CAPT. JACK'S REPRIEVE.

THE ORDER THAT STOPPED THE HANGING OF THE MODOCS.

The Death Warrant Read by Gen. Davis and Preparations for its Execution Begun Unexpected Interference from Washington—What would have been the Effect of Prompt Punishment

SAN FRANCISCO, Cal., June 12.—A court-martial convened at Boyle's Camp, Tule Lake, on June 3 and tried six deserters. The decision will be rendered in a few days. Gen. Davis in conversation with the special correspondent of the Herald from the 11th inst., said:

When I marched on the field I found the troops engaged in war against a band of Indian outlaws who were not in the wards of the Government nor had resisted against its authority. They were fighting hopelessly, neither giving nor expecting quarter. I then thought that captives taken in the future should be executed on the spot, as a warning and speedy end of such attempts against the military. When captured while fighting against the military forces of the United States as a separate nation and tribe, I was disposed to deal with them accordingly.

THE FARCE OF A TRIAL BY CIVIL LAW.

Since my capture I have ascertained that the citizens of Jackson county, Oregon, have filed indictments against certain members of the band. I have not deemed it proper to turn them over to the civil courts, because they were waging war against the Government at the time of the orders, upon which the indictments were based, were committed; also for the reason that after capture they were prisoners of the Government, and not directly amenable to the civil laws. During my command here I have observed that the citizens, when desiring protection to person and property or indemnification for loss, invariably appeal to the authority of the United States; but now that the war is over and the captives are captives, both the public and the judicial authorities want to take the punishment of the offenders into their own hands. The wants of the people and the recent bloody act in this neighborhood, when four old, defenceless captives, en route from Fairchild's Ranch to the agency, were murdered by civilians, indicate that a trial by civil law would be a useless farce, for the public have made up their minds that the prisoners are guilty.

MILITARY COMMISSION TOO SLOW.

It is suggested that a military commission be ordered to try the criminals. If the idea is correct the officers composing the court should be of high rank, and men who have had no immediate connection with the Modoc difficulty. Such a commission would probably try each case separately. It will require about six months to do this work. Very few witnesses will be required to such proceedings to the Government. Besides everybody, civil as well as military, knows that the Indians are guilty of murder in the first degree and ought to be hanged. I thought to avoid the unnecessary expense of the war by hanging the ringleaders myself. According to the dilatory manner in which the Modocs were treated by those in charge at the beginning of these difficulties, the Indians obtained a fearful advantage over us. They slaughtered so many people that the country was astonished. We had now fear they will get the advantage in the closing scenes. This some fear arises from the minds of the citizens of the frontiers. Justice has already been very tardy, and its coming is approaching from so many different directions, and in such questionable shape and earth I doubt her success in meeting the requirements of the case.

HOW GEN. DAVIS WOULD HAVE SETTLED THEIR FATE.

The Indians do not recognize the jurisdiction of military courts, because they are intelligent enough to understand their weakness. They cannot comprehend what is meant by court. They have been interrogated on that subject and they would regard a court-martial with as much alacrity, surprise, fear, as a kind of mockery, and if sentenced to be shot to death could not be made to understand that justice figured in the business at all. They believe they have committed deeds that merit death, in fact are real murderers, and have daily expected to be hanged. They believe the military have the power and right to hang at pleasure. The murders and arrests occurred in Oregon and California, and the case is highly mixed. My proposed course would have settled the question by a single stroke. The gordian knot was to be cut. The Indians are cowed and subdued. Women and children are greatly alarmed, alike fearing a massacre at the time they must remain in this condition of suspense for months. I had procured lumber, chains, rope, and tackle, and all the paraphernalia of execution, and had selected Friday last as the day. On Thursday I intended to read the declaration of charges and read it to Jack early in the day:

GEN. DAVIS'S INDICTMENT OF CAPT. JACK.

HEADQUARTERS, DEPARTMENT OF COLUMBIA, IN THE FIELD, TULE LAKE, CAL., June 1, 1873.

JACK, since white men first began to settle the country in the country occupied by the tribe of which you claim to be one of the chiefs, the Modoc Indians have shown to be a band of merciless robbers and murderers. Their history is a long record of the murders of the white race. Even your own Indian neighbors you are known as a double treacherous tribe. Old settlers in the country tell of your murders committed in years gone by. The chiefs of the present generation, descendants of the beautiful Tule Lake, in place of being a blessing to their people, have been a curse of blood, barbarity, and murdered by treachery every valuable one. They were murderers and robbers. Your own people have driven you from your own country. Your own people have given you up to the authorities of the Government to be punished for your crimes to adequate punishment, at the hands of the guilty, even as a traitor is given up to the authorities of the Government to be justly punished for his crimes against the Government. I have given a generation of time for the Government and people of the United States to forget the bloody deeds of the past, in the hope that this would lead you to the reflection that you should be punished for your crimes, and that your condition would be improved. Instead of your condition improving, it has remained. Put your hand upon your mouth.

REFUSED THE WARRANTH.

I have given you every opportunity in kindness of heart, and in the hope that you would be induced to cease killing your people, and live at peace with your own people and the people of the United States. I have given you a generation of time for the purpose of the Government and people of the United States to forget the bloody deeds of the past, in the hope that this would lead you to the reflection that you should be punished for your crimes, and that your condition would be improved. Instead of your condition improving, it has remained. Put your hand upon your mouth