead one to believe that the Indian, and in this case, the Modoc, was accused of things that he did not do.

Jeff Riddle, a Modoc and a son of Winema, and who will always be associated with the Modoc war, wrote a book²⁸ in which he has tried to tell the Indian side of events leading up to that war. Among many things that he points out was the fact, as he puts it, that the Pitt River Indians a tribe living near the Oregon-California line, committed deeds for which the Modocs were blamed. An example of this is one which narrates the story of how along about the year 1853, the Pitt River Indians waylaid and killed quite a number of immigrants, both men and children, somewhere near the place where Alturas, California now stands.

Some of them made their escape and reached Yreka, California, and gave the alarm. The miners there made up a posse of about sixty-five men and headed for the scene. One James Crosby was chosen to be the captain, and they started out through the Modoc country in pursuit of the murderers. The company arrived at the scene of the killing and buried all of the dead that they could find. In passing through the Modoc country, they met several bands of Modocs but did not molest them.

Although the company made an extended search, no trace of the actual murderers was found, and along towards evening they made a camp down on the east side of Tule Lake. Some of the Modocs visited the camp, and according to Riddle,²⁹

the white people had treated the Modocs finely, the same as usual. The very first white people that the Modocs had got close enough to, had given them, clothes, flour, coffee, tea, bacon and blankets. They were really glad when the immigrants were in the country, and that was the reason they were not afraid of Crosby's party.

Now it seems that during that first night while encamped there, and while Crosby's men were asleep, they were about twenty Pitt River Indians who had been lying flat on the ground watching the proceedings. Suddenlly in Indian fashion, the camp was broken up by wild shouts and confusion; the Indians had attacked. Some of the men ran into the lake for protection. Some were hit by arrows, and only one got a serious wound. Crosby reputedly fired all of his cartridges in defense of himself and was credited with saving the situation

by rallying the men to the defense. At any rate, the attackers were driven off.

The next morning, Crosby and his men moved on in their search. They had not gone far when they came upon a party of fourteen Modocs encamped in the open, and without any deliberation or attempt at making inquiries first, they opened fire, killing all but three of the group. This, as riddle claims, was the first Modoc blood spilled by the whites.

A careful analysis of his book will reveal that there is a good deal of coloration and some exaggeration in the fact that the white man is always placed in the position of being the aggressor, and the Indian, the Poor, defenseless and down-trodden victim. Nevertheless, there are just two main sources of information concerning these events, one, the white version of such actions, and that of the opposing side, the Indian. To weigh them honestly and objectively, the reader will immediately be confronted with a confusion as to what ought to be the verdict. It is known that the early immigrants to the shores of America did receive friendly treatment from certain tribes of Indians, and also that he did not receive such friendly treatment.

It is entirely possible that Modoc and white relations could have been friendly at first and that for one reason or another, this friendly relationship could have been terminated at almost any time. Considerable activity was going on

in the Oregon country at the time, 1853, that the above event took place. When the immigrants had reached the wooded hills of Oregon, they already had acquired a historical experience in Indian affairs, and with that, a probable prejudice against the Redman. The same may be said for the Indian too. The Modocs, in the written record of the white man, are referred to as a murderous tribe that preyed upon passing immigrants whenever they came through their country. Riddle offers the explanation of the Bloody Point murders by saying that it was done by Modocs alright, but that it was done by individual members of the tribe, and not by tribal action. This, however, is no satisfactory explanation, and would not have been a satisfactory one in the eyes of any white group of people. They would have simply held the entire tribe as responsible for the acts of any Modoc, which in this case they did without any hesitation or altruistic considerations. This pattern of judgment is encrusted with age, and it has existed with all cultural complexes throughout civilizations.

Another event that increased the flow of Modoc dislike for the newcomer, was the massacre on Lost River, near the natural bridge, of some Modocs, who according to Riddle, were brutally murdered, including the father of Captain Jack, Modoc sub-chief. If these things are true, it is not any wonder that the Lost River group was "churlish" in their attitude, and suspicious.

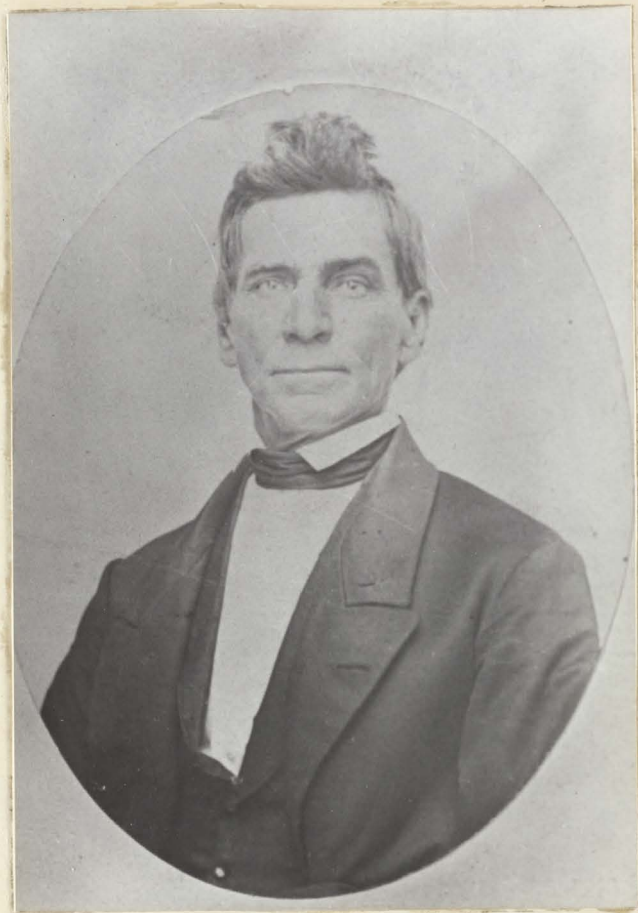
From these kinds of events which must have occurred many times, the situation was growing worse for the relations between the relative position of the tribes and the Oregon settler. By the time that the Territory had become a state in 1859, a great many people had definitely made it their new home, and any further disturbances or killings had become expressly incompatible with the desires of public opinion.

The commonwealth possessed at this time some men who had already demonstrated their abilities as leaders. One of these, Lindsay Applegate, who had done considerable service to the people, was the chief instigator of a movement for the establishment of a military fort in the Klamath region to protect the travelers who desired to pass that way.

As a member of the state legislature in 1862, he urged the passage of a memorial to congress praying for the establishment of Ft. Klamath and the negotiation of a treaty with the Klamath and Modoc Indians. This movement was to bring to an end any further organized attacks upon the white settlers and travelers insofar as any future Indian warfare was concerned.

He had said,³⁰ that if the forts were manned with volunteers, and that if they had a base from which to work, that they would be able to protect their homes from further vandalism.

The federal government finally yielded to the clamor of

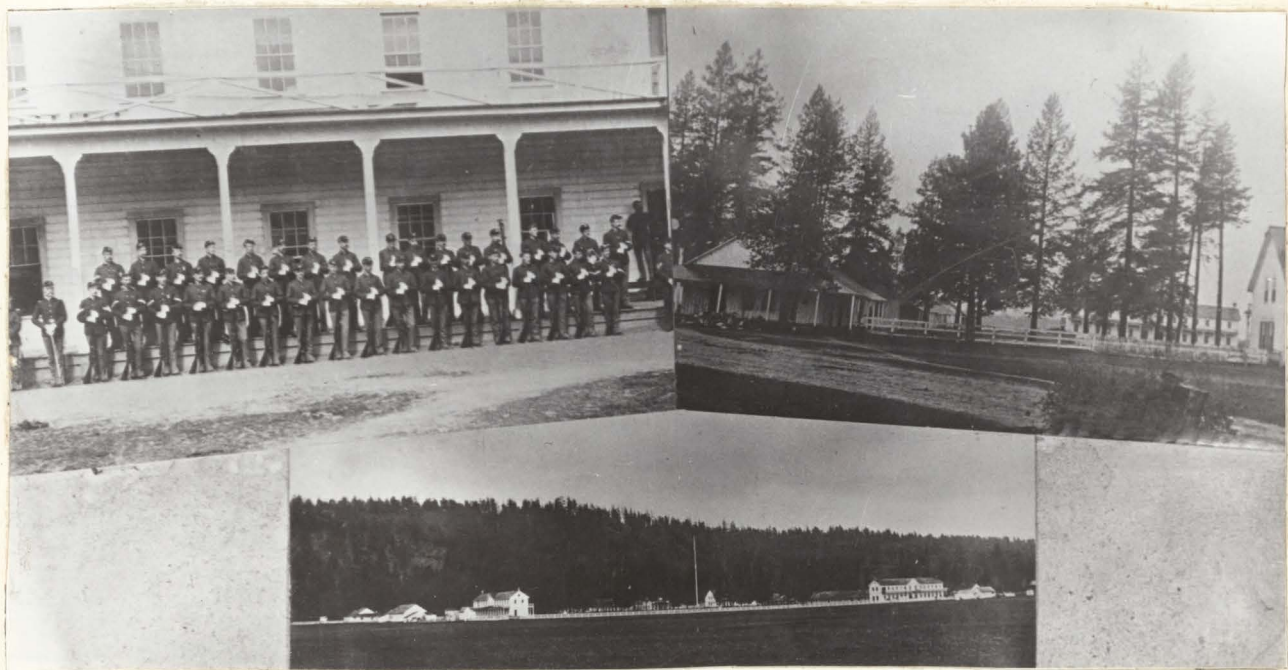


LINDSAY APPLGATE
PLATE IV
LOOSELY COLLECTION

the public voice and established Ft. Klamath in 1863, for the expressed purpose of affording a means of protection to the newcomers. It, however, was not to become established without a political struggle.

The Klamath region proper had had few settlers and the emigrants were passing far to the south on Tule Lake. It seems that Ashland, a town west of Klamath, sought to have it established at Tule Lake. Jacksonville, a mining town to the north and west of Ashland, wanted the fort to be established above Klamath Lake so that it would get the trade from the fort. As explained by Loosely:³¹

General Alford was in command of troops of Oregon, and he advised with Colonel Drew, who he sent out to look for a location. Drew reasoned that as Jacksonville was the county seat, why not give it the benefit of the trade. He recommended that the fort be built above Upper Klamath Lake. So it was



SCENES OF OLD FT. KLAMATH - PLATE V
LOOSLEY COLLECTION

CHAPTER III

The fort was built at a location of about six miles above the site of the present agency; off the limits of the Klamath Reservation boundary line, and under the direction of Capt. Kelley, U.S.A. The original fort was a crude affair resembling a log, block-house type of construction, and was replaced in 1868 with the lumber of the times. The Civil War was over, and the fort was garrisoned with regular soldiers of the U.S. Army (see plate V). It was to remain there until 1889, when it was abandoned by the government as a military post.

With this military entity established, it was the forerunner of another event that had been shaping itself in the evolution of western settlement for similar reasons; namely, the organization of the several tribes into an established reservation.

On March 4, 1864, Senator Harding, Oregon, introduced a bill in the Senate to authorize the President to negotiate a treaty with the tribes of southern Oregon. The bill was read twice by its title and referred to the Senate Committee on Indian Affairs. With the usual preliminaries over with, the bill entered the floor of the Senate for final debate.

At this time, as well as later, very few men of eastern birthright had any conception of the size, distance, nor for

that matter of the Oregon Indian problem. Furthermore, very few of them realized the importance of the danger that threatened the Oregon settlements.

The nation had not yet finished the problem of conflict within its own borders, and the Congress of the United States could hardly be expected to have at a finger's touch, the proper feeling or respect for the problem of Indian affairs in Oregon. Transportation and communication being what they were, allowed for little aid in the matter of an almost intangible enterprise three thousand miles away.

Senator Nesmith of Oregon reviewed the needs of a treaty with the Indians of southern Oregon, and in particular, those of the Klamath region. Among other things, he pointed out that travel was getting heavy through the area; that the Indians had cut off the travel completely at times; that the government itself had suffered the loss³² of some 50 or 60 thousand dollars through the violence of Snake raids on the Warm Springs Reservation and the surrounding country.

In spite of this, Senator Foster of Connecticut offered the objection to the bill that it had not been accompanied by a written report from the Senate committee of Indian affairs, an error on the part of the committee. Senator Wilson of Massachusetts made the move³³ to lay the bill over for a few days. To this action, Senator Nesmith replied that the bill was of urgent necessity, and asked that it be given immediate passage. On Tuesday, March 5th, it was

brought up again, and Senator Nesmith read into the record a letter of private correspondence from the Commissioner of Indian Affairs, Wm. P. Dole, supporting the treaty request.⁵⁴

By March 22, 1864, the Senators from Oregon had won their fight to create a treaty with the Indians of southeastern Oregon. On that day a message⁵⁵ from the House of Representatives by Mr. McPherson, its clerk, announced that the body had passed Senate bill #25 to authorize the President to negotiate a treaty with the Klamath, Modoc, and other tribes associated with them. Two days later the Senate announced that the final signatures had been affixed representing that unit, and on March 28, Mr. Hay, the President's secretary, announced Mr. Lincoln's signature.

The legal machinery had now set in motion the force of circumstances to make way for this long-sought reality. But this was March! It would be six months or more yet before the last final act would seal the maturation process; the organization of the ground work for the reservation.

The roots of the Indian policy were said by one source,⁵⁶ to have been found partly in the historical experience of the English settler who had met them face to face in the every day business of living, and the remainder in the expansion of the second and third generations who had to bear the brunt of the westward advance. Accordingly, they were determined to have what they sought in the expanding economy of a young nation.

Further, that the English settler had simply taken for granted that no primitive people, especially one using bow and arrow, could be their equal in any respect either of deed, thought or belief, and consequently any ethical or moral conviction which the Indian might have or chance to possess, could not possibly be worthy of holding. This, it was concluded, was based upon a misconception of Indian character and capacity; a misconception that was to cost hundreds of lives.

The governing body of the post-Revolutionary War era passed an act on August 7, 1786³⁷ called "Ordinance" for the regulation of Indian affairs, and divided up the Indian department into two parts. The southern one included all Indians below the Ohio River into one large domain. The northern part included all Indians above and west of the Hudson River. Each one was to have a superintendent, and was to appoint deputies. Further, it provided that none but citizens of the United States should be suffered to live among them or be allowed to trade with them.

The superintendent was to have reported to the Secretary of War, and to have been under his jurisdiction. This is an important fact to be remembered. They had no jurisdiction over the Indians at all. Their only duty was to superintend the trade. The framers of the Constitution deemed it of importance that the central government should have control of Indian affairs, and this probably was a

justifiable move. In August, 1789, the first step was taken to influence the lives of the Indians.³⁸

It appropriated the sum of \$20,000.00 for the negotiation and treatment with the Indian tribes, and authorized a commission to be appointed, who referred to as "Agents" in dealing with the Indians. The suggestion made by these commissioners provided the licensed trader system, which in a modified, and now somewhat streamlined way, is the system that is used today. No agent was authorized for appointment before 1797. In the meantime, temporary ones were appointed. On April 18, 1796,³⁹ Congress adopted a law authorizing the establishment of trading houses on the western and southern frontiers. Those agents appointed under the new law were the first ones to occupy this position.

It was an experiment with the government and the term of the Agents was limited to two years. The primary object was to protect the frontier, which had suffered notoriously during the Revolutionary War, and had continued to do so in the post-war years. The act was allowed to exist until 1822,⁴⁰ when it was permitted to expire and the system was abolished.

In the meantime, an act by Congress in 1800⁴¹ provided for the division of the United States northwest of the Ohio River into two separate parts of government, and the duties of the Superintendent of Indian Affairs was united with those of the Governors of the territories then established,

which were the Northwest Territory and the Indiana Territory. In 1802,⁴² the government passed an act authorizing the President to expend annually a sum not to exceed \$15,000.00, "causing them (the Indians) to be furnished with domestic animals and implements of husbandry". The Agents yet had no power to direct the lives of the Indians.

On April 21, 1806, Congress authorized⁴³ the appointment of an officer to be designated as "superintendent of Indian Trade", whose duties it seems was to take charge of all goods intended for trade, and transmit them to such places as shall be directed by the President. After this act our Indian affairs were administrated by officers who were in some instances governors of the various territories, who acted as ex-officio superintendents of trade, agents who were appointed under the law of 1802, the superintendents of Indian trade, and the factors or agents in charge of the trade at focal points.

Subsequently in 1819 the foundation for the present⁴⁴ system, that is, until more recent times, was laid. Agents acting at first as farmers, teachers, and performing such duties as the President might direct. From this time on the provisions for the administration of affairs, so that eventually sub-agents were appointed, and other employees of the respective agencies, were carried out by other dealings with the Indians.

By July 9, 1832, the President was authorized⁴⁵ to ap-

point or approve a commissioner of Indian affairs. The duties of this officer were to be general. By this provision, the Bureau of Indian Affairs was established. It had actually been functioning since 1824, but had not been recognized as a legitimate department.

The Indian Intercourse Act of 1834⁴⁶ reestablished the old license trader system of 1790 with modifications, and greatly enlarged the powers of the government over the Indians and Indian country. It forbade any white person from living in the Indian area without the expressed permission of the Commissioner of Indian Affairs; section ten of this act provided for this, and it also broadened the scope of the powers of the Commissioner of Indian Affairs. This act was the first real concrete effort to organize a legal entity for the Indian, and it had the full and real desire of the government to do something constructively for the Indian.

The growth of the government's control of the Indian came about through natural processes and the control over his personal life came through the development of the legal aspects of trade. The case of *Ogden vs Gibbon*⁴⁷ in which the Supreme Court ruled that "commerce is also intercourse and must be recognized as such, and the case of *U.S. vs Holiday*,⁴⁸ which decided that commerce with Indians by whites and citizens of the United States are subject to regulation by the exclusive powers of Congress, are two examples of this growth of regulatory power.

authority over tribes and individuals against whites only.

As the population of the United States increased, and the westward movement on the frontier swept everything before it, the events pressed hard on Congress for a more intimate contact with the Indian. The designation of Army Officers as Indian Agents in 1834 further extended this authority. This was, as we shall see, to be of unfortunate circumstance.

In the meantime, let us look at the closing phases of development of the growth of this Federal policy of administering Indian affairs. On March 3, 1847,⁴⁹ Congress further extended its authority of right over the Indian by passing an act that provided that, "all annuities and goods allowed to the Indian should be made to the heads of families". Civil liberties were taken away from them by a rider clause of this act that declared, "all executory contracts made and entered into by the Indian and the government for payment of goods or money shall be denied and held null and void".⁵⁰ This placed the Indian in the position of a minor. He was now strictly ward of the government.

The Department of the Interior took charge of Indian affairs under the office of the Secretary of the Interior on March 3, 1849. The act of 1834, already mentioned, gave no authority to Agents nor to officers of courts to take cognizance of offenses or crimes in Indian territory, so the act of March 1854 was passed which allowed the courts a limited authority over crimes and misdemeanors against whites only.⁵¹

Two more acts of 1870 and 1878 completed the series of administrative provisions for legal supervision of the American Indian. In 1878, Indian police were organized for the first time (see plate XI).

Thus far we have tried to show how the relationship between the United States government and the American Indian became administratively strengthened. This growth came about not as a means of repression of the Red Man, but what the people of the times thought was needed.

It is easy to look back at the times and make the mistake of reading into the picture those things that we may be inclined to believe as a result of incorrect interpretation of events. When one considers that the west in particular presented an immediate need for a definite policy in spite of anything that had happened before, it becomes more evident that the government saw its needs in terms of immediate controls if it was to cope with the problem at all.

There are those⁵² who have excoriated the government for this policy, comparing it to monopolistic finesse. It is possible that there may be an element of truth in some of this, but the fact should always be remembered that the government of the United States is simply that of the people who live in it, and it cannot be any stronger, wiser or more just than those who are elected to run it. If it dealt unfairly with the Indian, which it did at times, it should be remembered that somewhere the government was betrayed by

individuals. Recent allocations of federal funds, as we shall show later, more than compensated for losses sustained by former circumstances, as in the case of the Klamath tribes. This happens to every generation, and it is one of historical experience.



44°

■ Eugene City

RED-Area claimed by the tribes and ceded in treaty of 1864.

YELLOW-Original area in 1871

BROWN-Added in 1888

Area Claimed by Tribes and Ceded by Them-1864

■ Roseburg

■ Bu

■ Medford

■ Ashland Mills

42°

■ Yreka

■ Linkville

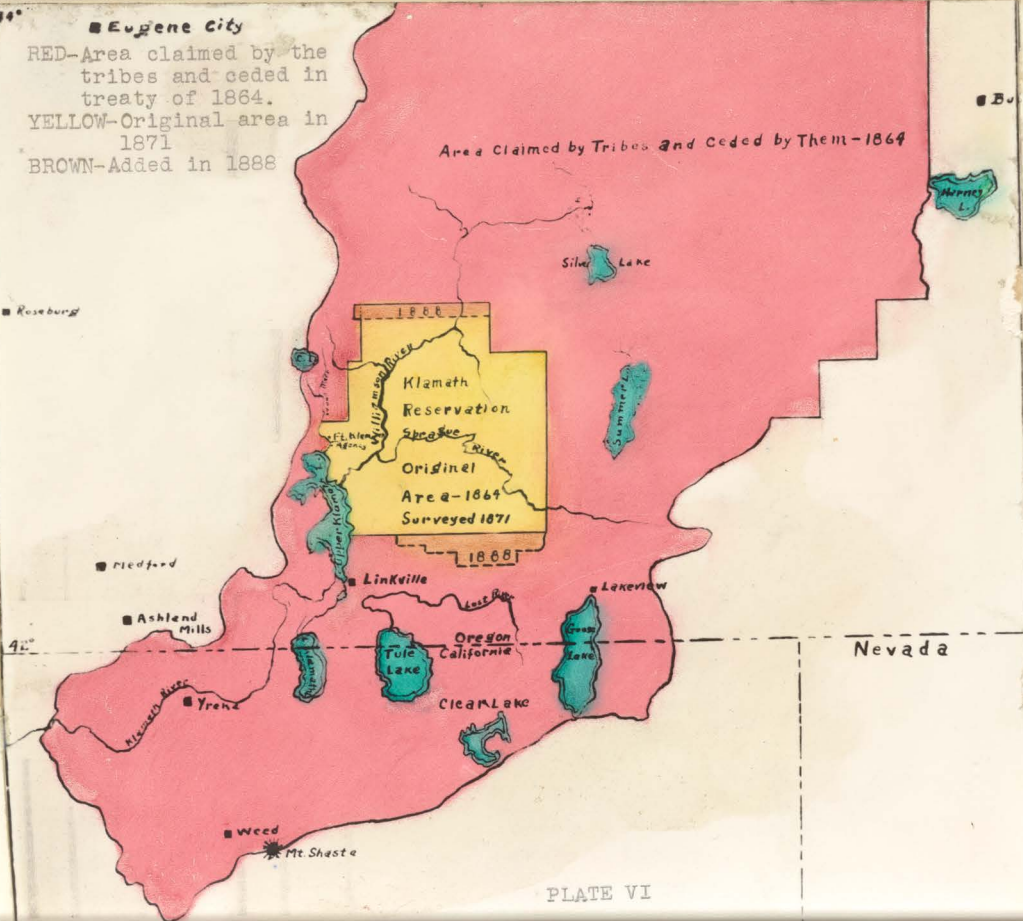
■ Lakeview

Nevada

■ Weed

★ Mt. Shasta

■ Dunsmuir



CHAPTER IV

From the fire tower which today overlooks the highway, about a mile above the present agency, one may gaze downwards some one thousand feet and contemplate upon the scene that took place there some 82 years ago ----- here is an island surrounded by Crooked River or what was some times called Crooked Creek, that is still the possessor of those lofty pines, and the soft, green grasses that felt the tread of silent feet that had come there that day to make a solemn agreement; it was October 14, 1864.

In compliance with instructions from Indian Commissioner Wm. P. Dole, Washington, J. W. Perit Huntington, Superintendent of Indian Affairs for Oregon, accompanied by Agent Logan of the Warm Springs Reservation, passed through the Deschutes valley to Ft. Klamath and found a large number of Indians assembled,⁵⁵ seven hundred and ten of whom were Klamaths, three hundred and thirty nine Modocs, and twenty two from the Snake tribes. The latter should be remembered.

After a brief stay the representatives of the tribes and those of the government met at Council Grove where the articles of agreement were presented to the Chiefs; where Lindsay Applegate acted as interpreter; where the head men of the tribes affixed their "marks", and closed the transaction whereby their ancient homes now became their "new"

one. It was "new" because they would not have to leave, those who were Klamaths, but this would not be the case for the others.

The treaty (see Appendix) was a lengthy one consisting of twelve articles with amendments. It was not actually accepted as completed at the time in terms of legality, as Congress still had some amendments to clear up, that were added to it. This point will be discussed later. For the most part it was the conventional treaty. Lines of demarcation were defined, (see plate VI) the provisions for a certain sum of money to the tribes for compensation of their lands, and other provisions dealing with a multitude of factors. It was not legally proclaimed until 1870.

