

ner, who subscribed the foregoing statement, and know him to be a truthful and reliable man.

Given under my hand, and the seal of said court, this the 18th [L. s.] day of November, A. D. 1857.

F. A. ROGERS, *Clerk.*

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*Statement of W. T. Kershaw.*

My knowledge of the character and disposition of the Modoc Indians dates back to the autumn of 1851, when, with Captain Ben Wright and other citizens of Yreka, (then called Shasta Butte City,) I went into the Klamath lake or Modoc country, in pursuit of some two hundred head of stock which had been driven off from Shasta valley by the Modoc Indians.

We went as far as Lost river, one hundred miles from Yreka, and succeeded in getting only about thirty-four head, the balance the Indians had either killed or got them off the trail, where we could not track them. Our party had several skirmishes with the Indians as we passed along our route, killing about thirty of their number. Two of our company were severely wounded, but finally recovered.

In August, A. D. 1852, immediately after the first train of emigrants had arrived at Yreka, over nearly the same route we had travelled after the stock the year previous, a man came into Yreka from the country of the Modocs, stating that the Indians there were very hostile, and that he was the only one out of a party of eight or nine who had packed across the plains that had escaped the Indians; and that he saved himself only by cutting the pack from one of his horses, mounting him without saddle or equipments, and charging through the Indian forces. This occurred at a place called "Bloody Point," on the east side of Tulé lake, and in the immediate neighborhood of Lost river.

Immediately upon the reception of these tidings at Yreka, Captain Ben Wright, since murdered by Indians near the mouth of Rogue river, enrolled a company of volunteers, of which I was chosen first lieutenant. We left Yreka on the 29th day of August, and, making forced marches, soon arrived in the heart of the hostile country.

On our arrival at Tulé lake we met a train of sixteen wagons and somewhere between forty and sixty persons. This party had been attacked by the Indians, and had fought them for several hours near the place where the party of packers were killed, of which we had heard the news at Yreka. The Indians had them completely surrounded, leaving no possible chance for escape.

As soon, however, as our company had got within about a quarter of a mile from where they were then fighting, the Indians withdrew into the lake, which is shallow, full of small islands; its borders and islands thickly covered with tulé, affording secure hiding places for them, either when lying in ambush or when pursued.

Captain Wright, seeing the Indians taking to their canoes and pushing out into the lake, ordered a charge, which order was promptly