

E.W. Marble's Report of the Jackson Murder.
RCIA 1880.

Marble was Acting U.S. Commissioner of Indian Affairs.

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Just before the Ute Commission had suspended its work, the Indians of the Los Pinos Agency were thrown into a feverish state of excitement by the murder, by a white freighter, of Johnson, son of the Chief Shavanoaux. The difficulty occurred on the evening of the 29th of September last, at what is known as Cline's Ranch, about thirty miles distant from the agency, on the Cimmaron. Early the next morning some thirty Indians, headed by Chief Shavanoaux, and all well armed, came to the agency, and made known their errand. They were very much excited, and fully determined upon revenge. The agent, after much effort, succeeded in quieting them, and taking with him a military officer and a file of fifteen soldiers, furnished by the commandant of the post at the agency, proceeded with them to the scene of the outrage for the purpose of arresting the murderer. On arriving at the ranch he found that the criminal had been arrested, and was in charge of a number of citizens of Colorado. After due consideration, it was deemed best to place the prisoner in charge of three well-known Colorado citizens, in whose custody the agent found him, to be taken by them to Gunnison City (the nearest court having jurisdiction of the crime), and then turned over to the proper law officers of the State. The Indians all others seemed apparently well satisfied with this arrangement, and the agent advised the Indians to return to their homes, whereupon, as was supposed, they all left, taking the trail across the mountains leading to the agency. The agent, the military, Colonel Meacham and others left for their respective stations soon afterwards.

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The Indians, however, instigated by certain lawless white men, returned to the ranch the next morning, accompanied by these white outlaws, and finding that the citizens had left with their prisoner for Gunnison, went in pursuit, overtook and overpowered them, took possession of the prisoner, and in all probability speedily killed him.

A warrant was soon after issued by a justice of the peace at Gunnison for the arrest of Agent Berry on a charge of murder, but, not deeming it safe to submit to such a proceeding, and believing that the clamor raised in that vicinity would result in the application of lynch law to himself and others, he kept himself aloof from the jurisdiction of said justice and other State Officers until due process was issued by a higher tribunal, when he voluntarily gave himself up to the custody of the United States Marshall, and was taken by him to Denver, where he awaits his trial on a charge which, it is believed has no foundation in fact. The statement made by the agent is fully in by Major R.F. Offley, the military officer who had charge of the troops and accompanied him to Cline's Ranch. In his report of the matter to the War Department he says: "The Indians seem to be acting with the utmost forbearance and calmness, desiring nothing but the punishment of the individual who had committed the outrage upon them****The man who shot and killed the Indian was a stranger in this part of the country, and this was his first trip over the road, and it was stated by parties who saw the men connected with this train that they were under the influence of liquor.

It seems that the Indians applied to the freighter for food, and from their own statement and the evidence of others they were somewhat roughly repulsed. Major Offley says that the testimony of the Indians themselves seems to be straightforward and trustworthy; that they disclaim firing upon the white men or quarreling with them; that they were mounted, and when food was denied them they turned their horses to leave, and that Johnson was shot "and fell dead from his horse after going about a hundred feet." That officer adds, "With the light before me I cannot look upon the matter otherwise than as a wanton and unprovoked murder of the Indian by a reckless, half-drunken teamster, and that the fate of the murderer was a clear case of lynching, which, as much as it is to be deplored, is not an uncommon occurrence throughout the country in the midst of civilization and enlightenment." In regard to the recapture and lynching of the prisoner, Major Offley says that white men were with the Indians when they committed the offense, and that "they encouraged and assisted them to lynch him." In regard to the freighter, he also makes the following statement:

The man Jackson, who was in charge of the train, has told different stories about the affair; he told me that the Indians did not fire at his party; to others he has said that they fired twice. He has claimed relationship of nearly every kind to the

VI. XXVI. man who was killed; he told me he was one of his men or boys. He also said that the party who had charge of the prisoner followed the cavalry to near the Blue; the Cavalry did not get to Cline's until the evening of October 1; the prisoner ~~was~~ was taken about 11 o'clock in the morning of that day; he also states that Cline (one of the citizens who started with the prisoner to Gunnison) was home in about ~~an~~ an hour after starting, whereas he did not get back until the next day. The Indian, Johnson, has been employed by Colonel Mackensie during the summer, and was considered a quiet and peaceable man.

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