One writer has attacked the good purposes of the government by pointing out several errors in the composition.⁵⁴ It is true that the word "east" was mistakenly placed instead of "west", an error that could happen to any document. The treaty provided a payment of a total sum of \$80,000.00 to be paid out of the treasury of the United States over a period of years, but these were not to begin until after the treaty had been ratified, in which case no funds were forthcoming, during the intervening years.

The above sum of money if divided among the members of the tribes involved, would not have been a very large amount, something like seventy-five or eighty dollars apiece, assuming that there were about one thousand members of the origin-

al reservation group. Gatchet,⁵⁵ has said that there were about two thousand souls to which this amount applied, but the record does not show that many on hand.⁵⁶

According to article three of the treaty the sum of \$35,000.00 was agreed upon as to being paid in addition to the other stipulated sum of \$80,000.00, already mentioned. The language of it revealed that "a portion whereof shall be used to pay for such articles as may be advanced to them at the signing of the treaty, and the remainder shall be used to subsist them during the first year after their removal to the reservation". We shall discuss this element in more detail at a later and more applicable time.

A noteworthy section of the treaty as found in Article IV promised among other things that the government agreed to construct at a suitable point on the reservation, one flour mill, a blacksmith shop, a wagon and plough maker's headquarters, and the necessary buildings for a manual of labor school. These are all items of physical plant assets that were needed at once or in the immediate future on the reservation.

It further agreed to, at the discretion of the government, cause a "part or whole of the reservation to be surveyed into tracts of land and assigned to members of the tribes" or to others of the Indians who may benefit from it. It placed a restriction as to the head of a family being the only one eligible to the abstract title to the tracts, and

set the limits of acreage involved. The tribes could not sell the land thus promised to outsiders, subject to forfeiture of all rights and titles to same. In keeping with previous laws the government prohibited the sale or drinking of spirituous liquors. These laws had been passed by an act of Congress in 1834 and supplemented in 1862.⁵⁷

Certain irregularities will appear as to the receipt of funds as promised. In order for any of these payments to come through they required an act of Congress appropriating the sum or sums involved in the treaty. This appears to be one of the great weaknesses in the administration of Indian affairs by the government in carrying out its obligations to the tribes.

It might be supposed that pressure of one kind or another many times caused the nation's lawmakers to overlook their obligations. When it is observed that there could be many opportunities for this, it could be a forgivable act on the part of Congress, yet there is evidence that will seem to indicate that some of it was pure neglect.

The treaty set up a system for the control and management of the affairs of the Klamaths, Modocs, and certain Snake groups, and brought to an end any further encroachments upon public welfare. It did not bring under control a certain number of outlaw Snake bands who continued to harass certain parts of eastern Oregon.



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CHAPTER V

With the machinations of the treaty organization and settlement over with, the next great problem became the actual beginnings of arrangements for the coming of the first Klamath Reservation Agent, Lindsay Applegate.

He had served in a minor capacity in the early treaty preliminaries, and had been associated with the tribes of the region in the prosecution of this enterprise. It will be recalled that only twenty-two Snake Indians had put in their appearance at Ft. Klamath at the time of the arrival of Huntington's party there, preceeding the treaty arrangements. These were the representatives of the Yahooskin band who had been agreeable to their force of circumstances.

A review of the whole first year's operations in detail is contained in a letter written by Applegate in August,⁵⁸ 1866. This reveals many items of importance as to the conditions of affairs. It seems that he set out for the Klamath Reservation in the month of October, 1865, after having officially accepted his duties in September of that same year.

His first object was to attempt to create a treaty with a Snake Chief, named Howlock, who was the chief of the principal band of Snakes not accounted for in the treaty, and who was said to be inhabiting the regions of the Sprague

River Valley. To accomplish this, he sent out a deputation of Yahooskin Snakes, together with Pauline (Paulina), the chief of the Wal-Pah-Pe's, a band of half Snake and half Klamaths.

These Indians returned saying that Howlock had declared himself for a continuation of the wars, indicating the rebellious attitude of a great many Snake Indians. This circumstance immediately presented to the agent a rather hopeless situation, as he was in no position at this time to do anything about it. Giving up the plan, temporarily, he returned to the reservation to ascertain the feeling of the tribes there, and then made plans to go to Ashland.

Returning to the reservation again soon, he set about to bring further influence on Howlock to give up and come onto the reserve, and in order to accomplish this he enlisted the services of Chief Paulina. It seems that in August, 1865, a treaty had been signed between Paulina and Huntington, and they were to become a part of the new life. Paulina, as proof of his sincerity, offered to accompany Applegate with his warriors on this undertaking. This, however, caused him to begin to have a suspicion of the Chief's actions, as Paulina brought few of his people onto the reservation and hesitated about taking up arms against Howlock.

In December we find the government's representative at Ft. Klamath, issuing food supplies to the Snakes, including Paulina and his people. These supplies consisted of shorts

and flour and were intended to last them until Spring. The supplies were borrowed from the military at Ft. Klamath. The reason for this is explainable in the fact that no funds had yet been provided by the government for the purchase of the same.

The treaty had not yet been ratified and this beginning to work a hardship of the affairs at the reservation. Commenting upon the situation, Applegate remarked that:⁵⁹

I became convinced at this time of the growing conviction of the tardiness and disaffection of the government fulfilling treaty stipulations, and I gave it as my opinion in a communication to your office, that something ought to be done about it by the government as soon as possible, to inspire the Indians with proper confidence in it (treaty).

In order to carry out a plausible appearance of the government's intentions, and in order to ascertain the qualities of soil, keeping in mind the grain and vegetable needs, Applegate commenced making arrangements for placement of those crops. This occurred in April, 1866, as he had left the reservation in the previous winter and returned again to Ashland.

Toward the close of April he began making preparations for the trip back to the reservation, after having secured the supplies, on credit. He left Ashland on May 1, 1866, following the old immigrant trail, the present route of the Ashland-Klamath Falls highway, and proceeded without difficulty, except for fallen timber as far as the emigrant

crossing on Klamath River. Here begins an episode that caused him to open up a heretofore unknown route.

He changed his course from almost due east and followed as far as Link River in a north-easterly direction, a route that had been followed by some parties going to the gold fields. At Link River he changed the course to a west of north through the mountains bordering the country on the east side of upper Klamath Lake.

After having traveled through a pass in the mountains that had never before been used by white travelers, he reached the head of Klamath Lake at a point eight miles from Ft. Klamath, and called by the Klamaths "Kohasti", or place of beginning. Deeming this a satisfactory location, he set up his headquarters and began making arrangements for operations.

In making his plans for this journey over the Cascades he had included several people as passengers. Among them were his young son Oliver, who was about twenty years old, Samuel D. Whitmore, a man named Reed, and another son, Lucien. Oliver had previously accompanied his father to Ft. Klamath as a clerk in the summer of 1865. But in May 1866 they had started this journey to "Kohasti".

Jepsen⁶⁰ has given a full account of it, and it is learned that when they reached Link River and had crossed over the old bridge that is spanned by a later one now, they did not know exactly where the route should go, and it so happened that a Link River Indian, who later was known as

"Old Mose", agreed to guide them. They followed up the east side of the lake instead of attempting to go around through Lost River Gap and through the Sprague River Valley as originally thought of. This route later came to be known as the old fort road and can still be seen in parts today.

Kohasti, or place of beginning, was one that was admired by Applegate, and consisted of an area that was marked by fine timber, clear streams, and with a climate that was seemingly milder than at Ft. Klamath. It was not far from the Indian village on the banks of the Williamson River, and near enough to the fort for needed purposes. He remarked:⁶¹

this place for an agency could scarcely be excelled.

At the time of this location he made the observation that there was a place three miles to the north where a fine mill site could be had, and in 1868 the agency was moved there.

In the meantime, operations for ploughing were begun, and this resulted in sixteen acres being planted in the variety of oats, barley, corn, beans, turnips, carrots, and other items of harvest. He mentions that the Indians assisted in putting up fence to the extent of closing about 1000 acres with a brush-log inclosure. This activity caused the Klamaths and Snakes to feel that the government really was intending to keep its word.

The enthusiasm of the Indians for the work is expressed in the fact that they were willing to assist with whatever the director requested them to do. He kept a group of from

ten to thirty six men making way for the new site, and preparing the soil for crops. What he did not realize was the tricky and deceiving climate of this part of the Klamath country; in fact is applicable to all parts of it, in regard to frosts. It was not long until he was to discover that most of his vegetable crop had been ruined by it.

The bitterest lesson of all was to be found in the realization that the government was to forget him and his Indian wards until 1867 before they were to receive any real assistance in the form of supplies and goods that were badly needed. During this time they were dependent mostly upon their own resources and what scanty help they received through the efforts of the agent. It was working a hardship on the relations between the agent and certain bands of Snake who had not yet come on the reservation.

In the closing paragraphs of his account Applegate remarked that the Modocs who had been on the reservation a very short time had left it and had gone back to their old home in the Lost River country. Further, Paulina and his people too had not stayed, having left in April, 1866, and he remarked:⁶²

and I am led to believe that he went away with hostile designs and that there is not now a union of all Snakes for a more determined war.

In spite of these trying conditions, the manager of the government's attempt to provide a new home for the Indians carried on his purpose.

The account of how some of the Snake bands were induced to give in to the idea of living on the reservation is brought to light in the facts⁶³ concerning that of the repeatedly mentioned Paulina. It seems that when he refused to sign the treaty with the others in the fall of 1864, Huntington directed the capture of some of his people, among them his wife. Seeing this, the chief signed at Ft. Klamath August 12, 1865.

When word finally came in the fall of 1867 that the treaty had been ratified by the Senate, but not yet proclaimed, it was of great stimulus to the hopes of those who would be mostly influenced by it. Huntington had sent word to Applegate to meet him on the road, and assist him in bringing in some of the supplies that had been promised. To do this, it required that a road would have to be cut through central Oregon toward The Dalles, the starting place of the supply trains.

It was cheaper to do this than to try to go around and through the western valleys and mountains to the Klamath Reservation. There was still a great danger of being attacked by Snake bands who were at war in central Oregon. To assist him in this task, Captain Applegate asked the commander at Ft. Klamath for aid.⁶⁴ So a military escort was granted and a detachment of six men under Corporal Burns was given to this effort.

As this force was considered too light for what was

needed, his son Oliver undertook to recruit an escort from the faithful Klamaths, and it was not long until about thirty men made up the contingent. The party set out northward following an old Indian trail from Ft. Klamath on the 16th of October, and passed the upper Klamath marsh. At a point near what is now La Pine, Oregon, they remained for a few days and waited.

A messenger was sent back to the reservation to inform one of the chiefs, Palmer, (see Plate VII) to proceed northward with twenty men and to widen the trail, making it passable for wagons. The military escort was left at Queah Valley, and the main party consisting of the Applegates and a trapper named Estes, moved on past Farewell Bend (Bend, Oregon) and finally met Huntington and the train at a point near the present town of Madras.

This long-awaited-for train consisted of some sixty head of cattle, some of the treaty employees for the Klamath Agency, a dozen teamsters, and other helpers, and fifteen Warm Springs scouts. They had not had to traverse any forests so far, but had experienced considerable trouble with rough and miry country, since the fall rains had set in.

It was a toilsome, weary journey over a route of some two hundred miles back to the agency at "Kohasti", but after several days of slow travel, the party of Indians and whites was to be seen nearing the last barrier, the ridge that separates the flatlands of the agency from the trail to the

north. Near the last hill before the arrival, they met Mr. Whitmore, the agency farmer, with a load of hay and who had been unable to get any further. The journey had been completed on November 16.

After having been gone for about a month, and having covered more than four hundred miles of difficult ground, the arrival of the wagon train was followed by a distribution of provisions, implements, dry goods, and other useful articles among the Indians, who were jubilant over the affair.

An interesting sidelight of the reaction is gained from the statement that:⁶⁵

Among goods distributed were lengths of red flannel to be made into dresses and other garments by the Indian dames, and many a yard of government flannel was seen flapping from the top of the "stake", and "rider" fence that the agent had already built along the edge of the agency from Kowasta, three miles north to the site of the present agency.

Here we have an insight into the early days on the reservation under the direction of Lindsay Applegate who had labored in a conscientious manner to provide an establishment for those people who had acquiesced to the influence of a growing nation. Two more years and he would be gone.

CHAPTER VI

Realizing as before that the Congress of the United States, in being three thousand miles away from the scene of the rise of the Klamath Reservation, as a political entity, could not feel the full scope of operations; could not be in touch with the pulse of its dire needs.

Scarcely a little more than two months after the act of negotiating a treaty with the tribes had been made law, the assembly at Washington passed another act⁶⁶ which granted to the State of Oregon a tract of land which embraced some 800,00 acres of mostly timbered lands that were to be used in part for the construction of a public road.

Remembering that the reservation had not yet been established at the time the above act was passed (July 2, 1864), and that any designation of boundary lines concerning the reservation would have to wait final confirmation of the treaty, Congress unwittingly, and as far as we know, without any deliberative aforethought, confused its legislation by granting this land with certain road rights that were to be used by a private company for the construction of the same.

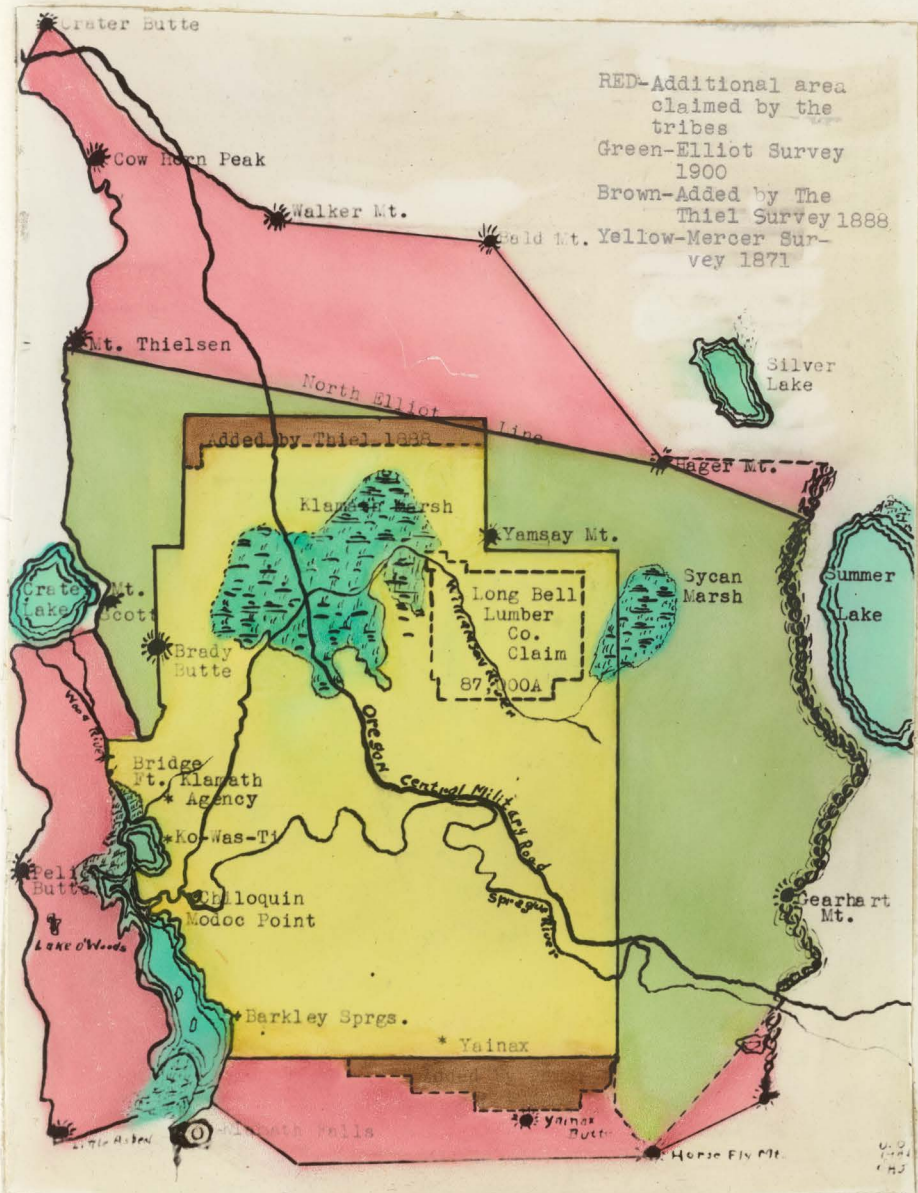
Article I of the treaty had provided for the right of way for a public road. It had also provided for the right of way for railroads to be cut through the reservation. What it did not provide for was the right of private parties

to sell off lands of the reservation for private profit. It granted this land to the State of Oregon who in turn granted the land to a certain company for the privilege of constructing a road way which eventually was to cut through the heart of the Klamath Reservation, a circumstance that was to bring chagrin and confusion to those who were responsible for it.

This road was to run from Eugene, Oregon, down through the southern and eastern part of the state (see Plate VIII) to Silver City, Idaho, a mining center of that time. The parties concerned in the construction of that road were to be known as the Oregon Central Military Road Company, composed of local Eugene business men. When the treaty was finally signed by the Senate in 1869, nothing was said about the matter of having made this grant, and its subsequent re-granting by the State of Oregon to this company concerning any rights of sale of Indian lands.

The grant as specified by the state to the company provided that the road right allowed for alternate sections of public lands, designated by odd numbers on each side of the road for three miles deep, and if constructed according to that, would cut through the whole of the Sprague River Valley.

The Senate in the fall of 1867 had ratified the treaty with the Klamath, Modoc, and Snake tribes, and thereby automatically bound itself to the terms of the treaty, as set



MAP SHOWING INDIAN BOUNDARY CLAIMS
 (OREGON CENTRAL MILITARY ROAD)
 PLATE VIII

Plate VIII

forth in Article XII. The House of Representatives had passed a bill authorizing this grant to the State of Oregon on July 2, 1864, and the bill became a law after the Senate's concurrence of the same. Exactly three months and twelve days before the treaty with the Klamath tribes was signed at Council Grove, the government had granted it to the State of Oregon, who in turn made the grant to the above company. It was to prove most confusing to the best of white attorneys, and it would appear to be somewhat ridiculous to the Indian.

Lands previously granted by the United States except for the right of way, were excepted from the grant, but not in this case. The road was to be constructed in width, with gradations and bridges as the State might prescribe, and it was to be completed within five years (1869). The land except for the first thirty sections-divisions as the governor of the State certified that ten continuous miles of the road had been completed, was to be sold.

Ordinarily, one would assume that there must have been a motive for the promotion of such a road. True, Oregon was a land of opportunity, and her citizens were entitled to the natural growth that each of the commonwealths throughout the nation had obtained. But one should remember that in almost every case of development of the country some enterprising individual or group has seen the need for development in terms for private profit, under the heralded banner of

altruistic benevolence. It seems that Mr. B. J. Pengra, a citizen of Eugene, was possessed with the desire to create a magnificent Oregon through the development of her natural resources. He was accredited⁶⁷ as having been the leading spirit in the forming of the Oregon Central Military Road Company and as a man who wanted more than anything else to be identified with projects of magnitude. He had visualized Oregon made rich through the railroad and road development. Bruce has said that:⁶⁸

he wanted to be a statesman, a leader, a doer of great things. It was not the monetary gain that interested him, but the thrill of being a part of the vital and important enterprises.

Without any reason for doubting this, the Morning Oregonian had characterized him⁶⁹ as the most active spirit in the development of the road from Eugene over the Cascades mountains, and in obtaining the grant from the federal government.

The actual need for the road over the mountain had been discussed for some time before the company actually was formed. In early April 1864, the Oregon State Journal⁷⁰ ran an editorial upon the value of the proposed road across the Cascades. The article went on to illustrate the purposes of such a road being necessary to furnish a way of transportation and travel to the mining country, and ultimately to connect to a line of stages with the Pacific Railway. Also,

the road would induce settlers and miners to occupy portions of the state east of the Cascades and south of the Blue Mountain country.

Throughout the history of the United States, the common people have always seen the need for things long before the national government or even the state government could see it, and it seems that here was the case again. In the majority of such cases they took such action as within their ability to provide. There had to be a leader and Mr. Pengra provided the initiative. But let us look closer at the record.⁷¹

Although the motives quoted did not appear in print until the road company was a reality, we have evidence to show that the O.C.M.R. Co. was also formed to the purpose of taking advantage of the land grant which would be given to the State of Oregon by the national Congress.

How long then, plans for such a road company had been discussed we do not know. However, on December 18, 1863, Senator Harding introduced in the Senate a bill⁷² for lands to aid in the construction of a road (military) from Eugene to Silver City.

It is also known that Mr. Pengra spent several days during the first session of Congress in Washington lobbying for this bill that was introduced by Senator Harding on December 18.⁷³ Whatever the implications are, there is yet nothing unusual about this. It has happened hundreds of times in the history of our nation's growth. There seems to

be little doubt that there was a pressure group interested in the promotion of this road and the attending opportunities that were attached to it.

The company as organized on June 13, 1864 was composed of nineteen stockholders⁷⁴ consisting of B. J. Pengra, G. W. Colby, John Boggs, N. D. Rideout, W. H. Parks, R. F. Parks, Edgar Mills, E. B. Pond, Nicholas Luning, W. C. Belcher, F. B. Simpson, J. W. Peck, Isaac Allen, B. F. Baker, M. P. Jones, D. H. Holbrook, Isaac Lohmann, and A. D. Breed.

A newspaper had said⁷⁵ that there was the appearance of a feeling among the citizens of Eugene that the middle fork road was a necessity. The articles of incorporation had been filed with the Secretary of State and it concludes with the statement that:⁷⁶

this looks like business, and evidences appear to show that our people know no such thing as failure.

It appeared that there never was any doubt that the lands would be a sufficient source of revenue for the enterprise, and the whole community was back of it.

It is an odd circumstance that the company, according to Mr. Pengra⁷⁷ had surveyed the first 46½ miles of road during the summer of 1863 before the grant was made by the government and then given to the company.⁷⁸ It is also known that between June 11 and June 21, 1864, a man named Odell surveyed the first section of the road from Eugene to the present site of Hazedell.⁷⁹ It appears that some preconceived plans

were known a good deal of time before any such operations were ever acknowledged legally.

An interesting move on the part of the land company was made during the session of Congress of 1865-66 which granted to them additional lands in lieu of those which were automatically removed because of prior disposal. This amendment⁸⁰ granted such odd sections, not reserved or otherwise legally appropriated with six miles on each side of the road⁸¹ to be selected by the surveyor general of the state. This amendment passed Congress without any discussion.⁸²

According to the record⁸³ the construction of the military road had reached the head of the Sprague River Valley in 1868. The company had agreed originally to complete the road in five years from the time construction began. In March 1869 a bill was introduced⁸⁴ in Congress to extend the time until 1872, and the bill was passed. A certain Mr. Mallory who defended the bill pointed out that the citizens of Eugene, Oregon had donated money to build the road. He further stated that this had been done at a cost of \$200,000 in gold, up to the present point of construction, all of which had been paid by the people.

This has been regarded as a fraud⁸⁵ for a glance at the financial statement issued by the company in 1867 will show that this argument could be nothing else, since \$59,298.50 had been received by coin and that the capital stock of the company was only \$100,000.00. Additional assessments could not have possibly made the figure reach \$200,000.00 in gold.⁸⁶

(see appendix for financial statement).

The principal object in presenting all this evidence lies in the repercussions that followed in a few years among the Klamath Indians when they discovered homesteaders settling their lands and by right of purchase from the Oregon Central Military Road Company. If any one believes that they could not see through the implications of this, they had only to hear the testimony of feeling among them a few years later when they threatened to go on the war path if the government did not stop this sort of procedure.

But for now, the road builders had not met any opposition to their plans, either legally or otherwise and their claim seemed to be impregnable from any standpoint.

CHAPTER VII

When Lindsay Applegate left the Agency in 1869, his place was taken by Captain O. C. Knapp, an Army Officer, who now was to have charge of the management of affairs.

This move on the part of the government was unfortunate in several respects. Knapp was a man who had been used to the environment of the military way of life, and the slow, plodding, and sometimes indifferent way of aborigines was not especially his liking. He had been used to seeing orders carried out; he had known about Indians before coming there, and his attitude was one that was not especially conducive to the maintenance of the most cordial relations between himself and the tribes.

In contrast to this, they had had for four years, or a little more now, the sympathy and patience of a civilian, who also was a pioneer of the original adventure of setting up the ground work of an enterprise that he had taken a great deal of pride in. The change over was something new to them.

Knapp had come to the Agency in the temporary capacity of Acting-Agent. He had no more than arrived on the scene than he began receiving letters and complaints from white settlers that some of their cattle and property was being molested by Indians, and the charge stood squarely that the Modocs were the ones that were responsible for it.

This agitation of the settlers brought further demands from them that the Modocs, who as we will remember, did not remain on the Reservation but for a short time after the signing of the treaty, and who had left it again in April 1866, to go back to their old home on Lost River, where they had stayed up to now.

Knapp had orders from Washington to investigate the situation and made plans accordingly.⁸⁷ Col. A. B. Meacham, Superintendent of Indian Affairs for Oregon, was appointed to act as peace commissioner and was instructed to make ready to call upon the Modocs in an effort to persuade them to return to the reservation. Subsequently, Meacham, with Ivan D. Applegate, John Meacham, George Nurse, and Gus Horn, made plans to go to the Modocs, who were in their old country on Lost River, and try to persuade them to return to the reservation. They left on the journey in late November 1869 and succeeded in convincing them that they should return.

The Modocs agreed to return on the condition that the Agent guarantee them protection from the Klamath tribe. Meacham assured them that they would receive full protection. In a few days time the Modocs were removed to a place on the reservation that was to be known afterwards by them as Modoc Point, a location of about four or five miles below the present Agency on Upper Klamath Lake. They were satisfied for the time being with their status and had gone about the business of making the most of their new home.

Then one day, it happened.⁸⁸ Some Klamaths who had come down to their location of work, gathered in pine rails that had been made by Modocs for their own use, and had carted them off. When approached by Captain Jack, the leader of the Modoc band, the Klamaths retorted that this was their reservation and that all the timber and resources were theirs, and that they, the Modocs, were not entitled to any of it.

According to the record,⁸⁹ Captain Jack and his friends did not attempt to retaliate in any way for the incident. In spite of the taunts and jeers of the Klamaths, Jack went to Knapp and filed a verbal complaint over the manner of treatment that had been afforded his band in their efforts to "get along". Knapp suggested that the Modocs move a few miles up on the Williamson River so that they could not be bothered by the Klamaths.

Jack explained the situation to his sub-chief, John Schonchin, and they moved from Modoc Point to a position about five miles north on the Williamson River. That winter no more trouble existed between the two groups. They even went fishing down on the banks of Lost River together, after which they all returned to the reservation. In April 1870, the Modocs again tried to accumulate Pine rails for shelter. The result again was the same. The Klamaths hauled them off.

This time Jack again went to the Agent and complained, only to be told:⁹⁰



CAPTAIN JACK AND FAMILY
PLATE IX
IDA MOMYER ODELL COLLECTION

You black s---- of a b----; d----
your heart. If you ever come around
here again and bother me with your com-
plaints, I will put you where no one will
ever bother you again. Now, get out of
here, and be d---- quick about it, too.

Jack was not quick about it. He resented fiercely that he was being treated in this manner. He made an attempt to tell the agent his feelings through his friend, Bogus Charlie. (see plate). The next day, the entire band of Modocs moved off the reservation and went back to their old settlement, Lost River.

It is evident that if the above account is true, and there seems to be sufficient proof for it, then it should not be mysterious as to why the Modocs adopted the attitude that they did at a later time.

In a letter⁹¹ written by Meacham, it is revealed that this state of affairs did not meet with his approval:

the Modocs were settled here last December. Semi-barbarous as they are, it has been difficult work to keep the peace among them (Klamaths-Modocs). The Klamaths are brave, but insolent and are overbearing to the other Indians, especially to the Modocs.

The correspondence contained other matters concerning the reservation, wherein he found it necessary to divide the reservation into two parts, leaving the Klamaths under the control of Agent Knapp, and the other half under the control of Ivan Applegate which included the Snakes, Modocs, and Wal-Pah-Pes, with headquarters for them at Yainax, the sub-agency that Lindsay Applegate had created in 1864.

Apparently circumstances were not in the best of harmonious accord, for he re-emphasizes the fact again by concluding:⁹²

the Klamaths tried to drive off the other Indians, and the Snakes wanted to go back to their old home at Camp Warner.

The Modocs had resisted every effort to gain them back on the reservation and were reluctant to come back in 1869. The matter now stood on precarious grounds. Had there been a judicious handling of the affair, it might have gone far toward eliminating the Modoc War. On the other hand, one does not know what one might have done under the circumstances. Had Lindsay Applegate been there, it is thought that there might have been a reasonable chance to reduce the friction to a minimum.

It is interesting to learn that there is a confirmation of the fact as reported above concerning the movement of the Modocs to a new location on the Williamson River, and that they had actually undergone some persecution at the hands of the Klamaths. It is still more interesting to know that Meacham scorned the methods used by Knapp in the handling of Indian affairs at the reservation. It is further revealed that:⁹³

They remained on the reservation about three months, when through the constant interference of the Klamath Agent, Knapp, who ordered them to move a few miles to a new location. Here again, the Klamaths ceaselessly annoyed them, and again Agent Knapp blundered by ordering

them again to move a few miles to a new location, where they would be surrounded by Klamaths. The mistake may be was made in ignorance, but I cannot blame them for leaving the reservation under such management.

It is the opinion of the author that these circumstances had a great deal to do with the sowing of the seeds of the Modoc War, which was to follow in a few years; a war that was needless and cruel.

In the meantime, an order issued by Meacham⁹⁴ on September 15, 1870, removed Captain O. C. Knapp from his position as Agent; brought the son of the Superintendent, John, to the reservation in the capacity of acting-agent. With due credit, it should be stated that the new officer found the business affairs in good shape, and it should be further pointed out that Knapp did have the ability to manage these affairs. His weakness as an agent seems to have been his lack of understanding of Indian character and capacity, and a willingness to patience with an ignorant and helpless Indian.

Knapp officially ended his term as Agent on October 1, 1870, the day that John Meacham arrived at the agency.⁹⁵ The young man was a careful observer and apparently had some of his father's ability in thoroughness. Besides noting the condition of things in general as already mentioned, he became concerned with the fact that Indian women were in the habit of hanging around the agency, a matter that young Meacham did not think too kindly of. One woman in particular

was seen habitually around the office and the private houses and other buildings of the agency.

Attempting to correct this he noted that she lost no opportunity to make herself insinuating in the presence of others, and when asked to leave,⁹⁶

she was saucy and impudent, and hard in the extreme.

Nevertheless, Meacham succeeded in carrying out this social reform to the extent of exterminating it completely within the matter of a short time. He reported to his father that his orders had met the hearty approval of the men of the reservation.⁹⁷

From the time that the first agent had taken over, there had been the hope that a saw mill, which was needed badly, and a flour mill, would be constructed. Work had started on the saw mill but not much had been accomplished. However, as noted by Meacham, in the month of October the work on the new mill was progressing to a good degree of satisfaction, contrary to a report by Good⁹⁸ that it had been completed in 1868.

On the 24th of October the lower saw was set to work and by the 31st had cut nearly 20,000 feet of timber.⁹⁹ This brought forth a great deal of enthusiasm, such as,¹⁰⁰

I feel safe in saying that the mill is an entire success, and that it fully meets the most sanguine expectations. Sawyer Ellis says that when both saws are hung that it will cut 8,000 feet per ten hours.

It might be difficult to feel that such enthusiasm could be had over a material thing such as a saw mill, but when considered that this country was still wilderness of trees, and that construction of buildings which were badly needed, was now made possible with a new swiftness, it is not to be wondered at in their enthusiasm.

On the 5th day of November, the wagon train of Chief Commissary McKay arrived with new supplies of such items as twelve mules, one horse, twelve sets of harness, two complete wagons, and numerous other items. Evidently the matter of goods of necessity were slowly coming through, but not too quickly though, for the agency buildings were still crude and needed much improvement. True, farming had already gotten a good start and the above items would be welcome, as so far there had been a shortage of the things of dire needs such as plows and farming machinery in general.

The industry of the Indians had manifested itself almost from the start. It was through their hard efforts that the improvements that had been made were accountable for. It is now recorded that O. C. Applegate¹⁰¹ was working on a new road running down below the reservation with a crew of Indians. On the 17th of November the road was completed.

Making the complimentary salutation to Applegate for his work in this respect, it was pointed out that:¹⁰²

Mr. Applegate certainly deserves a lot of credit for his energy and perserverence that he displayed in pursuing this work to completion, when one considers the inclement weather, and also the Indians have displayed

a most tangible evidence of determination to be like white men.

The above statement was the first tangible evidence that the Indian had had the desire to be like white men. Certainly under such men as they had had in part so far, they had the right to expect to reach this goal.

The social life of the Indians at this time on the reservation (1870) was still governed largely by old tribal customs and beliefs. Even today, spiritualism still exists among them¹⁰³ to a certain extent. The incident is told¹⁰⁴ that one of the greatest obstacles that Meacham was confronted with was the sickness of the Indians in the past winter. Pneumonia was the most ruthless killer up to this time. Now as a part of their social customs they had practiced the services of "medicine man" or "doctor".

This practice had existed for a long time and no attempt was made in the early years to combat it due to other needs. But by 1870, when the reservation had a competent one of its own in the person of Dr. Cardwell, the practice was discouraged as it was of no value in terms of cure, at least not to the white man's version. A year or so earlier Knapp had forbade it to be used to the extent that,¹⁰⁵

he shackled them and imprisoned them for attempting to persist in the practice.

Yet in spite of this it was to be some few years yet before it was to be stamped out altogether.

In connection with the early health of these Indians it

ought to be pointed out that at the time mentioned earlier, most of them were still living in their old way of "wickiups" or crude shelters and that only a very few "cabins" or "shacks" had been built. This is one of the main reasons why the saw mill was felt to be of such urgent necessity.

The houses that they had did not have any glass windows; just the open square, and so long as they were in good health, these would be satisfactory enough. But when pneumonia set in they were of the worst kind. This might be partly accounted for in the Indians making the transition from their centuries old way of life to that of a new civilization. Such transitions have had an effect on cultures before. This however, is only a suggestion.

In the case of these people, in addition to not having inclosed windows, there was also no door other than the opening. So it might be imagined that in the winter time with temperatures ranging down as low as fifteen or twenty degrees below zero, which is not uncommon for the country at that time, these early houses were fine examples of a dangerous habitat for any human, let alone an Indian.

Other things though were not as bad as might be supposed, as their food was of good order considering the conditions. The supplies furnished them by the government, in addition to those things that they knew how to get, kept them from hunger. John Meacham reported that he did not believe that there was a half a dozen Indians left who still were susceptible to the

old beliefs of medicine and that there existed the warmest friendship between the Indians and the reservation.¹⁰⁶

There are certain psychological implications that ought to be dealt with at this juncture which we feel have been neglected in the past in other writings concerning the assimilation of these tribes into a body politic. First, it should be noted by now that there was a definite cleavage of the friendship between these subject tribes owing to the circumstances of historical evidence recently presented. Secondly, the dislike of the Klamaths for the Modocs was a deep rooted affair. The former never felt at any time that he was being imposed upon by the government, except possibly in individual and minority cases. The latter did not trust the treaty arrangement from the beginning and was never convinced of it until sometime after he was forced to live there and get along.

Thirdly, the Paiute or Snake was an enemy of both of the other contracting parties, and refused to accept his destination as a whole tribe; only in partial components, and was the last one to become adjusted to his new affiliations. The first party mentioned adjusted himself to the military and governmental practices, and being of a more friendly nature than either of the other two, he stood in a most favorable position, politically and mentally. Little evidence was found of the Klamaths being unhappy or dissatisfied with the new arrangement. Their complaints were limited to petty and personal problems of want.

Lastly, it is important to catch the present picture

(1870) of the whole structure of the potential cultural aspects for the reason that it explains in a great measure why certain events were to take place and why analogous reactions shaped the course of reservation history for the next few years.

The chiefs of the tribes had disagreed with the commissioners of the government over the boundaries of the plot of land that was to be their reservation. They had said that the rightful lines should have run from "peak to peak, to peak", as they described it.¹⁰⁷ This meant that certain mountain peaks within their minds formed the range and distance between which should run the lands that they were to live in. (see plate VIII)

A careful glance at the map will show that it extended much farther to the north and west than the lines of the treaty prescribed. Also, that it gave a much wider range to the east. In the intervening years between 1854 and 1871 nothing was done by the government to officially lay down the lines.

Finally, in 1871, George Mercer was instructed to make a survey and lay down the lines.¹⁰⁸ This he accomplished and it was accepted in November of that same year.

The boundary lines were hardly settled then complaints began to come in from both white settlers and the Indians too. The latter claimed that the eastern boundary was located too far west and that the line was wrong.¹⁰⁹ The cattleman claimed that the eastern boundary was too far east, and was therefore depriving them of a large tract of the public

CHAPTER VIII

When the treaty of Council Grove was agreed to in 1864, the chiefs of the tribes had disagreed with the commissioners of the government over the boundaries of the plot of land that was to be their reservation. They had said that the rightful lines should have run from "peak, to peak, to peak", as they described it.¹⁰⁷ This meant that certain mountain peaks within their minds formed the range and distance between which should run the lands that they were to live in. (see plate VIII)

A careful glance at the map will show that it extended much farther to the north and west than the lines of the treaty prescribed. Also, that it gave a much wider range to the east. In the intervening years between 1864 and 1871 **nothing** was done by the government to officially lay down the lines.

Finally, in 1871, George Mercer was instructed to make a survey and lay down the lines.¹⁰⁸ This he accomplished and it was accepted in November of that same year.

The boundary lines were hardly settled than complaints began to come in from both white settlers and the Indians too. The latter claimed that the eastern boundary was located too far west and that the line was wrong.¹⁰⁹ The cattlemen claimed that the eastern boundary was too far east, and was therefore depriving them of a large tract of the public

domain. Bad feeling arose between the two.

The matter continued without any abatement of ill feeling. The cattlemen continued to infringe upon what the Indians claimed was theirs, and in retaliation a good many cattle were found missing from herds. When W. H. Odell, of the General Land Office wrote to Ivan Applegate¹¹⁰ requesting him to aid Mercer in this survey, he was aware of the difficulties involved.

It seemed that in the treaty stipulations of the boundary line no allowance was made for the difficulty of following the prescribed lines, for it was found that in running the lines, they encountered certain mountain peaks. Instead of following the line up over these in good old Indian fashion, the surveyor simply went around, not paying too much attention as to the regularity of the line.

An illustration of how the Snake Indians in the eastern end of Sprague River Valley, near the eastern boundary line, played upon the herds belonging to cattlemen is found in the affidavit¹¹¹ of one John W. Brown in which he relates that on Sunday, November 10, 1872 the cattle were counted and everything seemed to be alright; the full complement of heads were all accounted for. This was a practice that his brother and he had gone through with everyday. On the following morning they found their cattle very much scattered, and in collecting them together, they found one steer shot, and it was covered with brush,

and that there was a bullet hole over the right eye, and his throat was cut as good as any butcher could do it. 112

and upon further search they found moccasin tracks leading up to the animal. These came from a brushy point not far away from where the dead steer lay. Brown followed the tracks and found that these same moccasins were following two other animals who did not show up. He concludes by the remark that his brother and he had not returned to that part of the range since.

These were only the beginnings of troubles for the reservation authorities. Captain Jack and his Modoc band had been away now for some time. Complaints had been rife on cattle stealing and other molestations that the settlers charged directly to the bands of Indians who were not yet on the reservation, especially the Modocs.

On August 2, 1871,¹¹³ A. B. Meacham wrote to his son to go to the Modoc country and to try to prevent any hostilities from opening. The young agent was to go to Yainax, where Ivan Applegate was to join him in the enterprise. He had another reason for going there too. He did not know where Jack and his band were at this time as they had been reported in several localities. 114

Finally as plans did not work out satisfactorily, he sent word to the Indian chief through two of his tribesmen that his father wished to meet him to discuss the terms of his return to the reservation. He further instructed Jack

that the meeting would take place at the Whittle ranch on Link river within twenty days from that date. He was informed also that the military would not arrest him and that he was to do nothing that would excite grievances between himself and the settlers.

In the meantime, J. N. High had been given the duty of replacing John Meacham as Agent and reported for his duties on September 1, 1871. The reservation at that time was making rapid progress in its growth. To illustrate this, the employee list included A. J. Brown, mill laborer, W. B. Cardwell, physician, Charles Brown, interpreter, Allan Ferree, farm laborer, John Loosley, miller, John Hanley, James Long, John Stone, Marian Stout, as additional mill laborers, and H. G. W. Scott as teamster.

These men comprised the first formidable staff of white employees on the reservation. A second saw had been hung at the mill and it had been cutting out lumber for houses for the Indians that were to be erected the following spring. Work on the flour mill was being pushed as rapidly as possible.¹¹⁵ Annuity goods had been issued including some new flannels and calicos for the women.

The winter of 1871-72 had been hard on the tribes in many ways, and in the early spring they journeyed to Link River for the purpose of fishing as they had exhausted their own food supplies besides those that had been furnished by the government. In permitting the excursion down to the ri-

ver the agent was confronted by objections from the settlers to their movements. But as he was forced to allow this means he cautioned the tribes not to take their dogs or horses with them and to stay out of any inclosures belonging to white people:

I feel of course that you would make proper allowance for any improper conduct of this class of people. The people of the frontier must expect to be subject to a certain amount of trouble from these ignorant and benighted people.¹¹⁶

Frosts had killed some twenty or thirty acres of late-sown oats at the agency farm, and the entire crop of turnips and carrots that had been planted for the Indians had been lost. Now for the first time in reservation history there was talk of abandoning the idea of agriculture as being the only means of support of the institution. The agent remarked that he was becoming more and more convinced that it was absolutely necessary that they pay more attention to the prospects of raising cattle on the reservation to support the Indians.

High was not at the reservation for any great length of time as he was replaced in the following May by LeRoy S. Dyar, aminster, who had come to take over the responsibilities, and Dyar could have no way of knowing the important part that he was to play in its history.

It was he who was to bring the first schools to the children there, and it was he who was to carry the burden of the

Modoc War, and all its influence to the tribes who remained peaceful during that time. On High's influence while agent, he instituted the idea of taking one half of the Indians' wages and investing them in cows and heifers, a plan that Dyar was to carry on, much to the benefit of the tribes.

The Modocs were still off the reservation but with the permission of the Superintendent, A. B. Meacham, but by now the military had been sent into their country for the protection of the settlers, and there was talk of establishing a separate reservation for Jack's band,¹¹⁷ and although this never materialized, it was desired by Jack and his followers. They did not want to return to the Lake country. By April 1872, the situation was beginning to have its effect upon the members of the reservation, for Dyar remarked,¹¹⁸

all this military action has had a demoralizing effect on the Indians here, especially those who desire to escape being punished by the Agent. I recommend that the Modocs be left on Lost River until a reservation can be established for them.

Apparently, there was an uneasiness among the tribes over the prospects of events that were casting shadows of trouble.

All through the remainder of the spring and into the summer of 1872 events passed without much danger from the volatile possibilities. Dyar was a prolific man in the act of writing letters, for his records show that hardly a day passed that he did not write to his superior concerning problems that were continually confronting him.

In one of these of July 10th,¹¹⁹ he admits that the reservation was without mail, and that if they wanted it at all, they had to hire it to be brought in from Linkville, or go there after it, a distance of thirty-two miles. A man named Webb finally agreed to carry it for \$20.00 per month. The appropriation for the fiscal year of 1872-73 for the Klamaths and Modocs was only \$13,500.00,¹²⁰ and he object to such a small sum by remarking:

if this amount is correct, I must give up all hope of accomplishing much.
Wish you could see how much we need here.

All through the years since 1864, supplies had been very hard to get, and then in very scanty allotments and at irregular times. Hard luck seemed to persist in the crops; the whole grain crop at Yainax was lost, frost being the culprit as it had been for Lindsay Applegate. This loss at Yainax was a bitter blow as there were a considerable number of Sprague River Klamaths, Yahooskin Snakes, and a few Modocs living there, and who needed this food crop badly. Yainox was located in the southeastern area of the reservation and did not enjoy a bountiful nature in regard to easily accessible food supply.

O. C. Applegate, who was by now the Commissary in charge at Yainax, reported¹²¹ that the Yahooskin Snakes with the Wal-Pah-Pe band and Schonchin's were all down in the Sprague River Valley, numbering about three hundred and fifty Indians. They were forced to hunt the adjacent mountains for winter

supplies. They did not have the Wocus to fall back on.

The Paiute or Ochecho's band of Snake Indians were still out in eastern Oregon near Camp Warner and were slowly working their way in towards Yainax. One of the peculiar things about this old chief and his band was that they invariably came back in the late months of the year and then left the reservation to go back to their old home in the desert. Sometimes he would not show up at all. Repeated attempts had been made to induce him to stay permanently with no avail.

In spite of hardships they would rather stay out where they had been born and come back in, nearly exhausted from starvation. The military at Camp Warner had in this year given them old clothing and some food. They numbered about 230. By September they were nearing the reservation, and Applegate was worried as to what he was going to do with them as he did not have sufficient supplies.

His recommendation for supplies is interesting for the information (see appendix) it contained on just how these Indians were taken care of. It was also rumored at this time that the Modocs were coming to Yainax also and if this was true, it was recommended that each of the bands be given 20,000 pounds of flour and beef, a hundred pairs of blankets!

The Yainax headquarters was perhaps in the worst shape that one might imagine in attempting to take care of a large number of human beings. Nothing new had been done there as to living quarters; eighteen old dilapidated cabins that had

been erected originally were still there. The cabins that had been promised to the Chiefs, Barclay, Ben, and Chocktoot over a year ago, had never been built. The teacher that had been promised never materialized; the carpenter likewise, and Applegate had been the only means they had of learning anything, in other words, their teacher.

In Applegates' request for supplies for the fiscal period of this year, one item was amusing: namely, 6000 needles. Just why and how all these were to be used will ever remain a mystery. When one looks over the whole list of supplies and the itemized requests, one is almost shocked by the remark:¹²²

the above is very light, but it is made so with the impression that strict economy will be necessary, and I believe with these supplies judiciously issued we can get through the winter.

Perhaps it is assuming too much to say that the request for supplies seemed enormous, yet when looking back at it, such things as 2170 yards of flannel, 4000 needles, for one group of Snake bands, numbering less than four hundred and to be used in a period of less than four months, it arouses one's curiosity as to the manner and method of disposal. At any rate, the supplies were never granted and they were forced to get along as they had been doing.¹²³

CHAPTER IX

Riddle makes the statement that all through the period from June 1870 to September 1872, the Modocs got along well with their white neighbors; even working for some of them. All of which may be relatively truthful. Yet the Modocs had made threats¹²⁴ that if hostilities ever broke out between them and the white forces as a result of their being forced upon the reservation, that they would attack Yainax. They had been seen earlier that same fall reconnoitering around the area with a force of six to ten men, this action being before the fatal November meeting of the commissioners for peace.

Now it could be possible that their motive for this was in search of food supplies which they knew were on hand at the Department stores. Furthermore, they had been friendly with a small group of Snakes at Yainax, and had extended efforts to coax them away from the reservation.¹²⁵ They had grown to hate the reservation and what it stood for. They had been fired upon at one time by the guard in these same instances. It is doubtful if the intentions of the Modocs were as serene and peaceful as Riddle points out. Even so, this does not yet convict them. White settlers had been known to have induced the Modocs to stay off the reservation, and were not contributors to a peaceful way of settling these

difficulties. White persons at Yreka had made efforts to persuade them in this manner in order that the slave and liquor trade would remain in the "status quo",¹²⁶ even though the government had forbidden the sale of liquor to Indians. At any rate, the situation was now getting to the point where neither side had any respect for the other.

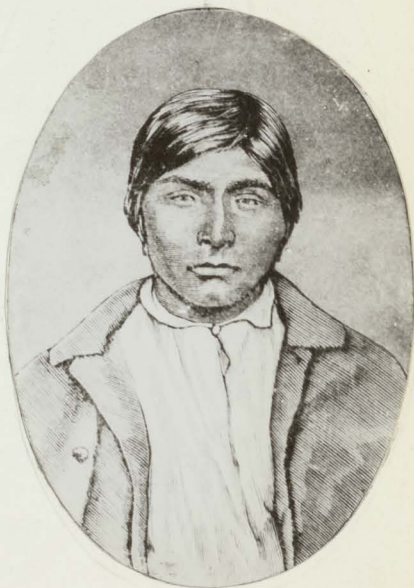
On the 25th of November, Superintendent T. B. Ordneal, who had replaced A. B. Meacham, as head of Indian Affairs for Oregon, sent Ivan Applegate, a man intimately acquainted with Indian character, and a Mr. James Brown, a department messenger from Linkville, to the camp of the Modocs at the mouth of Lost River, to see Captain Jack, and the leading men, and to inform them that he (Ordneal) wished to meet him at Link River on the 28th.

Should they not be willing to meet him there, to come to the reservation. He had said that he would guarantee them ample provisions for their subsistence and comfort. Jack did not come. On the evening of the 27th, Dyar and Ordneal left the reservation for Linkville to meet the Department messenger. On the way to Linkville, they met Ivan Applegate and he reported that Captain Jack had refused to meet Mr. Ordneal. He had said that "he was done talking". That he had been advised by his white friends in Yreka to stay where he was,¹²⁷ and that he would not go upon the reservation.

On reaching Linkville, Ordneal immediately sent a messenger to Major Green, at Ft. Klamath, stating the facts and



SCARFACE CHARLIE



BOSTON CHARLIE

had gone into his hut, came out dressed in war costume with a gun, and waved his weapon in a defiant manner. Captain Jackson ordered him to lay down the instrument, and he refused to do so.

Jackson then ordered Lt. Boutelle to take four men and disarm him. As the Lt. was advancing with his men, Charley deliberately raised his gun and fired at him, who instantly returned the fire. There were some fifteen or twenty warriors in the camp who immediately went into the brush and were driven out with a loss of four or five men, and several wounded; among them was Black Jim, one of the leaders. None of the leaders was killed.

O. C. Applegate, who was on the other side of the river at the time, had been talking to another group of Indians, and had a party of civilians with him. When the Indians heard the shooting they began firing on these civilians who were forced to retreat as they were only partially armed. They found refuge behind a log house and defended themselves until relieved by the soldiers who had to cross the natural bridge on Lost River, six miles above.

One civilian and probably two or three Indians were killed. The women were allowed to escape from the battle on the other side. Now it seems that Ordneal on learning that the soldiers were on the move, sent two men to warn the settlers, one of whom lived near the scene of the fight. During the fight or immediately afterwards, a party of six Indians



WHITE CINDY

PLATE XI

IDA MOMYER ODELL COLLECTION

XI

started down the lake murdering the helpless settlers who were entirely ignorant of any movement, resulting in one boy and thirteen men being murdered.

Thus, we have here the version of the episode as told by LeRoy S. Dyar, Agent,¹²⁹ who was not present at the time, but learned of it immediately afterwards. To illustrate how easy it is for variable factors to become attached to this kind of event, one source¹³⁰ has stated that Captain Jackson was under the influence of liquor upon the arrival at the Modoc camp, and that his negligence in allowing the Indians to get in behind the troops near the Horses was responsible for some of the soldiers' horses being taken by Indians who rode down the valley murdering innocent settlers.

There is good possibility in the latter statement being the truth, as the source is almost unimpeachable, and furthermore, these circumstances are possible under such conditions. In any case, neither Riddle nor Lt. Boutelle relate the same story of the event.¹³¹ In Ivan Applegate's account¹³² it was Scarface and Bogus Charlie who came out waving guns, and so the variation goes on throughout (see appendix for Applegate story), neither side agreeing except on the bare essentials.

The main purpose, in part, of relating the account of this event has been to present a clear illustration of the state of mind over the guilt of those participants. The break had now come; the long expected dissonance of White and

Red would soon make manifest the beginning of overt action.

The real significance of all this insofar as this narrative is concerned is the effect that it had on the lives on the Klamath Reservation during the ensuing year, and upon the difficulties of the administrator at the Agency; for in December of that year, C. C. Applegate reported that he was forced to organize a small band of reliable scouts to protect Yainax against the border activity of Modocs. They had made the threat¹³³ that if hostilities broke out, they would attack Yainax first. In accordance with this he stated:¹³⁴

The Modocs have been in the vicinity and have been fired upon by the guard.

It is further related that as many as six to ten Modocs, who were mounted, had been seen in nightly prowlings near the substation.

In January, 1873, there had been considerable excitement among the tribes on the reservation over the incident on Lost River, but at this time no serious outbreak had yet occurred between the military and the Modocs, that is, organized warfare. But in spite of this Dyar reported¹³⁵ that the business at the reservation had come to a standstill, and especially so down at Yainax, where every precaution was being taken against raids.

The Modocs had retreated to the Lava Beds, a symphony of ugliness on the shore of Tule Lake, over the California line, where they made preparations for a seige, which they must have known would be felt soon.

In the interim, Dyar was now having difficulty (January 27, 1875) in getting through the goods for the agency that he needed. It seems that George Nurse, the founder of Linkville, had decided not to consider himself bound to deliver the annuity goods that he had been responsible for, to the Klamath headquarters. Complaining about this situation, it was said:

I have done my best to urge him forward in the matter, but his pack animals have now been employed by the military at high figures, and thus far I have failed.¹³⁶

The pattern of human conduct seems never to have changed during opportunities for profit. The government of course (War Department) would necessarily be willing to pay a higher price that they might have those things needed for operations. Here we have two departments competing. The funds of the Indian Department being restricted for use left Dyar hopelessly caught by circumstances of environment.

Freight rates from Ashland to Linkville were ten cents per pound and he urged the Indian Department to pay this cost as it could not expect to get it done for less. The delay caused by this sudden upturn of events had caused the Snake Indians to become dissatisfied¹³⁷ because no goods were coming through on schedule. A few days later he was informed that Nurse's mules had been employed by the military at Ft. Klamath until the cessation of hostilities.

On January 5, all of the enlisted men who had been sent

down there for protection of Yainax, were called into action, leaving the place exposed to raiding excursions of the hostile group. By the end of February, the business at the Agency was paralyzed and the annuity goods had not yet arrived. Allan David, Klamath Chief, had been of great aid to Dyar in preserving the good will of the Indians toward the government. He had been especially active among the Snakes, warning them not to have anything to do with the Modocs. Dyar even suggested that Allan David ought to be paid a salary.¹³⁸

The war against the Modocs was prosecuted with vigor at their stronghold in the Lava Beds, but the end of it was not in sight. Jack's band withstood the early onslaughts without succumbing to superior forces. Efforts were being made to bring to an end the costly encounter. The combination of General Canby, former Superintendent Meacham, and a Rev. Thomas, and Dyar were designated as the peace commission to see Capt. Jack and try to settle the matter. It ended in the murder of Canby and Thomas and with the near-murder of Meacham.

This event occurred on April 11, 1873, after a series of conferences in the form of councils had been held in an effort to subdue them to a workable arrangement. They were never able to get this from Jack; to the last he held out for a reservation for himself and his people; first at Lost River, and then finally at Hot Creek.

The tribes at the Agency had been watching to see what

the government's actions against the Modocs would be. To many of them it was an opportunity to witness the clash of governmental authority over against that of the Indians, and it meant that their own future would be directly affected no matter how it came out. Dyar reported¹³⁹ that for some reason the Indians at the Agency had gotten to thinking that the refractory ones had been treated better than those who had been cooperating with the government.

This he alleges, was caused by the fact that they had thought of the Snakes, who had been very war-like in the past, as being clothed and fed better than they. Furthermore, should the Modoc be brought upon the reservation, would they too receive better treatment? Apparently there had been some unintentional discriminations for he records his insistence upon equal treatment in the future.¹⁴⁰

But the Modocs as a whole tribe were never brought upon the reservation. A few of them who had been loyal to the government remained, but the majority of them were to be sent to the Quapaw reservation in Oklahoma, some returning many years later, in 1909. Jack and his conspirators were captured and hung at Ft. Klamath on October 3, 1873.

It was thought peace at last had come to the Klamath Reservation with the close of the Modoc revolt, and indeed it had insofar as war was concerned. With its business brought to a standstill and the recovery a slow one, Agent Dyar could turn his attention now to urgent matters.

It was mentioned earlier that the government had prohibited the sale of liquor to Indians, and had made it subject to heavy fine and imprisonment. But in spite of this there were white men who would run the risk of sale or would give it to them for favors. Being a minister, he had his conscientious convictions on such matters. All through his term as agent, he had registered his protests with the Department against those who sought this traffic. There was something more than his personal attitudes too; he had learned to regard his Indian wards with an affection that drew heavily on his efforts to better their way of life.

He wrote to Hon. A. C. Gibbs, United States District Attorney, at Portland, Oregon,¹⁴¹ as of May 22, 1873, protesting against the case of William Forsyth, a resident of the Ft. Klamath area, who had given liquor to George Chiloquin, Moses Chiloquin, Chickaskane, Dick Mosenkasket, and Pete, Klamath Indians who had encountered Forsyth on the road between that point and the agency. It seems that George and Dick became slightly oversubscribed in the spirits and came back to the agency in a manner that they became boisterous, much to the irritation of Dyar, who took what steps he could to convince them of their wrong.

One might be of the impression that a great deal of drinking transpired among the tribes, but such is not the case as might be expected from a group who had never known alcohol prior to the coming of the white man. Such incidents

were infrequent----indeed there had been the conversion of thirty-six Klamaths to the Christian church so far that year. It had been gaining in converts slowly, but regularly.

July would see the first authorized missionary of the Methodist Conference of Oregon arrive at the Agency, a Mr. James Hearer, who was immediately given the double duty of becoming the Commissary in charge at Yainax, succeeding O. C. Applegate, who had resigned from that post.¹⁴²

Now Dyar had been one of the peace commissioners that had met with the Modocs on that eventful day last April, and he had by the most sheer luck, escaped with his life; a very unnerving experience, and he was badly scared and shaken as the result of it. Hooker Jim had chased him over four hundred yards, shooting and cursing at him, and seeing that he could not catch him, gave up the race and returned to the scene of the murder.¹⁴³

So now on the 19th of May he began preparing for a trip back to visit his father at Farmington, Maine, a long journey for those times. He was to return to the Agency late that summer. In the course of events that summer, the office of Superintendent of Indian Affairs for Oregon was abolished; the Agency would now deal with Washington directly.

In July of 1873, a new government policy was born¹⁴⁴ which designated that in the future, all needs for supplies at the Indian reservations in the United States, should necessarily have to be submitted to bid before the consumation

of contracts related to purchasing of goods. This, obviously, was to affect the manner of business at the Klamath Reservation.

Now in conjunction with this, the Congress of the United States failed to make an appropriation to the Indian Department for the fiscal year of 1873-74, which should have been done in July at the latest. This meant that Dyar had no new funds with which to carry on his existence as a business entity. In addition to this, an order from Washington specified that the agent or agents were not to travel on Indian business without an order from the Indian Department.¹⁴⁵

When Congress discovered the oversight, it had to pass additional measures in order to pay past due bills. Conditions of financial want became so bad that the Indians, in the meantime, cut logs from reservation timber, sold it and went to Ashland to buy flour in quantities as high as two and three thousand pounds at a time, a distance of over 200 miles, there and back. This was an illustration of a repeated procedure that had gone on at the reservation since 1864. It was a matter of temporary expedience in order to live. The flour was subdivided where it was needed. It should be further pointed out here that Congressional oversight was evident all through the 80's. Dyar makes the remark that:¹⁴⁶

Credit of the Department has suffered no little by this bungling method, and we have lost the most efficient employees who have quit on account of it.

In spite of this, life carried on and the reservation

did manage to recover slowly, but this was caused by the personal efforts of Dyar and his Indian aids. To illustrate this further, the Indians built a wooden bridge across the Williamson River in September 1873, and proceeded to make a Toll bridge out of it. Travel was considerable between the Fort and Linkville and elsewhere in the surrounding area, and the idea was entertained¹⁴⁷ that the revenue would support several families.

Now while all this transaction of events was going on, there were other problems too. Ochecho and his band of Snakes were still refusing to come on the reservation, and had sent word¹⁴⁸ that they did not intend to return to Yainax. To attempt to alleviate this distress of affairs, Dyar went alone out into eastern Oregon, into the Warner Valley Country, to see them, but for another reason too.

It seems that several bands of Snakes had threatened¹⁴⁹ war on the settlers of the country east of Summers Lake. The Snakes had told them that a large band of Indians were going to attack their homes, and this on top of the effects of the Modoc war, had caused the settlers to arm themselves and to take action. They attempted to meet the Indians peacefully, and tried to persuade them that they should go to the reservation. The Indians replied that they would not, and one of them broke into a run. A man named Small shot and missed him as he tried to escape and ran toward the hills. He was intercepted again by Small who shot and still missed,

whereupon, the Indian turned and drew his bow and arrow; this time he was killed by a bullet from Small's rifle.

For the moment the other two had no such intentions. But after proceeding about a mile down the "road", one of them broke and ran, and was shot and killed by a man named Dunn. The last one of the trio was taken to the stockade of one of the nearby ranches, and imprisoned there over night. At daybreak the following morning, the third and last of these intrepid sons of the desert tried to make his escape from his captivity, and was shot and killed by the guard of the stockade.

Now this incident did not help matters for Ocheco and his band. The record does not say whether these three were members of his, but is presumed that they were since they had been seen in association with him. However, the military went after Ocheco, and the War Department issued instructions to Col. Bynard,¹⁵⁰ at Ft. Bidwell to visit the chief and to tell him that he either had to go to Yainax or to the Malheur Reservation, whereupon, Ocheco chose Yainax. But he did not do so without stating his reason for wanting to stay out in the Warner country. He simply said that the country was filling up with cattle, and that:¹⁵¹

he could live off of them by stealing them from the white settlers.

Here we have virtually the last remnant of the large bands of Snakes who had resisted with their every might the efforts of white civilization to subdue them. It was fort-

unate for Yainax that Congress finally made an appropriation of \$20,000¹⁵² for the subsistence of that segment of the reservation. They would need it with Ocheco's coming.

The winter of 1873-74 saw the death of between thirty and forty Indian residents as the result of Measels, a new disease on the premises. Like the Spanish who brought disease to the inhabitants of Mexico, it seemed that something new was cutting into the health of the aborigines, and at a steady and continuous pace. The effect of this was to delay the opening of the new boarding school at the reservation, a thing that Dyar had worked for a long time. He too had seen the weakness of the Day school, in that the children did not come to school because no means of enforcing it had been made. It was to have opened in mid-December, but was delayed until the 28th of January, 1874.

Now the principal idea behind the boarding school was that it gave the reservation greater control over the lives of the youngsters, and took them away from their parents for a short duration, but long enough to attempt to teach them English. Heretofore, they had spoken only in their native tongue, and this was a serious handicap if they were to ever to master their new culture, and understand it. This was vital to the success of the whole enterprise, and Dyar knew it.

In this respect, the treaty had provided for two teachers to be placed upon the reservation, and so far this had

not materialized. He wrote to the Commissioner at Washington,¹⁵³ and reminded him of this fact. Furthermore, the treaty had also provided for two interpreters, but had received only one. He referred to it as simply an oversight.

Before going further with the history of the struggle at the Lake, it is necessary at this time to summarize briefly some of the more potent forces that had shaped the events and the lives of those people concerned.

This year was an important one for it brought out several currents of economic and political trends that are worth especial attention. First, the loyalty of the bands to the government during the Modoc uprising, was demonstrated clearly to their credit by the fact that there never appeared at any time, any real form of organized sympathy with the Modoc renegades. True, there must have been some individual cases of it, but the best demonstration of this was in the fact that old Chief Schonchin, of the Modoc band down at Yainax, remained loyal throughout the conflict, and even urged his fellow tribesmen to not follow the example of their brothers.¹⁵⁴

Secondly, through the cooperation of the Indians, Dyar was able to hold the reservation together in spite of the loss of transportation facilities due mostly to military use, and thereby holding on to the respect for his leadership. Business even though it had been stopped, was able to regain its foothold immediately after the release of a means of carrying it on had been made. Thirdly, the war crystalized the

meaning of the white man's purpose in the minds of the tribes; there never was again any attempt to divert from the routine of life provided for them. Lastly, it settled forever any further danger to the white settlers from outlaw-Indian attacks on their property. That status and role of the Indian was ended insofar as the Klamath country was concerned.

The cost of the Modoc war upon lives and in terms of destruction of property and equipment had been far greater than anyone had anticipated. The military had expected the war to end by January, and as we have shown, it did not. The Modocs surprised everyone by inflicting great damage in loss of life at the Lava Beds. They were far more resourceful than the military was able to imagine. Blunders on the part of the military command did not aid in abating the conflict.

The money cost of this war amounted to \$438,131.91.¹⁵⁵ It represented a cost of nearly half a million dollars in the actual cost of operations, not to include the pensions, hospitalization and other accessory costs. Below is an itemized list of the expenditures:

REGULAR ARMY SUPPLIES	\$ 27,385.33
INCIDENTAL SUPPLIES	12,166.66
TRANSPORTATION COSTS	183,712.61
CAVALRY, ARTILLERY, HORSES	7,302.50
CLAIMS OF OREGON CITIZENS	70,268.08
CLAIMS ALLOWED CALIFORNIA CITIZENS	4,441.33
GOLD PAID OUT BY STATE OF OREGON	<u>132,855.20</u>
	438,131.91

What had started out to be nothing more than a skirmish had ended up as a rather expensive enterprise.

The State of Oregon was refunded the amount of \$70, 268.08 by the government in lieu of the claims of her citizens, but originally the government had tried to reduce this claim down to \$32,207.50. A bill was introduced into the Congress for the claims of Oregon citizens for the amount of \$136,000.00, but did not succeed in passing.¹⁵⁶

General Hardie, who was Inspector of the claims, found many instances of exorbitant claims by citizens of both California and Oregon that he simply reduced¹⁵⁷ in accordance with the normal cost of the times. Freight rates, for example, from Redding California to Ft. Klamath, were found to be as high as \$1.10 per pound. Many claimants priced the value of a dead horse at about three times what it was worth on the market.

It is supposed that no one will ever know the grand total cost to everyone and everything that was influenced by this particular type of madness in the settlement of the west. At any rate, the cost of the war did not end the cost of the show that must go on.

shipped via Portland.

Now for the first time in years, events began to break
for the betterment of the agency in your respect.

CHAPTER X

The old chief and the Warner Valley groups of Snakes finally made their appearance at Yainax in December 1873, and they were again in a semi-starved condition, as was their custom these past few years. Yainax was now to be provided with extra food to take care of all the tribes that had now assembled at that point. Seventy thousand pounds of beef had been provided for them and the agent surmised that they might get through the winter without any trouble.

The supplies that had been brought into the agency had been freighted in by wagons and pack trains in the early days, and by now the method had been improved by the arrival of the railroads as the newest means of accomplishing this feat. With this came additional and new devices of business management.

It seems that the Indian Department had been buying goods for the reservation from New York firms and that they had been shipped at great expense to Linkville, where agency teams would meet them and bring them in. Dyar had recommended¹⁵⁸ that they purchased directly at San Francisco, and shipped to Redding, California, and then brought in by the means of hauling them from the latter point to Linkville. The California Pacific railroad had been hauling goods for one half their regular price in order to prevent their being

shipped via Portland.¹⁵⁹

Now for the first time in years, events began to break for the betterment of the agency at least in some respects. Funds for the purchase of cattle had been allowed in September 1873 and the following May, the order was received from the Commissioner at Washington¹⁶⁰ to proceed with the offering of bids for the purchase of cattle for the Indians, fulfilling the desire of a long felt need. This was only the beginning of an enterprise that was to last for a long time. The basis of agricultural dependency was to retreat into the background of the economics, although it was by no means abandoned.

During the winter and spring months the boarding houses had been going up with the aid of Indian labor and lumber from the mill. These structures, made out of raw lumber, arose in the dimensions of 26 X 40 for the girls boarding house with one and one-half stories; sleeping quarters above. Two buildings of 15 X 22 feet, one of them being for the boys, with the capacity at 40, and a room for the teacher. The regular school house was not yet completed as of September.

Congress in June of that year made an appropriation of \$9,600.00¹⁶¹ for the salaries of the employees at the Agency, but made none for Yainax. An oversight no doubt, but it was not felt that way by the administrator at the headquarters. For, in that same month, he was forced to discharge all of the employees at Yainax simply because there were no funds to pay with.

This was necessary as he put it:¹⁶²

in order to save enough food for
those I feel I will have to feed.

Here we have another example of the reason why Dyar referred to the method of "bungling" that the government through its offices persisted in doing. It was exasperating to one who conscientiously extended himself in his service.

The employee list as of June 1874, showed a complete change-over in personnel. It recorded W. S. Moore, Miller; W. H. Watson, Blacksmith; J. W. Kuylendall, WPM; S. Worden, Supt. of Farm; M. T. Dyar; the agent's wife, as teacher; Wm. Kuykendall as Carpenter; E. W. Hammond, teacher; and B. P. Quisney, Physician. These were all retained at the agency. Their salaries ranged from \$1050.00 to \$1250.00.

In August, Dyar lost his patience when he received a letter from Edward P. Smith,¹⁶³ Indian Commissioner at Washington, that the appropriation for the coming fiscal year would be \$24,700.00, and wrote the Commissioner in caustic terms to the effect that it would not even commence to do what the job called for. He cited the loyalty of the Klamath and other Indians during the Modoc affair. He revealed that inspector Vandevere who had been at the Agency that month had told that the "snakes at Yainax must steal or starve", unless further provided for.

In the past, Yainax had had an appropriation of \$20,000 and they needed every penny of it. He estimated that it would take an extra \$5,000 to barely exist on the basis of

this amount being above the mentioned sum.

In September the boarding school closed for lack of funds. This was a blow that hurt him worse than anything else that had happened. On top of this, all Indian laborers were let go from employment. The following February, the day school which had been abandoned in favor of the more efficient boarding school, had to be reopened again to provide some means as best that could be found, for the educational interests of the agency children. But the attendance was again the same old story. Very few showed up for the bell.

It seems that the growth of the white civilization by the spring of 1875 had now begun to make itself felt by the presence of its existence between Linkville and the Agency and in the settlements around Lost River. This was reason enough at least to the extent that the Indians were not now allowed to make the annual journey there for fishing purposes. Political pressure was making itself manifest.¹⁶⁴

The tribes did not object loudly to this prohibition; they took it stoically, and in spite of the fact that the grain and Wocus crops were near failures now. For that reason it was decided to purchase 7000 pounds of additional flour besides that which had been purchased last fall. The price was \$5.60 per one hundred pound barrel. The one cheerful note was that the cattle purchased last fall were doing nicely now, none had died from the cold and starvation, but a few had died from poison which they found along the banks of the

creek.¹⁶⁵

The population count that had been made¹⁶⁶ reveals that in the intervening years there had occurred a shrinkage among the tribes. It will be remembered that nearly ten years ago the count of the tribes at Ft. Klamath showed that there were 710 Klamaths and 339 Modocs. The 22 Snakes of course at that time did not represent them wholly. The reason is obvious. But the count in March, 1875 showed, Klamaths, 546; Modocs, 80; and the Snakes 494.

The reader should understand by now the reasons for most of this variance. Of course death had intercepted some, but a most noticable loss is that of the Modocs. Their folly of attempting to beat their destiny was ruinous. They never recovered from it. The Snake bands had shown the most noticeable gain, but it would have been impossible to have known how many there were in the beginning, as no accurate count could be made until Ochecho came that December, in 1873. Even now his band was only 150.

However, there were ten hundred and forty of them now altogether and they were destined to grow in numbers, even though it might take years; in spite of all of the barriers that had so far met their advance. Even the remaining Modocs now were fearful of being taken away like their brothers, and old Schonchin would not now have anything to do with his fellows. He wanted to die on the Klamath reservation.

Whatever may be said of the American frontier, as ruthless as it was, it seemed to have the virtue of knowing what



AGENCY INDIAN BAND-HARRY MOMYER
DIRECTOR 1900



INDIAN BOYS AND DRILL MASTER 1900

it wanted, and it held no recourse to the consequences of its actions. The factors which influenced the lives of the Indians on the reservation up to now had been those of settlement, wars, reorganization, and the adjustments of necessity, which had been caused mainly by the circumstances of western environment and the failure of Congress to see the realization that these people really meant to live and advance.

The resentment of the white settlers toward the Indian, even though he was now controlled on the reservation, went on at an even more accentuated basis. This was caused partly by the fears that were pent up during the Modoc War, and the killings of several white civilians and the loss of over four hundred soldiers lives; all of this had its carry-over effect.

The Indian was still thought of by the whites as an obstacle not worthy of sympathetic understanding. Cattlemen on the fringe of the reservation continued to graze theirs on Indian lands. Dyar had sent word to them on numerous occasions, and finally in 1875, got an agreement of fifty cents per head per day for grazing, after several years of freedom. No agreement, however, was yet obtained with those who persisted on attempting the purpose of getting the Indian drunk.

Even the military was a contributing factor to the detriment of the tribes. The troops at Ft. Klamath now had become well established, with a good many men. Their relations

with the Indians had been established almost from the start. F. H. Smith, Secretary of the Board of Indian Commissioners at Washington in a letter to LeRoy Dyar¹⁶⁷ stating that as far as the Indians were concerned, they were not needed. He admits that the Fort did provide the Indian with a market for his lumber, but that their influence insofar as respect for morality and progress of civilization was emphatically and powerfully detrimental. He believed that the tribes would never make great advancement in Christianity and morality while the post continued. Dyar added his personal agenda that:¹⁶⁸

I wish to speak in the highest terms of the officers who have been in command of the post since my term at the Agency. But in spite of all that is done, the common soldiers will continue with the debaucheries with Indian women; they need better patterns than these men.

Dyar had worked diligently on this matter of soldier-Indian relations as far back as 1872. At that time he had received a letter from the post command complaining about venereal disease among the men there.¹⁶⁹ He replied to this communication¹⁷⁰ on October 30 to the effect that he had always done what he could to improve the relations between soldiers and Indian women, but that in spite of the fact that he had forbidden the women to leave the reservation without a pass, some had done so and had not been apprehended. Also that:¹⁷¹

Soldiers are in the habit of frequently visiting the Indian camps below the agency--

sometimes remaining over night. Cannot measures be taken to prevent this? The Indian women will never admit when they have it.

But in 1875 the relations were still going on and it was beginning to be a costly thing to the tribes. To this day, the scars of the frontier are still evident.

The difficulty in finances at the Agency was still of the same marrow in the bone of Congressional financial administration. An order of July 1st cancelled the seventy-five cents per day subsistence allowance that had been given to the employees of the government, and this was to cost them nearly three hundred dollars each in salary.

As a result of this W. S. Moore, his best miller, resigned, and the Indians, who had thought a great deal of him dug down in their own pockets and collected one hundred and fifty dollars to help make up the loss. The Agent said they "understood the situation". In the meantime, the boarding school that had been closed for so many months, was to reopen again in July, 1874. This was accomplished by Dyar's skimping and saving at all corners of financial retreat in order that he might again have the institution operating. He had sent back to Washington a sum of \$4996 as "unexpended" monies from accounts that had not been used up.

The trouble with this system was that the Indian Bureau allotted so much money for each type of expenditure, and from year to year never made an allowance based on needs in spite

of repeated pleadings from the agent. No funds could be transferred from one account to the other without expressed permission, and only rarely did it ever happen that this could be done. Dyar often denied the Klamath Agency things that it was financially entitled to in order to keep Yainax on its feet.

The Klamath Reservation was the heart of the most fertile and productive section of the Klamath Reservation. The tribes by this time had become fully aware of the implications of this new and insidious of their agent, and were beginning to show indignation at this thrust.

The Agent had been protesting this title-confused episode since 1875. It was acknowledged that the treaty had given this right. The Indians knew it too. What they did not know was that there had been a mistake on the part of Congress in granting this land to the State of Oregon, which in turn had granted these sections to the road company.

But now the error had gone too far. Settlers had made purchases of land in good faith along the route; they had gone into titles to their lands. The company proceeded along with its project without apparent knowledge that there was such a thing as an Indian reservation through which their road right was destined to run.

By 1878 Congress was aware of it, but took no action. The Committee of Public Lands in the House of Representatives with Mr. Lafayette Lane as its chairman, reported¹⁷² the

CHAPTER XI

When we left the road builders last, they had neared the head of Sprague River Valley in their southward push. The twelve mile, alternate-sectioned road right was beginning to cut into the heart of the most fertile and productive section of the Klamath Reservation. The tribes by this time had become fully aware of the implications of this newest intrusion of their domain, and were beginning to show indignation at this thrust.

The Agent had been protesting this title-confused episode since 1872. It was acknowledged that the treaty had given this right. The Indians knew it too. What they did not know was that there had been a mistake on the part of Congress in granting this land to the State of Oregon, which in turn had granted these sections to the road company.

But now the error had gone too far. Settlers had made purchases of land in good faith along the route; they had bona fide titles to their lands. The company proceeded along with its project without apparent knowledge that there was such a thing as an Indian reservation through which their road right was destined to run.

By 1870 Congress was aware of it, but took no action. The Committee of Public Lands in the House of Representatives with Mr. Lafayette Lane as its chairman, reported¹⁷² the

whole legal aspects of the case. It was pointed out at that time that the company had legal title to 133,377 acres of land which were embraced in the Klamath Reservation.

On September 23, 1874, Dyar had protested again¹⁷³ that if this title to the land of these sections was allowed to persist, that it would take away the most fertile grazing land on the reservation, and that they had just started to raise cattle there. Furthermore, it was signified that it would cut a strip for sixty miles in length through the valley and sweep out the whole of its value to the Indians.

He had made personal talks with white settlers as to their feelings about the matter and found that they were aware of the significance of the implications. It was best expressed when he said:¹⁷⁴

that if public announcement were made today of the 3000 white men and red inhabitants of this section of the country, it would be that we stand on verge of a war of which the late Modoc difficulty would be dwarfed into insignificance. A combination of Klamath, Modoc, and Piutes could at a single stroke destroy the sparse settlements that would cost the government millions of dollars.

Dyar was under no illusionment when he said this, for settlers had already petitioned their feelings about the matter,¹⁷⁵ and were alarmed over the prospects of it. (see appendix)

The Indian attitude was expressed in the form of argument that ran to the effect that the government made a solemn treaty with them, giving full title to lands, and they



INDIAN SCHOOL GIRLS



INDIAN POLICE

could not understand this except in terms of that it was a conspiracy to take their lands away from them. In 1876 they were still contending this argument. Dyar met with the chiefs of the tribes and tried to explain how the land company got the land, but they replied that when they signed the treaty nothing was said about this.

They replied further that if the government were to allow these lands which were their main dependence for winter range for their stock, it would mean that their cattle would be taken away from them. They would therefore feel that they would have no reason to believe that they would be protected in the future of any of their rights; that they might as well be killed off at once, and that if they were driven to fight, although they had no chance of winning, they would cause the government a very great expense!!

Mr. Pengra, the representative of the Oregon Central Military Road Company offered to take a settlement in lieu of the lands lost to the reservation, if the case took that turn for his company.¹⁷⁶ But nothing was to be done about this matter. It was to drag on for years to come. Congress seemingly had no intentions of trying to untangle the legal knot that had been tied by what seemed to be its own error. In the meantime, the white settler continued to go on occupying the land. The frontiersman-farmer was willing to take a chance, come what may. Only those old time residents of the period realized its implications.

This topic of reservation history was to dominate all others for the next few years in the minds of the Indians and the reservation authorities. Unrest over it seethed at times, and Dyar met with the chiefs frequently in trying to hold the esteem for the government. It was a difficult task, and not an enjoyable one. In view of what had happened at the reservation in the past few years, the Indian was still not convinced of the white man's word.

The Governor of the State of Oregon took the matter into his own hands in an effort to aid in the solution of the problem when wrote¹⁷⁷ to the Secretary of the Interior in December 1878. He outlined the case in brief and extended the argument further by pointing out that the Indian wars in Oregon had been a costly thing and that the Klamaths were a tribe that held tremendous influence over the other tribes, and should be kept peaceful at all costs.

He even went so far as to suggest that the troops at Ft. Klamath be removed to show the Indian that our faith in them was one of confidence. This was never done, however. Endless amounts of letters and official correspondence poured out over the problem and by this time (1878) the matter had begun to die down with the hope on the part of the Indians that somewhere, somehow, they would surely not be betrayed.

During the interim of all this road construction controversy, Dyar was nearing the end of his regime as the head of the agency's business affairs. But before he left in May,

1877, several more improvements were founded. All of the Indians had adopted the custom of white dress; only the Snakes had still insisted on not meeting completely this advance of civilization. The old Wickiup had virtually disappeared, and most of the tribes of the Agency were living in houses, even though some of them were rather crude.

One of the greatest achievements of the reservation during the 70's was the Indians' willingness to learn how to work for himself and to learn to plan his life according to the white civilization's manner. Even though it was slow it came about with the expansion of the agency farm and the acquisition of cattle as a means of subsistence. His lands in the reservation within its boundaries amounted to originally 1,056,000 acres. The future was to hold out far more resources for him in his timbered lands and the development of his cattle industry.

Frugality and industry, which were forced upon him in the early days by circumstances of his environment and which have already been illustrated, came about by such exploits as the one which occurred in late October in 1875.¹⁷⁸ Indians from the agency together with two white employees, freighted one hundred thousand pounds of wheat over the Cascades from Ashland to the Agency, a distance of over 90 miles, over a road that is now the Crater Lake Highway, at an expense to the Department of less than \$200, thus saving \$1800 freight charges. This was simply a matter of economy since the funds

did not permit such an expenditure.

For the first time in a good many months, the fishing restrictions against the tribes eased up and in March of 1878, they made an excursion to Lost River where they caught several tons of white suckers, dried them and returned to the reservation. This time the Superintendent of Farming had gone with them.

Between 1878 and 1881¹⁷⁹ the Klamath Reservation, including all tribes, received for distribution according to their numbers, a total of 225 cattle of a variety of breeds. This was the greatest influx of "beef on the hoof" that had been added to the wealth of the tribes so far. It meant that they would soon be in a position to increase the herds to a point where the business would pay off sizeable dividends, at least compared to what they had in the past. The policy of High and Dyar was beginning to bear fruit.

In addition to this they were to see the arrival of thirty-two new utility wagons, something that had been needed for a long time. But this was all that arrived during the period in the form of "new" equipment, and the reason for it was a sound one-----Congress had again failed to make appropriations for the years 1879, 1880 and 1881, in sufficient amount that would enable the Indian Department to allocate them where needed.

A letter written¹⁸⁰ to the Interior Department in 1881, the Commissioner of Indian Affairs revealed the past policy

of Congress in the matter of appropriations to the Indian Department, and its influence upon the reservations. It seems that one of the chief difficulties took form in the fact that in these appropriations, Congress did not allow funds for the transportation of goods to the points of distribution. It may have been this condition in the past, but not entirely though.

The government owed a total sum of \$100,000 in back debts which he stated was the cause of contractors refusing to do business with the Indian Department, and for the obvious reason, they were not very anxious to render their services of delivery and then wait for several years for their money. For example, flour that had been contracted for delivery in 1880 to the various agencies in the United States in the month of October, was not delivered until the following August, 1881.

When the bureau called this to the attention of the contractors and requested them to be more prompt in this matter, they simply replied that the Indian Department did not have any funds with which to pay them, and that until this maladjustment was overcome they did not care to do any further business. This he concluded was sufficient excuse for the delay!

Here then, is at least some of the reason why an agent in far-off Oregon might become exasperated because he could not have those things for which he had pleaded to the Depart-

ment. In any case, there was certainly not the cooperation and coordination that there should have been. Of course in this analysis we must bear in mind once again that during the 1870's and the decade following, the west was still a pretty rough and uncoordinated structure of cultural environment, and that the headquarters for all this was still a great distance away in spite of the rapid advance of civilization.

But the advance that was being made on the Klamath Reservation was now going on at a pace that almost matched that of the above. In many ways it even surpassed it.

In 1881 we have our first real observation of the development of the reservation in the form of compiled statistics, some of which are accumulative, while others are not: ¹⁸¹

TABLE I
Showing Stock-Products-Subsistence

Number Acres In Klamath Reservation	Number Acres of Tillable Lands	Number Acres Cultivated by Gov't			
1,056,000	20,000	10			
Number Acres Cultivated by Indians	Number Acres Broken By Indians	Number Bu. Wheat Harvest	No. Veg. Lbs.		
100	20	50	415		
Number Tons Hay	Number Cattle	Number Feet of Lumber	Number Cords Wd Cut	Number Rods Fence	Number Horses Owned
1200	600	300000	3000	1600	2500
	12				

TABLE II
Showing civilization

Number Farming Families	Number In Civilized Occupations	Males	Number Houses Lived in	Number Houses Built
80	204		91	20
Number B & G S. Age on	Number Dollars Ed.	Number Months School	Number B & G Read	Number New Readers
261	\$5400	10	67	19
Number Indian Deaths	Number Indian Births	Number Wagons	Number Mowing Machines	Number Indians On Res.
24	26	80	7	1053
Money Grants To Res.	Money Grants Med. S.	Money Grants Annu.	Money Grants Subs.	Money Grants Schools
\$3000	\$190	\$1886	\$38	\$144.68

For reasons that are obvious it should not be difficult to distinguish between those accumulative items and those that are not. Most of the figures are those for the years or fiscal year we should say of 1880-81. In a few brief years, especially since 1873, that there had been considerable growth. For example, 67 boys and girls had now learned to read proficiently, whereas this had been accomplished since July of 1873 when the boarding school was reopened. There were 19 who had learned to read during the year. The industry that was spoken of above is reflected in the sums of productive labor that shows up in such items as, number of tons of hay cut during the year, number of cords of wood cut, etc.

The housing shortage shows up in the total number of them built and lived in as of this year, 111. The population

of 1053 shows even a greater shrinkage, assuming that it is correct, and we have only the agent's word for it which should be sufficient. In 1875 the total count was 1120 Indians. It shows that sickness and death had cut into them for about 73 individuals. The birth rate was holding its own for this year.

By this time a greater allotment of funds was coming through as evidenced by educational costs, and incidentally it should not be taken too literally for in 1883 the Indian Department was raising a great storm of protest at what it believed to be deliberate abuse on the part of Congress in the appropriations for the fiscal year of 1882-83. Even so, \$38.88 is a rather small amount for subsistence supplies.

The Secretary of the Interior had stated¹⁸² that while the year had been gratifying in results on the reservations, it was apparent that Congress did not yet see the whole need of the Department's problems. For example:¹⁸³

last year (1882) \$100,000 was asked for and we were granted \$5000, and this year we asked for the same amount and we got not a dollar.

At a last verbal thrust, he opined that Congress furthermore had not made any appropriation for the prosecution of the whites who had sold liquor to the tribes.

The year marked a pivotal position for the reservation for the means to an end had gone up in the form of two new school houses. The new one at the Agency was 72 x 34 feet and two stories high, but could only accommodate half of the

pupils who applied. The one at Yainax was 40 X 90 feet and also two stories high.

The pattern of instruction at both schools was elementary work in the mornings, and industrial school in the afternoon. Mr. William T. Leake was the principal and instructor at Yainax. The new erection at the Agency was the second one there as Dyar had finished the original one in the late fall of 1874.

In general the civilization of the people was improving rapidly. They still had a few of their old ways, but what race made faster improvement for only having been established for some twenty years?

There was of course much to be done yet. They were by no means fully civilized, yet their progress up to this point had been remarkable. Nickerson stated:¹⁸⁴

Give them the years of protection
that other people have had and they will
in my judgment be second to none in all
that is required of citizenship!

There were other matters too that should be noted for this year. In 1878 the idea of Indian Police caught hold of Congress, and five years later it was a reality on the Klamath Reservation. Now it seems incredible that a man could devote his whole time to a job of any kind and receive as his salary the magnificent sum of \$5.00 per month, furnish two or three suits a year, and still keep his family from want, yet that is exactly what the new procedure called for.¹⁸⁵ But it worked. The chief of the Klamaths was Captain.

Indians. Thirty thousand feet of timber used.

Congress ought to be given credit here for having finally awakened to its obligations to the national tribes for in the annual appropriations for the ensuing year the total sum of \$487,000 was given over to the cost of maintaining the educational systems on the reservations of the nation, as compared to \$135,000 for the previous year, an increase of 260%.

The most¹⁸⁶ exciting thing that happened during the winter of 1883-84 was the killing of an Indian "doctor" by a member of the tribes. He was caught and convicted by a court composed of his own people. It had a great effect on them for it was an entirely new experience. Heretofore, they had never had this privilege, and it marked a milestone in civic consciousness.

During Dyar's administration a wooden structure, as a "toll" bridge, had been built across the Williamson River. Now it seems that in August 1884, there was agitation for the construction of a new one.

The proposition was delivered to Klamath County, since that institution was now a legally functioning entity, that it should be the one to replace the old one; it seems that it had just tottered and fell into the river. Now with the military at Ft. Klamath, a bridge was a necessity. Klamath County did not feel that it was able to construct a new one.

The military under the direction of Capt. G. H. Burton finally built a new one. It was the pride and joy of the

Indians. Thirty thousand feet of lumber were used for it. Now true to human nature, the Indians down at Yainax wanted one too. So the next year they got it, and of course it meant money in the pockets of the Indian laborers who had to cut the timber.¹⁸⁷

This lumber business though was not the only means they had of earning money for themselves. Last year they earned a total of \$3,000 freighting for outside parties, and this year the amount was \$5,500. Quite a sizeable sum, and they were putting their money into horses for themselves.

the nefarious scheme of land speculators, and the ultimate land fraud suits by the government. The 'Swamp Angels' had had their turn at corrupt manipulations of fraudulent land titles. This period was one of reckoning, for the government had up to March 31, 1883, a total of 8,684 land suits in the federal courts against those swamper and corporations who had, primarily, through mis-management of contracts and incompetency on the part of land agents for the Land Office, obtained thousands of acres of the public domain. The year before it had had 12,233 cases.¹⁸⁸

We have already pointed out the reaction of the Stomach tribes to the advance through their lands of the road company. But they had had to forego their feelings by virtue of tacit indifference to the work of the government. As we stated earlier, the company proceeded ahead with the survey of lands, and the alleged construction of the road to its terminus. The tribes

CHAPTER XII

Beginning shortly after the turn of the 80's, Congress began to realize that it had a problem on its hands in the matter of its responsibility to the wardship of the American Indian. It had taken it a long time to converge its opinion to the realization that it could no longer neglect them. The events of the period indicate this.

This same element of time was also clouded again with the nefarious schemes of land speculators, and the ultimate land fraud suits by the government. The "Swamp Angels" had had their turn at corrupt manipulations of fraudulent land titles. This period was one of reckoning, for the government had up to March 24, 1888, a total of 8,264 land suits in the Federal Courts against those citizens and corporations who had primarily, through mis-management of contracts and incompetency on the part of land agents from the Land Office, obtained thousands of acres of the public domain. The year before it had had 12,299 cases.¹⁸⁸

We have already pointed out the reaction of the Klamath tribes to the advance through their lands of the road company. But they had had to forego their feelings by virtue of tacit indifference to the authorities. As we stated earlier, the company proceeded ahead with the sale of lands, and the alleged construction of the road to its terminus. The tribes

had not forgotten though; they simply waited for their time to come.

The first of the series of events which are called to our attention is the matter of the reservation boundary. It will be recalled that the area had been surveyed in 1871, by George Mercer, out of the office of the Surveyor General of the State of Oregon. Further, the tribes stated at that time that the boundary was not right.

In 1884 agitation again began in earnest. This time it was coming from officialdom. On July 4, 1884 Congress passed an act which provided for \$50,000 in Federal funds for the re-survey of tribal lands wherever needed.¹⁸⁹ It further provided for the machinery of the land allotments that were to follow two years later.

Since the initial survey, the out-boundaries of the reservation had witnessed a dispute between the cattlemen on the fringe of it, and the Indians, who now had cattle of their own, and who demanded that they alone be given full access to grazing lands that were theirs. They had claimed that the eastern boundary was located too far west depriving them of a large tract of land that was given them in the treaty.¹⁹⁰

The Agent was instructed to¹⁹¹ make a full investigation of the matter and take all of the available evidence. After this report was made, and in view of the vague and indefinite descriptions that were given concerning the boundary dispute, and the fact that settlements had been made upon the

lands east of the reservation, it was determined to reestablish the eastern boundary in accordance with the survey of 1871.

Although the claim of the Indians was well established, it was decided to go ahead with the new survey. It was also decided that the military would be used to protect the reservation from the encroachment of cattlemen. The Secretary furthermore advised in his report¹⁹² that he intended to represent the claim of the Indians for the lands lost by the faulty survey of 1871.

In 1888, Wm. Thiel was employed to make the new one for the reservation. When it was allover it was found that the¹⁹³ two lines had unwittingly confounded each other. This survey ran along the north shore of Klamath Lake and Wood River, but north of that it ran farther west and extended further north by two miles. On the east it was found that both lines (1871-1888) were coincident. In other words, they were right back where they started. Worse yet, the new line (1888) had now embraced four townships that were not IN THE SURVEY OF 1871!! (see plate VIII)

True to inviolable tradition, the matter was to stay where it was for a few years more. Did anyone really know where the boundary was?

In the meantime, the feud grew worse along the border. For the next few years neither side were willing to relent in the prosecution of what each thought were their rights,

in spite of the fact that the cattlemen had no right at all on Indian lands. By proclamation¹⁹⁴ of May 4, 1886, the military at Ft. Klamath was placed under the control of the Secretary of the Interior. This had been a part of a movement now underway to abolish the troops at Ft. Klamath. The object now was, use them for protection of the reservation.

A letter from the Klamath Agent to the Indian Commissioner stated¹⁹⁵ that the Indians were rapidly advancing in civilization and that they were learning to take care of themselves, but that they were prompt to revenge injuries. Furthermore, that the whites surrounding the reservation were of the most lawless and turbulent in character.

His argument carried on to the effect that these settlers (cattlemen) were only too anxious to fasten a quarrel upon the Indians in the hope that an Indian war would result in the opening up of the reservation to settlement by whites. He therefore requested that troops be left at Ft. Klamath to keep the lawless element of the border under control.

Now another event which had been urged as far back as 1876, the Land In Severalty Act, was passed by Congress,¹⁹⁶ and this was to add still further consternation to the minds of all persons involved. The Indian had wanted this for a long time because it meant that at last he was to receive a tract of land of his own; to work and to establish for his family an inheritance of real estate.

This act which was passed on February 8, 1887, gave to

the Indians of the reservation certain tracts of land of which each head of a family received one quarter section; single or orphaned Indians received one eighth section; provided they were under eighteen; and to each other single person born prior to the act, one sixteenth of a section. The act further specified that married women were barred from receiving lands. The law was to be amended in 1891 at which time it was to be further provided that each member of a tribe should have an equal allotment which was to be held in trust for twenty five years, after which they were to be released to their heirs. This arrangement now made it possible for members of the tribes to have a new incentive for life. Heretofore, they had remained upon the reservation for a long time, living without individual land enterprise, but working as a collective group for subsistence, and they had made an impressive record.

For several years now, as we have already mentioned, the slow but definite movement for the removal of the troops at Ft. Klamath had been gaining momentum. White settler, both law abiding and lawless, began to express fears of revenge on the part of the Indians. After much discourse and unnecessary expression and exaggeration of the situation insofar as the "war threat" was concerned, the Department sent from Washington an inspector, James H. Cisney, to investigate, and report his findings.¹⁹⁷

These were to the effect that he found things peacefully

inclined and that the Indians seemed to be anxious to keep out of trouble, and that there was no fear from them unless there was a continuation of imposition on the part of the lawless minority along the borders of the reservation. No fear existed between the law abiding whites as regards to the Indians, and that such would be the case if the troops were removed.

It was pointed out, however, that certain white cattlemen on seeing the number of troops reduced at the fort, had driven about ten thousand head of cattle into the Klamath marsh area of the reservation, and that the Indians wanted this region for their own grazing lands, since it was theirs in the first place, and by doing this could save their home pastures for the winter.

Further, this move had caused additional alarm now, and that since one company of Cavalry had been removed from the Fort in the summer of 1886, it had served as a cue for this on the part of these cattlemen. It was alluded that if the troops were removed entirely that it would be only a short time, he believed, until they would take away all rights of the Indian, and then some Indian would resist in some incident and that:¹⁹⁸

some white cowboy would kill him and then the fray would commence. And from the best evidence that I can gather here, there are many of these white settlers just waiting for this opportunity. They claim that they are just as much entitled to the grass that grows upon the reservation for their

cattle as the Indians are, and that the Indians have no rights that the white man is bound to respect.

Protests poured in from all sources (see appendix), and the troops were not to be removed until three years later, 1889, when it was found that they no longer served as a public resource for protection, for by that time civilization had cut its indelible pattern. It was a fortunate thing though that some were left to enforce order in respecting Indian rights. Indian police were in no position to aid in the matter, even though Federal Courts existed for the protection of the Indian.

Finally, in 1889 an amended act of Congress¹⁹⁹ made it possible for the cattlemen to enter into lease agreement with the Reservation for grazing lands, thus an ugly sore in the history of this struggle was healed.

The Land in Severalty Act which we mentioned a moment ago had been organized and under way for barely a few years when the Oregon California Land Company, the successor to the old Oregon Central Military Road Company, brought suit against the government in an effort to stop the effects of the above act. The object of course was found in the matter of these lands that it had inherited on the reservation through purchase.

The former company had been selling the lands when in 1885 it was brought to task by the government on charges of fraud in connection with the road building and its purpose

as a company. Space does not permit more detail here, than to say that the whole matter was aired in the courts, and the government, even though losing its suit against the O.C.M.R. Co., brought out some very revealing information which showed plain evidence of fraud.²⁰⁰

In the case of the former land company, the court held against it as a means of interfering with the development of the allotment of lands to the Indians of the reservation.²⁰¹ This decision also upheld the treaty of 1864 as being valid and for the first time established the legality of the same. At least in part, a halt was brought to the matter of selling Indian lands on the reservation by outsiders. The settlement of this case in its final judgment and the compensation for the loss of lands etc., was not to be made until 1938. (see appendix)

It was remarked earlier that in the 1880's the policy of the government underwent a great change in the manner of operation on the several agencies in the United States, and these changes made themselves felt on the Klamath Reservation.

So far, we have shown the main features of this period and it remains now to point out some additional information on such matters as educational policy and the changes that occurred; growth of reservation as a whole; the final settlement of the boundary question, and the close of the century and this narrative.

CHAPTER XIII

Previous years had seen the schools of the reservation go on without an organized curriculum of studies. It was left up to the individual agent to order whatever books and material that he thought fit for such purpose. This meant that there was a low standardization of the process of learning; some learning meant that there was justifiable progress, while in other cases it did not reflect as well.

Agent Emery, who had replaced L. M. Nickerson, reported the condition at the agency,²⁰² and remarked that up to 1885 no course of study had been organized for the schools yet, and that:

as might be expected the schools are supplied with books that are illy adapted to the Indians needs. In some cases books are ordered and then no use is found for them at all.

This condition was corrected in 1891 with the admission of an organized curriculum of study materials by grades and the books prescribed for each level. (see appendix) From this time on the rapidity of the achievement steadily increased.

Naturally, this was to reflect itself in the civilization program. The schools had grown to considerable size in 1884 over the period of three years before. At this time the government was spending \$1240.22 for the support of the schools, whereas three years earlier it had spent \$144.38.

This is due primarily to the fact that the annual appropriation for schools that year had risen to \$675,000,²⁰³ a further illustration that Congress was extending itself to catch up with its responsibility, a fact that must not be overlooked from this time on.

Yainax now boasted of 151 who could read out of total population of 311 residing at that headquarters. The average daily attendance at school was 38, the manual training school now had three teachers; 150 were engaged in civilized pursuits, and 120 were engaged in agriculture. Here then is an idea of what had been going on down at the post that had been so badly neglected in previous times.

The Agency schools were reporting similar progress for the same year. The boarding school had eighty students with an average daily attendance of 63, and maintained 9 employees, and we see that \$94.55 and \$71.94 was spent on school materials at the agency and Yainax respectively.²⁰⁴

Now the most conclusive evidence of the growth during the ten year period of 1881 to 1891 will be found in the following tables:²⁰⁵

Year	Number	Year	Number
1881	151	1891	311
1881	38	1891	63
1881	3	1891	9
1881	150	1891	120
1881	120	1891	151
1881	94.55	1891	71.94

TABLE III 1890
SHOWING LANDS-CROPS-PRODUCTS-STOCK

Number Acres in Klamath Reservation	Number Acres Cultivated by Government	Number Acres Cultivated by Indians	Number Acres Broken by Indians
1,056,000	50	2900	500
Number Acres Under Fence on Reservatn	Number Acres fenced During Year	Number Fam- ilies Farm Workers	Number Bushels Wheat harvested in Year
15,000	1000 Rods	185	3900
Number Bu. Oats & Barley Harvested	Number Bu. Vegetables Grown in Yr.	Number Tons Hay Grown During Year	Number pounds Butter Made During Year
2,800	800	3,500	2,000
Number Feet Lumber Cut During Year	Number Cords Wood Cut Dur- ing Year	Number Lbs. Goods Trans- ported by I.	Number Dollars Earned from Same
25,000	500	200,000	\$1,700.00
Number Hor- ses and Mu- les on Hand	Number Cat- tle on Hand August 1890	Number Pigs on Hand of Same Date	Number of Chickens on Hand
2425	1500	100	1000

TABLE IV 1890
SHOWING CIVILIZATION

Number of People on Reservation	Number In Civilian Dress	Number Who Learned To Read	Number Who Are Able Speak Eng.	Number Houses Built During Year for Ind.
975	975	270	645	15
Number Ind- ians Live In Houses 191 (fam)	Number Houses Built	Number Ind- ians in Civ. Pur.	Number In- dians who Hunt-Fish	Number Issued Government Rations in Year
	0	75	20	5
Number of Missions on Reserv.	Number Church Members	Number Church Bldgs.	Number of Marriages During Yr.	Number Divorces During Year
3	500	2	8	1
Number of Births in Year	Number of Deaths in Year	Number Tried by Court	Number Vi- olent Dis- eases Yr.	Number of All Cases of Ill- ness in Year
41	17	9	184	441
Number Re- covered fr All Ills	Number Held For Treatment	Number of Cases of T.B. Res.	Number of Measels Cases	Number of In- fluenza Cases in Year
441	7	12	101	202

From the foregoing, there has been considerable change in all phases of growth. One of the most outstanding is found in the fact that all Indians in 1890 were in civilian dress. Agriculture had made outstanding progress in the amount of work accomplished. The introduction of the steel plow had speeded up farming operations, because up to 1884 they had not had this. This is also indicated by the number of acres broken during the year, and the number of acres cultivated as compared with the figures of ten years before.

Illness was still a major problem among them, and this seems to be partly by a change of conditions of living which they had not yet adjusted to. Of course we have no figures before the reservation on the health of these Indians, but it is the mere guess of the author that this is a major cause of it.

The cost of Education this year (1890) was \$11,093.48 at the Agency and \$7,709.20 at Yainax.²⁰⁶ Indicating again a sharp rise in government support for this entity. It seems appropriate again to note that the government had allotted \$1,842,270²⁰⁷ this year for all Indian education, which again shows the influence as noted above. Another interesting thing about this is that by now both agriculture and cattle raising were successful enterprises, whereas years before agriculture had been a failure, but this should be understandable.

E. L. Applegate, who was now Agent, made a very interesting summary of life at the boarding school to the effect

that the work at the school was very heavy on those who were old enough to be of assistance. There were 110 of them and this constituted a large family. The housekeeping, cooking, washing and ironing amounted to a very heavy task. When the repairing and making of a vast amount of clothing was taken into consideration, together with all the work necessarily required by milking, and taking care of the horses and cattle; the cutting of all the wood, and the cultivating of the garden, it was not hard to see:²⁰⁸

that the life at the boarding school was a very exacting place.

The school had a Superintendent, Mr. H. B. Compton, at a salary of \$1,000 per year. His assistants were, Sarah Emery, Dellie Lee, Teachers, at \$600; Frances Comton, Matron; Myrtle Compton, Assistant Matron; Alice McFarland, Seamstress; and Emily Sloan, Laundress at salaries of four, five and three hundred dollars respectively. The place was an institution!

Yainax had a Superintendent too, Mr. J. W. Brandenburg at a salary schedule of \$800 per year. Bertha Emery was the teacher, the remaining load of the position being conducted by the Superintendent. Melissa Brandenburg was listed as Matron, with Luella Drew and Mollie Brown as assistants. Althca Brandenburg acted as Seamstress, Emma Moses and Jennie Nickerson as Laundresses, and Aneasa Moses and George Nickerson as Industrial Instructors.

Now we may see in rather bold relief the exact nature

of the Klamath Reservation in 1890. It is indeed quite a contrast to the loosely framed and incoherent organization that had existed twenty years before. Government support had been a powerful influence.

The government was again reaching out and trying to correct the mistakes that had been made in the past. Of all things that had plagued the halls of Congress in relation to the Klamath Reservation, the settlement of the boundary lines was the most aggravating.

For it seems that in 1888 when the Thiel survey was made the Indians had agreed to cede all the lands between the boundaries of 1871 and that of the above year. This was done in an effort to straighten the matter out. A commission was appointed by Congress in 1896²⁰⁹ to ascertain the number of acres that had been excluded from the treaty reservation, that is, that land that had been cut off on the eastern boundary, and by the erroneous surveys.

The House of Representatives had a bill before it that would in its present form, reestablish the survey of 1871, and restore to settlement the lands within the boundaries of the existing reservation then covered by the approved Indian allotments. If this bill was to pass it would have been the cause of renewed dissension between the Indians and the white settlers. On account of this, the bill was resubmitted.

On May 10, 1901, the Commissioner of the General Land Office made the report²¹⁰ that the confusion lay in the sup-



THE AGENCY IN 1900

PLATE XIV

IDA MOMYER ODELL COLLECTION

position that the Thiel Survey did not embrace in the reservation any lands not included in it by the survey of 1871. The opinion was expressed that a new treaty (3rd) should be made with the Klamath tribes and be substituted for the one now pending (1900). It was suggested that the only change that seemed necessary was to strike out in Article I of the original treaty which said, "made in 1871" and insert, "approved in 1888 by", in lieu thereof.

On October 28, 1900, Inspector McLaughlin had gone to the reservation to arrange for the reconsiderations. In June 1901, he transmitted to the Interior Department a new agreement with the Indians. By this one they agreed to cede all rights to lands lying between the boundaries described in the treaty of 1864, and the reservation lines established in 1888. W. A. Jones, the Land Commissioner then recommended that the new agreement should be acted upon.

It was finally accepted and approved on December 7, 1901, and it was estimated that the area involved amounted to 624,000 acres that had been erroneously taken away from the Klamath tribes by the series of borderline mistakes. To compensate for this the government paid the sum of \$527,000.20 slightly less than eighty-five cents an acre for land that had been settled on by white settlers or owned as pasturage. However, the land actually had more value than this for there was timber to be found in the northern limits of it. Be that as it may, the settlement put the tribes on their feet fin-

ancially.

Of this above sum, \$350,000 was to be held in trust for them in the U. S. Treasury at interest of five percent annually, and together with the accrued principal from interest, it made a lasting endowment for them and was to be the last of the big sums of money they were to get until the famous Yamsay Mountain decision of the Supreme Court from which they were given the sum of \$5,319,738. (See Appendix)

And now after thirty-seven years of legal and personal turmoil they had at last found a place they could call their own, and the future was bright; they had become civilized; the government, though tardy, had come to their side in the hour of their greatest need. They could look behind them and see fresh evidences of a new world without warfare and the wrangle of civilization; they were free to grow. So they built their houses, and planted their fields.

What, then, should be the policy of the United States toward the Indian? Shall he always look to the white and paternalistic "master race"? Or will he ever be given the opportunity of finding himself and make his appearance on the stage of what is called civilization, and play his role within the framework of those principles that have been given to him as the heritage of European-American culture? These are some of the questions which the Congress of the United States will have to solve.

The Congress held during the closing decade of 1890-

CHAPTER XIV

When in the final analysis one considers the record of the Klamath Reservation there emerges one outstanding trend of tribute that is characteristic of the American Indian; namely, that he has accomplished a degree of civilization that places him far above many other races of the earth, and has reached that goal in a comparatively short time.

Few races can boast of a better record; one which involved a complete extinction of one kind of cultural complex; the up-rooting of centuries-old traditions, and customs; and last but not least, the rehabilitating of the mental processes and the necessary adjustment to a civilization thrust upon them by a superior force.

What, then, should we say as to their future? Is the Indian always to remain on a reservation? Shall he always look to the advice and parental supplications of a "master race"? Or will he ever be given the opportunity of finding himself and make his appearance on the stage of what is called civilization, and play his role within the status of those precepts that have been given to him as his inheritance of European-North American culture? These are some of the questions which the Congress of the United States will have to answer.

The progress made during the closing decade of 1890-

1900 in the matter of civilization and industrial aggrandizement is indicative of the capacity of the Klamath tribes (see appendix) to adapt themselves to their new cultural inheritance and to make the best from what was once a grueling endurance under the guidance, fortunately, of a quality of leadership as expressed in the terms of the white man's effort to create for them a livable environment. To LeRoy S. Dyar is due the credit for having surmounted the crescendo of economic strife, and political turbulence of a period of time when, had not their leadership been in the hands of a man whose character and God-fearing fortitude saved them from disaster, there might have been a tale of asunder that would not have reflected the fate of a people well bound on their journey to comparative happiness.

As was said in the beginning, the Government of the United States, while undergoing the adolescence of a mismanagement, finally evolved itself into a program of credited effort to make amends for those shortcomings of an earlier day, and this was a large factor in the success of the Indian reaching his present position.

The greatest and last step that can be made in this process of economic and political maturation lies in the ultimate disbarment of the reservation as an expedient for the management of the lives of the Indian. There has been a slow, but perceptible movement in this direction, and insofar as the Klamath tribes are concerned, it has reached



OLD CHIEF SCHONCHIN
PLATE XV

IDA MOMYER ODELL COLLECTION

the stage of legal maturity²¹¹ in the form of Senate Bill #1313, to remove the restrictions on the property and moneys belonging to the individually enrolled members of the several Klamath tribes, and to provide for the liquidation of tribal property and the distribution of the proceeds thereof; to confer complete citizenship, and other purposes.

The bill was introduced in the Senate by Senators Wayne Morse and Guy Cordon, representatives of Oregon in the Senate. It harkens like a clarion call back to the day in that chamber in 1864, when another Senator rose to request permission that he might bring relief to the settlers of southeastern Oregon, and it represents the close of a cultural cycle.

It is not the purpose of the author to argue the merits of this movement to release the American Indian to free and competitive citizenship, and all of the hazards that are commensurate with it. The record of History has the answer for such matters; it is only a phase of time until the present system will be relegated to that realm of progress in humanity wherein a man or men must live in any form of human bondage.

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The purpose of the following brief discussion is to emphasize some of the most valuable sources found by the author in the process of assimilating the material that has been alluded to in the notes and references and the bibliography.

Of the primary sources, and without question the most valuable source of direct and original information, was found in the Original Agents Journal, a part of the library collection at the Klamath Agency. The Department of Indian Affairs had instructed their agents to keep a running account of the daily transactions of all business and of personal notes pertinent to the affairs of the local agency.

This journal contained scores of personal letters, notes and comments, official correspondence, and statistical records of the Klamath Agents from the end of the year 1869 to 1877. Further, there was found to be recorded many letters in the original handwriting of the agents; the ink so badly faded at times that it was necessary to use a strong reading glass to bring out the contents clearly and intelligibly. The fortunate access to this journal saved many long hours of what would have been expended on outside research. In all, there was a total of 433 pages.

In conjunction with this, there was found also a small

journal containing the original letters from various officials within the Oregon jurisdiction. These, without comment, served as valuable historical material.

Of the secondary sources, the two theses by Bruce and Cliff represented fine scholarship and organization of the material concerning the history of the Oregon Central Military Road and the early history of Indian wars in Oregon, respectively.

Ethnologically, the works by Cressman, Spier, Kelley, and Gatschet represent a collection of fine authority on the early lives and racial antecedents of the Klamath, Modoc, and Paiute Indians.

Jeff Riddle's book on the Modoc War, while open to criticism in many respects of coloration, presents for the most part a rather accurate picture of the times involved. Much of its contents were taken from the War Department records, and as we have already pointed out elsewhere, it is essentially the word of the Indian against that of the white.

NOTES AND REFERENCES

NOTES

1. "Old House", a house located on a Link River Indian site was guided Lindsay Apollonia in the fall of 1957.
2. Tololone, a Klamath language name applied to the area on the banks of Link River where the evidence of the Klamath held joint occupation.
3. Kowatt, Klamath name referring to the place where Lindsay Apollonia began excavations at the first agency.

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George Boyd	Lieutenant	100.00
Elmer Hill	Private	100.00
Byron Latch	Private	100.00
Abraham Charles	Private	100.00
Ray Davis	Private	100.00
Elmer Lynch	Private	100.00
Bridges Jim	Private	100.00
Jack Palmer	Private	100.00
Robert Hook	Private	100.00

\$5,504.00

ADMINISTRATIVE STAFF AT KLAMATH RESERVATION 1900²¹²

<u>NAME</u>	<u>POSITION</u>	<u>ANNUAL SALARY</u>
O. C. Applegate	Agent	\$1,200.00
Henry Montague	Clerk	840.00
Stacy Hemenway	Physician	1,000.00
Adolphus H. Engle	Sawyer	800.00
George H. Hurn	Farmer	720.00
INDIAN EMPLOYEES		
William Crawford	Judge	96.00
Robin Hood	Judge	96.00
Robert Wilson	Judge	96.00
Harrison Brown	Judge	96.00
Logan Pompey	Blacksmith	60.00
William Ball	Stockman	480.00
INDIAN POLICE FORCE		
Joseph Kirk	Captain	180.00
George Duval	Lieutenant	180.00
Elmer Hill	Private	120.00
Byron Lotches	Private	120.00
Abraham Charlie	Private	120.00
Kay Davis	Private	120.00
Elmer Lynch	Private	120.00
Bright Jim	Private	120.00
Jack Palmer	Private	120.00
Robert Hook	Private	120.00
		<u>\$6,804.00</u>

AFFIDAVIT 213

I, John W. Brown, a settler in the upper Sprague River Valley, just east of the eastern limit of the Klamath Reservation, make oath to the following facts, to wit: That my brother, George W. Brown and I have cattle at a place in the valley aforesaid, and that we have collected and counted the said cattle every day since we came there last fall; that on Sunday, Nov. 10, 1872, we counted the said cattle and found the full complement of one hundred and ten (110) head; that on the morning ensuing, we found them very much disturbed and scattered and collecting them together we found a steer shot, and covered with brush; that there was a bullet hole over the right eye, and his throat was cut as good as any butcher could do it; that we found moccasin tracks going to the aforesaid steer from a brushy point near by, and that my brother and I followed the said tracks away from aforesaid steer and followed them, finding that they led to two other of our steers which we found missing; that a heavy storm coming up, we left and have not been back or returned to that part of the aforesaid range.

Signed

John W. Brown

Subscribed and sworn before me this
12th day of March, A.D. 1872,

ATTEST: LeRoy S. Dyar, Agent.

AGENCY GROWTH AND DEVELOPMENT²¹⁴

1901

TABLE V

Showing Products & Stock

Number Acres Cultivated in Year	Number Acres Under Fence Up to Date	Number Acres Under Fence During Year	Number Families living on Allotted Lands
200	32,500	10,200	205
Number Bu. Wheat Harvested in Yr.	Number Bu. Oats & Barley in Year	Number Bu. Vegetables Harvested	Number Tons of Hay Cut During Year
283	945	710	10,000
Amount Money Earned By Same	Amt. Money Earned From Prod. Sold	Amt. Sold To Government During Year	Miscellaneous Products sold To Government
\$2,412.00	\$1,970.00	\$1,440.00	\$32,000.00
Number Feet Lumber Sawed During Year	Number lbs. Butter Made During Year	Number Cords Wood Cut During Year	Number Tons Freight Hauled During Year
300,000	1,200	900	144,000
Number Mules, Burros & Horses	Number Cattle On Hand	Number Swine On Hand	Number Chickens On Hand
4,000	3,825	250	600
Number Days of Indian Man Hours Lab.	Number Miles New Road Made in Year	Number Miles Old Road Repaired	
335	10	10	

TABLE VI
SHOWING THE CIVILIZATION

Number People Living Upon The Reserve	Number Indian People Who Wear Civ. Dress	Number Indians Who Can Read Well	Number Indians Speak Eng. Fluent.
1338	1358	510	705
Number Indians In Civilian Pursuits	Number Indians Still on Gov. Rations	Number of New Houses Built in Yr.	Number Houses Lived in By Indians
84	16	11	205
Number Indians Who Belong To Indian Church	Number of Missionaries On Reservation	Number of Church Bldgs. On Reserve	Amt. Money Donated to Church Work
350	1	2	\$350.00
Number of Marriages During Year	Number of Births in Year On Reserve	Number of Deaths on Reserve	Number Divorces During Year
12	30	22	3

BOUTELLE'S ACCOUNT OF PEACE ATTEMPT²¹⁵

November 29, 1873

Major Jackson finally rode over to me and said, "Mr. Boutelle, what do you think of the situation? There is going to be a fight". I replied, "the sooner you open it the better, before there are any more complete preparations". He then ordered me to take some men and arrest Scarface Charlie and his followers. I had taken the situation pretty well in hand and I knew that an attempt to arrest meant the killing of more men than could be spared, if any of the survivors were to escape.

I was standing in front of the troops. I called out to the men, "shoot over those Indians", and raised my pistol and fired at Scarface Charlie. Great minds appear to have thought alike. At the same moment, Charlie raised his (rifle) and fired at me. We both missed, his shot passing through my clothing over my elbow. It cut two holes through my blouse, one long slit in a cardigan jacket and missed my inner shirt.

My pistol bullet passed through a red handkerchief Charlie had tied around his head, so he told me afterwards. There was some discussion after the close of the war, as to who fired the first shot. I used a pistol in my left hand. The track of Scarface Charlie's bullet showed my arm was bent in the act of firing, when he fired. We talked the matter over, but neither could tell which had fired first! The fight became general. Shots came from everywhere, from the mouth of the Tipis, from sagebrush on our left, from the river bank and from the bunch of braves in which Scarface Charlie was at work. As soon as I had time to see that I had missed, I suppose I fired another shot at Charlie, at which he crawled off in the brush. Just then an Indian dropped on his knees in the opening of a Tipi a few yards to our right, and let loose an arrow at me. This I dodged and in the subsequent proceedings interested him no more.

AUTHOR'S NOTE: The reader should examine the accounts of Dyar, Applegate, and the above carefully.

CHRISTMAS AT THE AGENCY²¹⁶

1900

At the tap of a bell, Capt. O. C. Applegate entered the room where 110 children were seated at tables enjoying an excellent repast. Twelve turkeys had been nicely roasted; mashed potatoes were nicely smoothed, and rounded up by the hands of the Indian girls under the direction of Mrs. Elvira Mann; three kinds of cake and pie, plumb pudding and fresh roasted pork.

After they had finished their meal, 110 grown persons, patrons of the school and police were served with dinner. The general management was directed by the school Superintendent, misses Anna Egan, Anna Applegate, Mary Bassen, and Mrs. and Mr. Butler exemplified their skill at serving.

Sixty visitors remarked in conversation that many a child in some of our great cities had no such repast as that. Dinner over, an appropriate program was carried out, and a tree nice decorated with presents for the evening. The play, "At The Court of King Winter", with the following characters was rendered: King Winter, John Cole, November, Minnie Cookman, December, Bessie Chiloquin, Dame Nature, Rachael Wilson, Santa Claus, Roy Applegate, Christmas Day, Hattie Barkley, Forefathers Day, Mollie Corbell, Winds, Elsie Stokes, Lena Kirk, Heralds, Quimby Chickasket, Patrick Jackson, Flowers, Intermediate Children, Elves, Primary Children. The writer had the privillidge of seeing a nicely prepared program presented, and a gift to Capt. O. C. Applegate.

DEATH OF CAPT. JACK AND FOLLOWERS²¹⁷
(Eye Witness Account)

"Precisely at 9 AM the troops were formed on the parade ground, the artillery and cavalry being mounted. They took up their line of march to the guard house, where a wagon, drawn by four horses and containing the prisoners, took its place in the column. After arriving at the gallows, the military took up its position on three sides of the gallows, leaving an open space, on the fourth. In the rear of the drop were stationed three enlisted men, immediately charged with the execution of the Modocs.

"The order of the execution was read to the prisoners; Barucho and Sloluck were pleased to find that their sentence had been commuted to life imprisonment and stepped lightly back to the guardhouse. The chaplain offered a fervid prayer and the fatal nooses were placed around the necks of the victims. It was necessary to cut off a little of Jack's long hair, it being in the way of the rope. Captain Hayes bid farewell to the prisoners and the black caps were drawn over the heads of the culprits. At 10:15 at the signal the ropes were cut and the drops released. The bodies swung around several times, Jack and Jim dying easily while Schonchin and Boston underwent terrible agony.

"As the drop fell and four poor and wretched human beings dropped to eternity a smothered cry of horror went up from the crowd of more than 500 Klamath Indians who were witnesses of the scene and from far-off came the wails of agony of the widowed squaws.

ESTIMATE OF ANNUITIES SUPPLIES²¹⁸
1876-77
Klamath Agency

50 pr Blankets (Indigo)	@ \$6.00	\$ 300.00
10 doz Spools Cotton	.60	6.00
1000 yds of Calico	.072	75.00
50 yds Brown Sheeting	.10	5.00
100 yds Blue Flannel		33.00
100 yds Red Flannel		38.00
500 yds Kentucky Jeans		100.00
100 yds Hard Tissues		89.00
100 yds Hickory Shirting		13.00
2 doz Pint Cups		1.18
2 doz Tinned Table Spoons		.68
1 doz Hatchets		5.00
24 doz Fish Hooks		1.20
12 doz Fish Sines		4.68
2 doz sewing awls		.16
2 doz coarse Combs		.80
2 doz Fine Combs		.88
$\frac{1}{2}$ doz Wire Seives		.56
50,000 lbs beef on foot		1950.00
40,000 lbs Wheat		1200.00
100 lbs Coffee		21.37
250 lbs Sugar		24.42
90 gal Molasses		20.25
100 lbs Soap		4.25
30 Mules		2250.00
17 Sets Harness		427.38
2 Riding Saddles		34.28
2 Iron Buckeye Mowing Machines		375.00

ESTIMATE MADE BY O. C. APPLIGATE 219
FOR WINTER SUPPLIES OF 1872-1873
AT YAINAX SUBSTATION

FOR SNAKE INDIANS

AGGREGATE NUMBER INDIANS: 434

Flour 35,000 lbs
Beef 50,000 lbs
Blankets 217 prs
Flannel 2170 yards
Strong woolen cloth 1150 yards
1 Gross Hats Assorted
10 Boxes Thread Assorted
4000 Needles
3 Doz Prs Scissors
5 Doz Camp Kettles
3 Doz Fry Pans
3 Doz Axes
6 Doz Axe Handles
5 Doz Sheath Knives
50 Pounds Powder
50 Lbs Lead
50 Lbs Tobacco
1 Tin Case Matches
1 Gross each Fish Hooks & Lines
1 Doz sets maul Rings
1 Doz iron Wedges

FOR MODOC INDIANS

AGGREGATE NUMBER ABOUT 366

Flour 26,000 lbs
Beef 30,000 lbs
Blankets 150 prs
Flannel 1500 yards
Strong woolens 850 yards
5 Boxes of Thread, Flax
2000 Needles
2 Doz scissors
2 Doz Fry Pans
2 Doz Kettles
2 Doz Axes
4 Doz Axe Handles
2 Doz Sheath Knives
25 Pounds Powder
25 Pounds Lead
25 Pounds Tobacco
1 Tin Case Matches
1 Gross Fish Hooks & Lines
1 Doz Sets Maul Rings
1 Iron Wedge

Total amount received in coin by Treasurer
Cash on hand
Total
Total amount received from Treasurer
Paid out to H. Simpson on contract on road
Paid out for goods taken from boat
Paid out for other disbursements
TOTALS
Amounts of receipts of company not including the
40% not yet received on contract on road
Delinquency on assessments made to date
Secured 1/20 notes on sales from land
Property no per inventory
Receivables not collected
Cash on hand
Coin on hand
TOTALS
LIABILITIES:
- Paid to H. Simpson on contract 25,000.00
Legal tender notes on loan 10,000.00
15,000.00
EXCESS OF ASSETS

Oregon Central Military Road Co. ²²⁰
 FINANCIAL STATEMENT

Report Submitted by W. H. Odell
 J. G. Gray, John T. Gilfrey.
 March 30, 1867

Capital Stock Subscriptions	\$100,000	
Assessments to date (55%)	55,000	
Subject to Assessment	45,000	
Amount received by assessment to date		\$39,298.50
Amount received on sale of lands		<u>5,265.55</u>
Total Amount Received from all sources		44,562.05
Amount paid Treasurer as per receipts on file	26,004.90	
Amount paid to Simpson on road contract	950.00	
Amount paid to A. S. Patterson on Contract	99.00	
Amount paid to B. J. Underwood on order #142	450.00	
Sold for coin (lands)	15,925.00	
Amount charged to Simpson as per receipts	742.15	
Cash on Hand		<u>300.00</u>
Coin received from Ladd & Tilton Bank	7,000.00	
Received from A. C. Hovey	800.00	
Amount on sale of legal tender notes		<u>11,307.80</u>
Total Receipts		19,107.80
Total Amount received in coin by Treasurer	18,911.80	
Cash on Hand		<u>196.00</u>
Total		19,107.80
Total amount received from treasurer	18,911.80	
Paid out to B. Simpson on contract on road	17,184.12	
Paid out for north fork ferry boat	123.00	
Paid out for other disbursements		<u>1,833.68</u>
TOTALS		18,911.80
Amounts of assets of company not including the 45% not yet levied on capital stock:		
Delinquent on assessments made to date	15,701.00	
Secured from notes on sales from land	1,251.12	
Property as per inventory	2,113.50	
Received but not collected	724.15	
Cash on Hand	300.00	
Coin on Hand		<u>196.00</u>
TOTALS		20,286.27
LIABILITIES:		
Coin to B. Simpson on contract	\$2,883.16	
Legal Tender notes on loan	<u>10,209.00</u>	
	13,092.16	
EXCESS OF ASSETS		<u>7,194.11</u>

HEADQUARTERS DEPARTMENT OF THE COLUMBIA

Portland, Oregon
Feb. 5, 1872.

Hon. A. B. Meacham
Superintendent of Indian Affairs
Salem, Oregon

Sir:

I have the honor to acknowledge the receipt of your communication of Jan. 25th in relation to the Modoc Indians, and also of the sketch of the Klamath Reservation as recently surveyed (Mercer) which reached me Saturday.

Referring to the report of the Commissioners appointed by you to confer with the Modocs, and transmitted in your letter of August 28, 1871, I find that it stated as the result of that conference, under the circumstances we did not it advisable to talk very much with them further with them other than to advise them that to not to do anything that would have a tendency to cause any collision between them and the settlers; to remain where they were until they saw you; not to resist the Military under any circumstances, and to pay no attention to the talk of irresponsible white parties. This has been understood as temporary settlement of the question.

They have been authorized to remain for the time at the point where they were found by the commissioners. Unless some different arrangement has since been made, I think that it would not be expedient or politic to send a military force against these Indians or at least until notified of the determination of the government of the point at which they are to be established; and fully warned that they will be treated as enemies if within a reasonable and specified time they do not establish themselves as required.

I should say that I would be pleased to hear from you fully upon the subject and as early as may be convenient and in the meantime I will send a copy of your letter to the Commanding officer at Ft. Klamath to take all necessary measures to protect the settlers against hostilities from the Modoc and be prepared to aid in their removal to the point indicated in your letter, should forceable means be necessary.

Respectfully yours
Edward B. Canby
Brigadier General, Comdg.

OFFICE OF SUPERINTENDENT²²²
OF INDIAN AFFAIRS FOR OREGON

Salem, Oregon
August 22, 1870

I. D. Applegate, Esq.,
Commissary in Charge,
Klamath Indian Reservation, Yainax,

Sir:

From and after date you will take entire control of (subject only to orders from this office) all the Indians now or hereafter to be located at Yainax, Klamath Reservation, consisting of the various bands known as Snakes, Wal-pah-pes, and Modocs. You will be allowed such assistance and employes as the funds appropriated for these Indians will permit from time to time.

You will be required to receipt and account for all monies and property placed under your charge. You will have jurisdiction of all that part of the Klamath reservation lying and being east of Mohogany mountains.

You will not allow settlement of any of the above described country by other persons than those belonging to your charge. You will proceed at once to erect those buildings at Yainax as may be necessary for the use and accommodation of the employes and Indian Department, also stables and corrals for Department animals and from time to time assist various bands of Indians under your charge in the erection of suitable dwellings, taking care always to install in the Indians an ambition and desire for civilized modes and manners.

You will bear in mind that the object of the Department is to bring these people to a self supporting condition as civilized people as fast as possible. You will be further instructed from time to time in regards to your duties.

And further, you will make at least a monthly report of all proceedings and doings of your station. Also, keeping a record of important doings in regards to Indians, to be preserved and belonging to the Department. Your pay will be \$1200.00 per annum.

Respectfully yours,
A. B. Meacham
Superintendent

AUTHOR'S NOTE:

The above division is coincidental with that mentioned in Meacham's letter of September 21, 1870. Appendix.

LETTER²²³

May 18, 1871

I. D. Applegate
Commissary at Yainax
Klamath Reservation

Dear Sir:

You will make out and report to this office without delay, as nearly as possible, an estimate of goods of ALL KINDS required for your Agency for the year 1872.

It is not expected that you can make an estimate in detail, but approximate. You will also estimate for the schools, including school houses.

You will take into considerations that within the ensuing year nearly all or quite all your people will have lands allotted in severalty. This new state of affairs should have a bearing on the kind of goods estimated for.

Very Respectfully,

A. B. Meacham
Superintendent.

AUTHORS NOTE:

This "new state of affairs" did not come true until sixteen years later.

OFFICE OF INDIAN AFFAIRS 224

Salem, Oregon
July 25, 1871.

I. D. Applegate
Commissary
Klamath Reservation

Sir:

In the matter of Modoc Indians who have committed murder. It would seem that when you have exhausted your powers to control them, they are no long under yours, or the Indian Department, and therefore are subject to the Military supervision.

Your duty under such circumstances is to notify the Commander of the Fort at Ft. Klamath or the Department of the Columbia at Portland of such resistance, and let them do as they may feel otherwise in premises.

I have no doubt about the authority of the Military to deal with the murderers. I have some doubts of our own rights to punish Indians who are not under our control.

A. B. Meacham
Supt. Indian Affairs

LETTER²²⁵Eugene, Oregon
June 3, 1871.Capt. I. D. Applegate
Klamath Reservation

Dear Sir:

Yours of May 25th inst., received. In answer to yours I have to state that I shall have the country you speak of surveyed this summer, I think, without fail.

I have just sent George Mercer to survey the boundary lines of the reservation, and any information that you may give him in regard to the locations of the eastern boundary will be much advantage to him. I hope the survey will not cause any disaffection among the Indians.

W. H. Odell
Surveyor General
State of Oregon

Signed,
J. A. Cogswell,
Chas. B. Smith, Recorder
J. A. Moore, Attorney
A. McCallen, Sheriff, Lakeview Bank
W. A. Wilshire, County Judge
Will T. Boyd, County Clerk
W. C. Carll, County Sheriff
W. H. Sutton, Postmaster
Edward Daly, U.S. County Marshal
W. Townsend, Receiver, U.S. Land Office
Warren Ingham, Register, U.S. Land Office

LETTER OF PROTEST FROM CITIZENS OF LAKE COUNTY
SENT TO HON. JOHN MITCHELL, SENATOR FROM OREGON²²⁶

"We the undersigned citizens of Lake County Oregon earnestly protest against the removal of troops and the abandonment of Ft. Klamath for the following reasons:

This country as well as the counties lying next to Ft. Klamath, are almost exclusively occupied by men engaged in the business of raising cattle, and have large bands of cattle and employ large numbers of men to care for same, very many of whom range their bands in the vicinity of the Klamath Reservation.

That said reservation is the very best stock range in southern Oregon, and many of these men during the past have encroached upon the Indian territory and to such an extent that the government found it necessary during the summer of 1888, to send a company of Calvary to the reservation to protect the Indians in their rights.

That we believe that if troops are withdrawn serious troubles will arise between the Indians and these stockmen, and that many innocent people will suffer thereby.

Signed,

C. A. Cogswell, State Senator
Chas. Eshleman, Recorder
C. A. Moore, Attorney
A. McCallen, Cashier, Lakeview Bank
W. A. Wiltshire, County Judge
Will T. Boyd, County Clerk
Wm. Carll, County Sheriff
W. N. Sutton, Postmaster
Bernard Daly, M.D., County Physician
Wm. Townsend, Receiver, U.S. Land Of.
Warren Truitt, Register, U.S. Land Of.

LIST OF AGENTS & SUPERINTENDENTS²²⁸
AT KLAMATH INDIAN RESERVATION

<u>Name</u>	<u>Year</u>
Lindsay Applegate	1865-69
O. C. Inapp	1869-70
John Meacham	1870 --
J. N. High	1871 --
LeRoy S. Dyar	1871-77
John Rook	1877-79
Linns M. Nickerson	1879-85
Joseph Emery	1885-89
Elisha Applegate	1889-90
David W. Matthews	1890-94
Marshall Petet	1894-96
Mareus D. Shelby	1896 --
Joseph Emery	1896-98

SUPERINTENDENTS

O. C. Applegate	1898-1905
Horace G. Wilson	1905-1910
Edson Watson Watson	1910-1914
William B. Freer	1914-1917
Calvin H. Ashbury	1917 ----
John M. Johnson	1917-1918
Joseph H. Norris	1918 ----
Walter G. West	1919-1922
Fred A. Baker	1922-1925
LeRoy A. Arnold	1925-1931
Clyde M. Blair	1931-1933
B. G. Courtright	1933 ----
Wade Crawford	1933-1937
Louis Mueller	1937 ----
B. G. Courtright	1937 ----

AUTHORS NOTE:

B. G. Courtright is at present the Superintendent of The Klamath Indian Reservation, and has served the longest term of any agent or superintendent in the history of the Reservation. A great deal has been accomplished for the tribes under his administration.

LIST OF BOOKS ADOPTED FOR INDIAN SCHOOLS IN U.S. 229
BY INDIAN COMMISSIONER
DEPT. OF INTER.

<u>SUBJECT</u>	<u>BOOK</u>	<u>AUTHOR</u>
Primary		
Reading Arithmetic	Appletons Reader Chart Aid To Numbers	Badlam
Second Year		
Reading Numbers Geography	Eclectic 1st Reader Aid To Numbers Topics in Geography	McGuffey Badlam Nichols
Third Year		
Reading " Geography	Eclectic Reader Book of Cats & Dogs Topics in Geography	McGuffey Johonnot Nichols
Fourth Year		
Reading " Arithmetic Geography	Eclectic Reader Friends-Feathers-Furs Numbers Illustrated Elementary Geography	McGuffey Johonnot Rickoff Barnes
ADVANCED GRADES		
1st Year		
Reading	Eclectic Third Reader Robinson Crusoe Neighbors with Wings and Furs	McGuffey
Orthonography (S) Arithmetic Language Geography Observation General Exercise	Alternate Speller Mental Arithmetic Practical Lessons Elementary Geography Primary Lessons	McGuffey Seaver & Walton Hyde Barnes Calkins

PEACE COMMISSION MURDERS²³⁰
April 11, 1873

General Canby and Dr. Thomas were the first to arrive. They were greeted by the Indians with extreme cordiality. General Canby giving each a cigar. Instead of five unarmed men, including Scarface Charlie, as promised by Boston Charlie, in negotiating for the council, we found eight well-armed desperadoes, including the notorious cut-throats, Hooker Jim and Black Jim. Captain Jack seemed very anxious and ill at ease, and did not exhibit the friendship the others of his party pretended.

General Canby seemed calm and thoroughly possessed. Dr. Thomas did not appear to notice any suspicious circumstances, but was endeavoring to impress the Indians with his good intentions. I made my election to abide by the consequences. I knew that the horse beneath me was one of the fleetest in the Modoc country, and not withstanding the rocky trail, could carry me out of danger with a few bounds, which he seemed to be more than willing to do at the slightest invitation. I made up my mind that Canby and Thomas should not be endangered by cowardice on my part.

Withdrawing from my overcoat and hanging it on the horn of the saddle, I dismounted, dropping the halter to the ground, leaving my horse free. Mr. Dyar dismounted leaving his horse free. Mr. Riddle secured Wi-ne-ma's horse, and we all gathered around the council fire.

Before the council talk began I sat down facing the Chief and began to talk by referring to the proposition of the day before made by Boston Charlie, and continued by saying that we were engaged to complete the arrangements for peace. Captain Jack asked of we were willing to remove the soldiers from the Lava Beds, and give his people a home in the country. I felt that if his demand was met we could escape, although General Canby had refused to allow me to make this promise, I thought that convinced as he must be of intended treachery, he could feel justified in assenting to the request. Cautiously turning to him I asked him to talk. After a moments waiting he rose and stood erect. Every eye was upon him. All seemed to feel that if he assented to the withdrawal of the troops of the army the trouble would be over. As to whether General Canby realized this situation with all of its fearful possibilities, and would not swerve even from his purpose; or even if he still thought the Modoc had not the desperate courage to execute the plan, can never be known. If he said the soldiers should be removed, the phantom would be passed as a dream. If he said they should NOT be withdrawn, the phantom must soon become a terrible reality. With dignity that was peculiar to that brave soldier, he firmly pronounced his own death sentence as well as that of Dr. Thomas by saying that "the soldiers could not be withdrawn".

Again and again the Modoc chief repeated the demand for the soldiers to be withdrawn. General Canby having once refused was mute. Turning to Dr. Thomas who was sitting on my left, I think I asked him if he wished to talk. The Doctor dropped forward on his knees, and made his last proclamation of peace. He assured the Modocs that he was a friend to them; that God had sent us to them as messengers of peace.

The Modoc chief leaned forward, and touching me on the arm he declared once more that no peace could be had until the soldiers were taken away. I believed that to this time Captain Jack had hoped it would be granted, and thereby bloodshed avoided. Schonchin John sprang to the seat vacated by Captain Jack and in loud angry tones repeated the ultimatum. Wi-ne-ma had thrown herself on the ground in front of Dr. Thomas, and was interpreting Schonchins speech, at the moment when Captain Jack gave the signal, "Kau-Tux" (all ready). Almost at the same instand the Modoc fell, and there broke from the rocks two armed Modocs bearing rifles.

Captain Jack drew a pistol and shot General Canby. "Ellens" man joined in the attack. General Canby did not fall until he had run 40 or 50 yards when a shot struck him in the head. His assailants came upon him, and shooting again, stripped him of his clothing, turned his face downward and then left him.

Dr. Thomas received a shot from the hand of Boston Charlie. He sank slowly, catching by his right hand. He was permitted to get up on his feet slowly and stagger away a few rods, his murderers taunting him with not believing Wi-ne-ma, jeering him, and ridiculing his religion and the failure of his prayers. Finally pushing him down, they shot him through the head, stripped him, and turned him also upon his face, gathered up the dripping garments, and joined the other murderers at the council fire.

Mr. Dyar, having his horse for a cover, when the attack began, made good his escape, although pursued by Hooker Jim. Mr. Riddle escaped by running, covered by Scarface Charlie's rifle, who declared that it 'was unworthy of a Modoc to kill unarmed men'. Simultaneously with the attack on General Canby, and Dr. Thomas, Schonchin John sprang to his feet, and drawing a knife and pistol, shouted, "Chock-e-la" (blood), pointed at my head and discharged a pistol, the bullet tearing through the collar of my coat and vest. Before the next shot, Wi-ne-ma was between him and his victim, grasping his arm and pleading for my life. I walked backwards 40 yards, while my heroic defender struggled to save me. Shacknasty Jim joined Schonchin in the attack and Wi-ne-ma running from one to the other, continued to turn aside the pistols aimed at me, until I went down.

After I fell I raised my head above the rock over which I had fallen and at the instant Schonchin aimed at me so correctly that this shot struck me between the eyes, and glanced out over the left eye, which was blinded. A shot from Schack-

nasty Jim struck me on the right side of the head, over the ear, which stunned me, and I became unconscious. From Wi-ne-ma and Scarface Charlie I learned that Shacknasty Jim robbed me of my clothing in part, notwithstanding Wi-ne-ma's expostulations; that while Jim was unbuttoning my shirt collar, one of the other murders came up with a gun, and pointing at my head was just about to pull the trigger, when Jim pushed the gun up, and said, "Don't shoot any more. Him dead. He no get up, I hit him high up; save the powder". Having taken my coat, pants, vest, they left me saying to Wi-ne-ma, "take care of your little white brother". Wi-ne-ma wiped the blood from my face and straightened my limbs, believing me dead.

Boston Charlie drew a knife which however, was dull, and began the difficult task of scalping a bald headed man, and what added to the difficulty was the strong arm of Wi-ne-ma, grasping him and hurling him as though he was a boy, to the rocks beside me. But Boston Charlie has the Modoc persistency, and springing to his feet, struck her a blow upon the head, at the same time threatening to shoot her should she again interfere, and resumed the delicate task. Wi-ne-ma, dazed by the blow for a moment, in half-bewilderment, saw the dull blade cutting down to the bone, while Boston, enraged and impatient, set one foot upon the back of my neck, and muttering curses in broken English, succeeded in cutting a circle almost around my head, and had so far lifted the scalp that he had inserted the finger of his left hand beneath it, preparatory to tearing it off, when Wi-ne-ma, recovering her presence of mind, resorted to strategy, shouting exultingly, 'Kap-ho Bostee-na-soldiers!' (soldiers coming). Boston Charlie without waiting for any proof of the announcement, giving his victim a parting kick, left him as he still supposed, a corpse in Wi-ne-ma's care."

PETITION 1872²³¹

The undersigned respectfully represent that they are settlers living in the vicinity of the Klamath Reservation, Oregon, and California, and being well acquainted with the character and past history of the various tribes of Indians upon the Reservation do hereby earnestly beseech and solicit an immediate settlement of the private land claims within the boundaries of the reservation as they fully believe if the Indians knew that they had not full and complete rights to the whole reservation, and that if the government hesitated in protecting that right, the consequences would be most alarming, and therefore before relief could be had, the whole southeastern Oregon and northern California would be surely depopulated. Humbly submitted.

SIGNED:

S. B. Cranston
 U. S. Registrar, Linkville
 George Conn
 U. S. Receiver, Linkville
 A. F. Lewelling
 County Commissioner
 George Nurse
 Thomas Mulholland
 Sheriff
 J. R. Roberts
 County Commissioner
 L. B. Applegate
 Jacob Bales
 J. Thompson
 Sam B. Waitman
 A. D. Buck
 Robert Taylor
 L. S. Ball
 Wm Roberts
 W. J. Small
 H. M. Thatcher
 John T. Falkner
 Capt. D. J. Frerree
 C. J. Phillips
 R. B. Hatton
 John Dick
 Asa S. Harron
 F. W. Smith

SAMPLE TELEGRAMS²³²

Linkville, Oregon
 August 3, 1889
 via Ashland, Oregon

Senator J. N. Dolph:

The people of Klamath and Lake Counties earnestly protest against the abandonment of Ft. Klamath, as it will leave the lives and property of many a defenseless men and women and children adjacent to the Klamath Reservation exposed to the treachery of the Modoc, Snake and Klamath Indians. Secure suspension of order until we can be heard.

Chas. S. Morse
 F. A. Cogswell
 J. H. Hammaker
 Geo. T. Baldwin
 J. T. Forbes
 G. W. Smith
 W. S. Moore
 W. C. Hale

AUTHOR'S NOTE:

There is no historical evidence that will support the false charges contained in this telegram

SAMPLE TELEGRAMS²³³

Ashland, Oregon
 August 3, 1889.

To Hon. John H. Mitchell:

Secretary of War has issued orders for immediate removal of troops and abandonment of Ft. Klamath. Please make every effort to have order suspended, as we believe its maintenance is absolutely necessary to protect citizens of southern Oregon. No time lost. Troops leave next Thursday.

J. M. McCall
 C. B. Watson
 W. H. Leeds
 D. R. Mills
 S. B. Galey
 F. Roper
 W. H. Aitkinson
 J. C. Helman

Portland, Oregon
 August 3, 1889.

To Hon. Binger Herman:

Order for removal of Troops from Ft. Klamath, and abandonment of post. Please endeavor to have order countermanded.

Kahn Bros.,
 Julius Kahn.

SUPREME COURT CONCLUSIONS
YAMSAI MOUNTAIN CASE²⁵⁴

It is appropriate to observe that while the United States has power to control the affairs of its Indian wards in good faith for their welfare, that power is subject to constitutional limitations, and does not enable the United States without paying just compensation therefore to appropriate lands of the Indians or of Indian tribes to its own use or to hand them over to the lands to others. Nor is it quite accurate to say that interest as such is added to value at the time of taking in order to arrive at just compensation subsequently ascertained and paid. The established rule is that the taking of property by the United States in the exertion of its power of eminent domain implies a promise to pay just compensation, i. e. value at the time of the taking plus an amount sufficient to produce the full equivalent of that value paid contemporaneously with the taking. The lands here are in question are not the allotted areas making up the 111,385 acres that the United States conveyed by mistake and through error in the conduct of litigation, as its counsel says, failed to recover. Plaintiff seeks a just compensation for the 87,000 acres given to the land company in exchange for the allotted areas which the latter owned. The United States argues that the rule of just compensations does not lie or apply because "the tract was lost by mistake rather than by the power of eminent domain". But the 87,000 acres here involved does not have a foundation for that assertion.

THE INITIAL SHOT²³⁵

By

Ivan D. Applegate

Perhaps few places on earth, of like area, have cost so much in blood and treasure as Klamath Land, and yet it may be worth the price, dear as it was, for it is one of natures brightest gems. The native possessor held it with a tenacity which compels us to admire his patriotism, his reverence for the land of his ancestors, while we depreciate the methods of his warfare. As he put it: "Here is the dust of my fathers. Better for me to die here than to be removed to any other country. If I die here I go down to dust with my father and my people. If I die in some other land I shall be lost forever".

The Modocs stood as bloody sentinels along the line of the emigrant road. As far back as 1852 they began the work of ambush and slaughter and Modoc land was for a quarter of a century the scene of not only savage treachery and cruelty, but of heroic deeds and tragic incident. Weary immigrants toiling towards the setting sun--no record tells how many--were sacrificed almost on the very threshold of the land of their promise. Later when the enterprising white man, having seen and appreciated this land of green meadows, silvery lakes and crystal streams, determined to possess it, brave settlers, representing that hardy race of men and women who have led the hosts of civilization across the continent, planted settlements here; but a band of about three hundred renegade Modocs under Capt. Jack, renouncing the authority of brave old Schon-chin, the rightful chief, inaugurated a reign of terror throughout the country.

During the summer of 1872 many petitions were forwarded through the Indian Department asking the authorities at Washington to order the removal of Capt. Jack's band from the vicinity of Tule Lake, their ancient home, to the Klamath reservation, and to keep them there. Orders were finally received by the Supt. of Indian Affairs in Oregon, Hon. Thos. B. Odneal, to secure their removal, peacefully if possible, but forcefully if necessary. On his arrival from Salem, Mr. Odneal having by messenger called upon the Modocs to return to the reservation without avail, determined to place the matter in the hands of Capt. James Jackson, of the U.S. Army, an officer well known for discretion and courage. At noon on the 28th day of November, 1872, Capt. Jackson with thirty five men of Co. B, 1st U.S. Cavalry, left Ft. Klamath and arrived at the town of Linkville a little after dark. Here he met Supt. Odneal and received instructions as follows,:

"When you arrive at thecamp of the Modocs, request an interview with the head men and say to them that you did not come to fight or to harm them, but to have them to go peacefully to Camp Yainax on Klamath reservation, where ample

provisions have been made for them and their comfort, and where by treaty they agreed to live. Talk kindly to them, and whatever else you may do, I desire to urge that if there is fighting to be done, let Indians be the aggressor. Fire no gun except in self defense, after they have first fired upon you. I. D. Applegate will accompany you as my representative and will also act as guide and interpreter."

During the dark rainy night we made our way from Linkville down the Klamath Valley towards the stone bridge on Lost River where Capt. Jack was encamped on the west side. About a third of his forces were under Hooker Jim and the curly-headed doctor and some others of his trusted lieutenants, were encamped on the east side of the river near the Dennis Crowley cabin.

We found it very difficult in the darkness to make our way through the heavy sage brush, for we had to leave the road in order not to be covered by the wily Indians who, doubtless were observing as closely as possible every movement. We followed along the foot of the chain of hills west from Lost River and at daylight were about one mile west of the Modoc camp, which was at that point on the river bank where the Dan Colwell residence now stands.

The company was formed into two platoons and we rode directly through the village and halted upon the river bank, facing the encampment. As we came near the river, Scarface Charlie, who had crossed just before we came up, fired at us from the other side of the river, shouting at the same time to arouse the sleeping Indians. In amoment there was great excitement and commotion. As soon as the men were dismounted, advanced in line, standing at order arms in front of the horses, I was directed to enter the camp to see Captain Jack and inform him of our friendly mission and assure him that no harm was intended but that he would be required to move with his people to the reservation. Going from camp to camp I was not able to find Capt. Jack. As I came out of one of the huts I saw Scarface Charlie coming up the bank of the river. As he passed Major Jackson, who was still mounted, the major ordered him to halt at the same time drawing his revolver. To this Scarface paid no attention, but came on into the village, all the time haranguing his people and demanding that they fight to the death; telling them that if they would be quick enough about it, they could kill every soldier without the loss of a man. With an oath, he rushed past me and went into Bogus Charlie's tent and in a moment both Scarface and Bogus appeared with their guns drawn and called to the women and children to throw themselves flat on the ground. Then I knew they were going to fire upon us. Immediately I started towards our men saying, "Major, they are going to fire". At this, the Major ordered Lieutenant Boutelle who stood in advance of the line, to take four men and arrest the two Indians who had guns in their hands. As Boutelle stepped forward with the four men

the two Indians fired. The warriors in the camps and in the heavy sage brush in the rear of the village, fired simultaneously. Then all was din and commotion. Men were falling in the line; the riderless horses were dashing here and there, and kicking among us, but instantly came the order from the brave major, "fire". The attack was so sudden and desperate, the Modocs who had rushed upon us like demons, that the men were forced back a step or two, and it seemed for a moment that the thin line would yield and break. But immediately came the order, "forward", and it was like an inspiration. The men sprang forward, under the leadership of the brave Boutelle, delivering a deadly fire, and the Indians were forced back. Scarface's first shot struck Boutelle's revolver, disabling it and cutting through the sleeve of his blouse, passed through the clothing of his right shoulder. Scarface was knocked down by a bullet which cut through a handkerchief which he had tied around his head, and Watchman, Captain Jack's most daring lieutenant fell, riddled with bullets. Boutelle's calmness saved us. Speaking to the men coolly and confidently, he led the charge into and through the village, driving the Indians out, advancing his skirmish line far beyond into the heavy sage brush.

YAMSAY MOUNTAIN CASE²³⁶

Altogether 402,204.67 acres were granted in this subsidy to the road company. Out of lands already reserved for the Indians, the company took 111,385 acres for its own purposes. (NOTE: Figures here are wrong. See Gov't. figures in own notes) The lands thus lost to the Indians were not only within the reservation, but had been allotted to individual Indians or members of the tribes. (Here he is speaking of Sprague River Valley lands). In 1889, 25 years after the government grants to the road company had been made, the Attorney General at Washington filed suit against the California Oregon Land Company to restore the patent rights and to deprive the company of its titles to these lands. The case was tried in Portland, under Judge Deady, and the government lost the original case. It was appealed twice more, and still the government lost.

When the government undertook to right a wrong, it blundered again----this time the blunder became the basis for the case which has just been settled for \$5,313,347.00. It was agreed between the Dept. of Interior and the road company that the thing to do was to exchange the lands in dispute for other lands. They gave the Indians back the land taken away from them in 1864 and to compensate the company, they took another section of the Klamath Reservation. The difference was that the original grant had been allotted to Individual Indians, while the second area was a large lump acreage owned by the tribes as a whole.

Congress authorized this deal in 1906. The company no doubt was enthusiastically willing. It obtained in lieu of alternate sections, a consolidated holdings of 87,000 acres, called the YAMSAY MOUNTAIN ACT. On it were 1,713,000,000 feet of merchantable timber, valued at \$2,980,000.00.

There was not any adjustment of the grievances in the deal, and the Indians knew nothing about it before it was consolidated. There was, however, a weak gesture on the behalf of the Indians. Congress authorized that they should be paid \$108,750.00 for the Yamsay land. In 1913 the commissioner of Internal Revenue, for income tax purposes, placed the value of the Yamsay tract at \$3,550,000.00. In 1918 The Oregon Land and Livestock Company which became the owner of the 87,000 acre tract, sold it to the Long Bell Lumber Company for \$3,7000,000.00. But the Indian got only \$108,750 for it!

After this event, there began along drawn out series of suits in the courts until 1935, when the Indian lost their case in the court of claims. The only way that this could be gotten around was through Congress itself. In 1936 Congress passed another act, this time directing the Court of Claims to retry the case irrespective of this "release", which had cost the Indians the right of claim.

The suit followed and the government Attorneys argued long and loudly, that it had the authority to take lands away from the Indians under the treaty of 1864. It even claimed that the Indians claim to the 87,000 acres only extended to the lands and not to the timber or the rights to timber sales, in spite of the fact that the Indians had been selling timber off of the land for a long time!

The Court rejected these arguments. It held that the United States was under obligation to pay the Indians for the 111,385 acres originally taken. The exchange of the 87,000 acres for the 111,385 acre area merely made the Yamsay tract a part of the consideration paid the company for building the Military road. So it was held that the government was obligated to give the Indians just compensation for the 87,000 acres, timber and all.

The total due to the Plaintiff in this case on Jan. 7, 1937, was \$7,291,778.56. Now from this, the court took "gratuity disbursements" made by the government for the benefit of the Indians in the amount of \$1,978,431.24. In other words, certain government expenditures through the years were charged off therein.

The United States Supreme Court on April 25, 1938, over a year later, sustained the decision of the lower court of claims, making the decision final, at last!

The Department of Interior was opposed to allowing the Indians this amount in one lump sum payment to the Indians. It offered a compromise by settling \$2,900,000.00 to be divided equally amount 1470 Indians, each to receive \$100.00 in cash, and \$1900.00 in credits for purchase of capital investments, lands, cattle etc. Some \$300,000.00 goes to a tribal loan fund and \$375,000.00 in payments of \$1500.00 each to some 250 members of the tribe. The balance was to go into a reserve fund.

By the way, where is that road!

INTERVIEWS²³⁷

County Judge of Klamath County, U. E. Reeder, a resident of the Klamath Country since 1895, has been a witness to the greater part of the growth and development of the Klamath region, and while not directly connected with the history of the Klamath Indian Reservation, but being a long time resident, was in the position of being able to inform the author of many incidents related to it. It was through his willingness to devote a brief period of his official time that the author was enabled to meet several of the "old timers" who proved to be more than just ordinary individuals.

When asked about the Indian fishing excursions to Lost River, the Judge remarked, "hell yes, they used to come over to Lost River, and stay for days, bring their families with them, kids too. They'd catch suckers and dry them, and then at night you could hear them chanting and gambling all night. They played a game with a stick that required the other ones to guess which hand it was in. Some times they'd get into fights and raise hell with each other too."

In connection with these excursions to Lost River, Mrs. Marjorie Howe, daughter of Judge Reeder remarked, "when my sister Dorothy and I were going down the road once, we saw some Indians coming in their hacks with their kids all piled in the back. We were only about eight or nine years old I guess, anyway, we ran and hid in a ditch because we were so scared of them". "They also camped at the dam for days at a time and held their games and dances there at night too."

One of the most unusual personalities encountered in the author's brief stay while gathering material in Klamath county, was the visit to the residence of "Ol" Hammaker, 91 years old, and one of the early residents of Klamath County.

"Ol" helped divide Klamath County from Lake, when the former was made into an independent legal institution in 1882. His brother "Wes" had helped make the first map of Klamath county. But to get back to "Ol", and for an illustration of Indian burial customs, Henry Jackson's daughter died in his store, and previous to that time, he had sold Henry a watch for her, so Henry decided that he would bury the watch with her in order that she might be able to tell time in heaven.

Explaining about the "fishery" at Lost River Gap, Ol remarked that one day he with his brother Clark, Henry Stout, and Bob Hunsaker, had gone down to where the Indians were camping, and decided to have a bite of fish with them. They noticed that the tribe was roasting fish with the entrails remaining inside, and apparently eating them. After watching one Indian eat a piece of "inards" they left without bothering to become acquainted with the fine art of such delicate cuisine.

For protection there, the Indians had made houses out of willow branches and at that time were living in them the year around. Ol knew many Modoc and Klamath Indians personally and

could speak their language fluently, as he demonstrated to the author, all of which, however might have been some other language insofar as the author was concerned, but we gave him the benefit of the doubt.

Basil Sinclair Grigsby, or better known as just plain, "Bak" to his many Klamath friends, was sitting in a hunched position just inside a shoe shop on 7th Street in Klamath Falls, when the author was introduced to him by Judge Reeder. Here was a man who had come to the Klamath country when a boy of fourteen, in 1877. He had been in business a long time, and in the course of such a life had had many dealings with Klamath Indians.

He had sold hay, grain and cattle to them and made the remark that "on the whole, they were pretty honest. It never lost more than \$50.00 to them in all my life. They were alright as long as you didn't let them get into you too far. The government made them crooked; I knew L. S. Dyar, he was a good man, his son Herbert was the first county Superintendent of schools.

"Yes, I knew about that road company deal, they gave a lot of money to get a strip across the four mile area on the east side of the reservation. The settlers had come in on the east side and settled there. The government hired two attorneys, O'Neal and Irwin, to fight the case, and gave it to them on a percentage basis. They got a lot of money out of it."

"If you'll wait for me to fix my hair a little bit, I can take you down to see my mother, she'll be glad to see you", spoke Rebecca Kirk daughter of Mrs. Lizzie Kirk, a Klamath Indian, who lived down on Modoc Point, about five miles away.

We waited, and before long, and after following a cloud of dust for the last mile, we emerged at the gate of an old wooden fence. Rebecca had already gotten out and had opened the gate. She said she had better do it as she knew how. We didn't protest.

About two hundred yards away a rather unusual looking house with a square cupola-looking roof attracted our attention. A dog's bark distracted our attention just as we observed the blue, brown, and red trimmings of the house in question. Walking down a narrow lane, through an open field, we came to a second fence at which "his master's voice" was heard again, and it turned out to be a friendly one.

In the front yard which had the appearance of a modern residence in most respects, there was observed a tub resting on an open fire, and its contents steaming. We reverted to our "animal instinct" and bent over to see the contents at a closer range and to smell its contents. Failing to come to any decision except that it smelled palatable, we turned to the front porch to be greeted by a woman with black shining hair, who spoke to us in a manner that was convincing immediately of

the fact that it was the English tongue.

Never having a date with an Indian lady before, we were at some loss as to what to expect, but Mrs. Kirk, dispensed with all doubts within a few minutes. She invited us in to sit down. We did, and experienced one of the most interesting conversations of our life.

Mrs. Kirk had been born at Pelican Bay in 1879, and had lived all of her life upon the reservation. Her father was Scotch-Irish. Her maiden name had been Blair, but in her veins ran the ancient blood of the Klamaths. She had attended the Boarding school at the Agency for four or five years during the administration of Elisha Applegate. Her original residence had been on land given to her during allotment times upon the Klamath marsh, but she had been at Modoc point now for some years.

Out in the kitchen and hanging on a wire were dried fish and venison. The temptation was great, but we didn't do it. At any rate, the appearance of this kitchen might be compared with any ordinary farm house kitchen. There was a wooden cook stove, oil cloth-covered table, papered walls and ceiling, with running water. The most amazing collection of Indian artifacts that we have ever seen was found displayed on the floor of an adjoining room; specimens that would make any scientific collection of these objects become really a genuine collection.

After quite some time of conversation we learned that she still liked to tell stories about animals that talked, and she had even written a story of Crater Lake. She was an avowed spiritualist in spite of her daughter's remonstrances against it.

One of our curiosities about this remarkable lady was answered to the effect that she still liked Wocus as a part of her diet. Her daughter remarked, "didn't you ever taste it, its sure good". When asked what it is compared with in our own diet, she replied, "oh its like nuts". On the stove was a pot of it. This was not all. She raised tame ducks for the eggs. Her diet evidenced itself by the fact that her health was excellent and that she did not have a grey hair in her head, in spite of her nearly seventy years of age. She still used the canoe to go hunting for food (wocus) out in the waters of near-by Klamath Lake; still ground it on a rock.

The conversation inevitably drifted around to the old customs of the Klamaths. We learned that in their "dream dance" the Klamaths would line up in a circle and each one sing his or her dream, and at the same time keeping a slow shuffling movement of the circle until all had finished. Some times this would take a long time. The "doctor dance" was another of her favorite subjects. She said this was climaxed by the "shooting of arrows through the body without hurting anyone."

Her daughter Rebecca was the head of the local Red Cross and had done her part in aiding the war effort during

1945. She had also been responsible for helping to feed the members of the tribes at social gatherings up on Sprague River, near Chiloquin.

Mrs. E. K. Loosley of Klamath Falls, Oregon, told an interesting account of the method of voting among the Klamaths at the time they chose a new chief. It seems that at the first election after the Reservation had been formed (1868) it was held at a point near the bridge at Williamson river, on the flats this side of the old church.

La Lakes had been the Chief and is reputed to have been hard and cruel. Lindsay Applegate was present in a supervisory position, Henry Blow was sub-chief, and the tribe came to the event on horses, wagons and on foot. The method of voting was to take their place beside the candidate that they chose. Allan David won over Blow by a narrow margin. The old chief, La Lakes was given the job of being in charge of the ferry at the river. He kept track of passengers by drawing pictures of a man, mules, or whatever came his way.

Her husband's father, John Loosley, was one of the original settlers at Ft. Klamath and had been employed at the reservation in several capacities, having helped build the first flour mill at the Agency. Mrs. Loosley has written a good many articles on southern Oregon history.

Joseph Monks, Chief Clerk at the Klamath Reservation, has stated that, "the Indian is no fool, he knows when you are disinterested in his problems. He requires patience and understanding, and you must know each one's background, before you can deal with him properly." They still have difficulty at times of thinking clearly on matters, and this is due partly to the fact that some of them still speak their language at home".

It was interesting to listen to a woman who had been born on the reservation, right at the Agency, and who was the daughter of Capt. Ivan Applegate. We are of course talking about Mrs. Alice Applegate Piel, a resident at the present time; as a matter of fact a very long time, at Ashland, Oregon.

Her private collection of history about her family and the multitude of activities and events that they participated in, are in deed, a historical treasure. Her father, as has been pointed out elsewhere, was one of the main supporting structures in early southern Oregon history, and more prominently identified with the Klamath Reservation for a number of years. It was Ivan Applegate who was largely responsible for the rounding up of Snake bands in eastern Oregon, and it was he who laid the foundation for the sub-Agency at Yainax.

Mrs. Piel threw considerable light upon the matter of the Peace Commissions efforts in November 29, 1872. She claimed that her father had told her about this event and the various reasons for its failure to bring about a workable solution to the Modocs.

TREATY

ULYSSES S. GRANT

PRESIDENT OF THE UNITED STATES OF AMERICA

To All And Singular To Whom These Presents Shall Come, Greetings:

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

Articles of Agreement and Convention made and concluded at Klamath Lake, Oregon, on the fourteenth day of October, A.D. one thousand eight hundred and sixty four, by J. W. Perit Huntington, Superintendent of Indian Affairs in Oregon, and William Logan, United States Indian Agent for Oregon, on the part of the United States, and the Chiefs and Headmen of the Klamath and Moadoc tribes, and Yahooskin band of Snake Indians, hereinafter named to wit: La Lake, Chil-o-Que-nas, Kelloque, Mo-Ghen-kas-kit, Blow, Le-Lu, Palmer, Jack, Que-as, Poos-ak-sult, Che-mult, No-ak-sum, Mooch-kat-allick, Toon-tuck-te, Boos-ki-you, Ski-a-tic, Shol-las-loos, Ta-tet-pas, Muk-has, Herman-koos-mam, Chiefs and headmen of the Klamaths, Schonchin, Stak-it-ut, Keint-poos, and Chucuk-e-i-ox, Chiefs and headmen of the Moadocs, and Kile-to-ak and Sky-te-ock-et, Chiefs of the Yahooskin band of Snakes.

Article I

The tribes of Indians aforesaid cede to the United States all their right, and title, and claim to all of the country claimed by them, the same being determined by the following boundaries, to wit: Beginning at the point where the 44th paralel of north lattitude crosses the summit of the Cascades mountains; thence following the main dividing ridge of said mountains in a southerly direction to the ridge which separates the waters of Pitt and McCloud Rivers from the waters on the north; thence along said dividing ridge in an easterly direction to the southern end of Goose Lake; thence northeasterly to the northern end of Harney Lake; thence due north to the 44th paralell of north latitude;

thence west to the place of beginning: PROVIDED, That the following described tract, within the country ceded by this treaty, shall until otherwise directed by the President of the United States, be set apart as a residence for said Indians, held and regarded as an Indian Reservation, to wit: Beginning upon the eastern shore of the middle of Klamath Lake, at the point of Rocks, about twelve miles below the mouth of Williamson River; thence following up said eastern shore to the mouth of Wood River; thence up Wood River to a point one mile north of the bridge at Ft. Klamath; thence due east to the summit of the ridge which divides the upper and middle lakes; thence due east, passing the said north end of Klamath Lake, to the summit of the mountains on the east side of the lake; thence along said mountain to the point where Sprague River is intersected by Ish-tish-ee-wax creek; thence in a southerly direction to the summit of the mountain, the southerly extremity of which forms the point of Rocks; thence along said mountain to the point of beginning. And the tribes aforesaid agree and bind themselves that, immediately after the ratification of this treaty, they will remove to said reservation and remain thereon, unless temporary leave of absence is granted to them by the superintendent or agent in charge of the tribes.

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

Article II

In consideration of and in payment for the country ceded by this treaty, the United States agree to pay to the tribes conveying the same of the several sums of money hereinafter enumerated, to wit: Eight thousand dollars per annum for a period of five years, commencing on the first day of October, 1865, or as soon thereafter as this treaty may be ratified; five thousand dollars per annum for the term of five years next succeeding the first five years; and three thousand dollars per annum for term of five years next succeeding the second five years; all of the sums shall be applied to the use and benefit of said Indians by the Superintendent or agents having charge of the tribes, under

the direction of the President of the United States, who shall, from time to time, in his discretion, determine for what projects the same shall be expended, so as to carry out the design of the expenditure, (it) being to promote the well-being of the Indians, advance them in civilization, and especially, agriculture, and to secure them their moral improvement.

Article III

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

Article IV

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

Article V

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

Article VI

The United States may, in their discretion, cause a part or the whole of the reservation provided for in Article I to be surveyed into tracts and assign to members of the tribes of Indian parties to this treaty, or such of them as may appear likely to be benefitted by the same, under the following restrictions and limitations, to wit: To each head of a family

shall be assigned and granted a tract not less than forty nor more than one hundred and twenty acres, according to the number of persons in such family; and to each single man above the age of twenty one years a tract not exceeding forty acres. The Indians to whom these tracts are granted are guaranteed the perpetual possession and use of the tracts thus granted and of the improvements which may be placed thereon; but no Indian shall have the right to alienate or convey any such tract to any person whatsoever, and the same shall be forever exempt from levy, sale, or forfeiture: PROVIDED, That the Congress of the United States may hereafter abolish these restrictions and permit the sale of the lands so assigned, if the property of the Indians will be advanced thereby: AND PROVIDED FURTHER, If any Indian, to whom an assignment of land has been made, shall refuse to reside upon the tract so assigned for a period of two years, his right to the same shall be deemed forfeited.

Article VII

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

Article VIII

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

Article IX

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

Article X

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

Article XI

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

Article XII

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

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

OFFICIAL SIGNATURES

J. W. Perit Huntington, (SEAL)
Supt. of Indian Affairs

William Logan, (SEAL)
U. S. Indian Agt.

IA-LAKES,	his X mark	(SEAL)
CHIL-O-QUE-NAS,	his X mark	(SEAL)
KELLOGUE,	His X mark	(SEAL)
MO-GHEN-KAS-KIT,	his X mark	(SEAL)
BLOW,	his X mark	(SEAL)
LE-LU,	his X mark	(SEAL)
PALMER,	his X mark	(SEAL)
JACK,	his X mark	(SEAL)
QUE-ASS,	his X mark	(SEAL)
POO-SAK-SULT,	his X mark	(SEAL)
CHE-MULT,	his X mark	(SEAL)
NO-AK-SUM,	his X mark	(SEAL)
MOOCH-KAT-ALLICK,	his X mark	(SEAL)
TOON-TUC-TEE,	his X mark	(SEAL)
BOSS-KI-YOU,	his X mark	(SEAL)
SKI-AT-TIC,	his X mark	(SEAL)
SHOL-LAL-LOOS,	his X mark	(SEAL)
TAT-TET-PAS,	his X mark	(SEAL)
MUK-HAS,	his X mark	(SEAL)
HERMAN-KUS-MAM,	his X mark	(SEAL)
JACKSON,	his X mark	(SEAL)

SCHONCHIN,	his X mark	(SEAL)
STAK-IT-UT,	his X mark	(SEAL)
KEINT-POOS,	his X mark	(SEAL)
CHUCK-E-I-OX,	his X mark	(SEAL)
KILE-TO-AK,	his X mark	(SEAL)
SKY-TE-OCK-ET,	his X mark	(SEAL)

Signed in the presence of:

R. P. EARHART, Secretary,
 Wm. Kelley,
 Capt. 1st. Cav., Oregon Volunteers,
 James Halorhan,
 2nd Lieut. 1st Inf., W.T. Vols.
 Wm. C. McKay, M.D.,
 his
 ROBERT X BIDDLE.
 mark

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

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

July 2, 1866

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

AMENDMENTS:

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

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

Attest:

J. W. Forney,
 Secretary.

And whereas, the foregoing amendments having been fully

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

Whereas the Senate of the United States, in executive session, did, on the second day of July, A.D. 1866, advise and consent to the ratification of the Articles of Agreement and Convention made and concluded at Klamath Lake, Oregon, on the 14th day of October, 1864, by the Commissioners on the part of the United States and the Klamath and Moadoc tribes and Yahooskin band of Snake Indians, with the following amendments:

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

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

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

Done at Klamath Agency, Oregon on this tenth day of December, A.D., 1869. In witness of which the several parties named in the said treaty have hereunto set their hands and seal, at the place and date above written.

A. B. Meacham, (SEAL)
Supt. of Indian Affairs
O. C. Knapp (SEAL)
U. S. Indian Agent

Allan Davie, signed as
Boss-Kiyou, his X mark (SEAL)
LE-LAKE, his X mark (SEAL)
CHIL-C-QUE-NOS, his X mark (SEAL)
MO-GHEN-KAS-KIT, his X mark (SEAL)
BLOW, his X mark (SEAL)
LE-LU, his X mark (SEAL)
PALMER, his X mark (SEAL)
JACK, his X mark (SEAL)
QUE-ALL, his X mark (SEAL)
POC-SAK, his X mark (SEAL)
CHE-MULT, his X mark (SEAL)

NO-AK-SUM,	his X mark	(SEAL)
MOOCH-KAT-ALLICK,	his X mark	(SEAL)
TOON-TUC-TE,	his X mark	(SEAL)
SHOL-LAL-LOOS,	his X mark	(SEAL)
TAT-TET-POS,	his X mark	(SEAL)
MUK-HAS,	his X mark	(SEAL)
HERMAN-KUS-MAN,	his X mark	(SEAL)
JACKSON,	his X mark	(SEAL)
SCHON-CHIN,	his X mark	(SEAL)
KILE-TO-AK,	his X mark	(SEAL)
STAK-IT-UT,	his X mark	(SEAL)
KEINT-POOS,	his X mark	(SEAL)

Signed in the presence of:

Wm. C. McKay, Secretary
 J. (I?) D. Applegate
 Jno. Meacham.

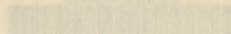
Now, therefore, be it known that I, Ulysses S. Grant, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the second day of July, one thousand eight hundred and sixty six, accept, ratify, and confirm the said treaty, with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

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

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

By the President: Ham Fish Sec.

U. S. GRANT



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