

Know all Men *by these Presents,*

That A Treaty of Peace and Friendship has this day been made and concluded near Bidwell's Ranch on Chico Creek between the United States Indian Agent O. M. Wozencraft of the one part and the Chiefs Captains and Head men of the following tribes viz Mi-chop-da Es-kuin Ho-lo-lu-pi To-to Su-nus Che-no Bat-si Yut-duc Sim-sa-wa tribes of the other part.

Article 1st The several Tribes or Bands above mentioned do acknowledge the United States to be the sole and absolute Sovereign of all the soil and Territory ceded to them by a Treaty of Peace made between them and the Republic of Mexico.

Art 2 The said Tribes or Bands acknowledge themselves jointly and severally under the exclusive jurisdiction, authority and protection of the United States and hereby bind themselves hereafter to refrain from the Commission of all acts of Hostility and aggression towards the Government or citizens thereof, and to live on terms of Peace and Friendship among themselves and with all other Indian Tribes which are now or may come under the protection of the United States.

And furthermore bind themselves to conform to and be Governed by the Laws and regulations of the Indian Bureau made and provided therefor by the Congress of the United States.

Art 3 To promote the settlement and improvement of said Tribes or Bands it is hereby stipulated and agreed that the following District of Country in the State of California, shall be and is hereby set apart forever for the sole use and occupancy of the aforesaid Tribes of Indians. To wit commencing at a point on Feather River two miles above the Town of Hamilton and extending thence North Westerly to the North East corner of Neal's grant thence North Westerly along the boundaries of Neal's, Hensley's and Bidwell's grant to the N.E. corner of the last named grant, thence N. Easterly six miles (6) thence S. Easterly parallel with the line extending from the beginning point to the NE corner of Bidwell's grant to Feather River, and thence down said river to the place of beginning.

Provided that there is reserved to the Government of the United States the right of way over any portion of said Territory, and the right to establish and maintain any Military Post or Posts, Public Building, School Houses, Houses for Agents, Teachers and such others as they

may deem necessary for their use or the protection of the Indians. The said Tribes or Bands and each of them hereby engage that they will never claim any other Lands within the Boundaries of the United States nor ever disturb the people of the dist. in the free use and enjoyment thereof.

Art 4 To aid the said Tribes or Bands in their subsistence while removing to and making their Settlement upon the said reservation, the United States, in addition to the few presents made them at this council will furnish them free of charge with Two Hundred head of Beef Cattle (200) to average in weight Five Hundred pounds each (500) Seventy-five sacks flour one Hundred pounds each (100) within the term of Two Years from the date of this Treaty.

Art 5 As early as convenient after the Ratification of this Treaty by the President and Senate in consideration of the promised and with a sincere desire to encourage said Tribes in acquiring the arts and habits of civilized life, the United States will also furnish them with the following articles to be divided among them by the Agent according to their respective numbers and wants during each of the two years succeeding the said ratification, viz (1) one pair string pantaloons and (2) one red flannel shirt for each man & boy (3) one Linsey gown for each woman & girl (4) 2000 yards calico & 500 yds brown sheeting (5) 20 lbs Scotch thread and 1000 needles (6) 6 doz thimbles 2 doz pr scissors (7) one 3 1/3 Point Mackinaw blanket for each man and boy over fifteen (15) years of age.

1000 lbs iron & 100 lbs steel and in like manner in the first year for the permanent use of the said Tribes and as their joint property viz (1) 25 Brood mares and 1 Stallion (2) 100 milch cows and 6 Bulls (3) 4 yoke work cattle with yokes and chains (4) 6 work mules or Horses (5) 12 ploughs assorted sizes 75 garden or corn hoes (6) 25 spades and 4 grindstones.

The stock enumerated above and the product thereof & no part or portion thereof shall be killed exchanged sold or otherwise parted with without the consent and direction of the Agent.

Art 6 The United States will also employ and settle among said Tribes at or near their towns or settlements One Practical Farmer who shall superintend all agricultural operations, with two assistant men of practical Knowledge and industrious habits, One Carpenter, One Wheelwright, One Blacksmith, One Principal School Teacher and as many assistant Teachers as the President may deem proper to instruct

said Tribes in reading writing &c and in the domestic arts upon the manual labor system, all the above named workmen and teachers to be maintained and paid by the United States for the period of five years (5) and as long thereafter as the President shall deem advisable.

The United States will also erect suitable school Houses, Shops and Dwellings for the accommodation of the school teachers and mechanics above specified and for the protection of the Public Property.

In testimony whereof the parties have hereunto signed their names and affixed their seals this first day of August in the year of Our Lord One Thousand Eight Hundred & fifty-one

Signed sealed & delivered
after being fully explained,
in presence of

O. M. WOZENCRAFT

United States Indian Agent

Edw. H. Fitzgerald
Brevet Major 1st Dragoons

For and in behalf of the Mi-chop-da
LUCK-Y-AN, his X mark [SEAL]

George Stoneman
Lieutenant 1st Dragoons

For and in behalf of the Es-kuin
MO-LA-YO, his X mark [SEAL]

Thomas Wright
2 Lieutenant 2nd infantry

For and in behalf of the Ho-lo-lu-pi
WIS-MUCK, his X mark [SEAL]

J. Bidwell

For and in behalf of the To-to
WE-NO-KE, his X mark [SEAL]

E. S. Lovell
Secty, U.S. I. agy

For and in behalf of the Su-nus
WA-TEL-LI, his X mark [SEAL]

For and in behalf of the Che-no
YO-LO-SA, his X mark [SEAL]

For and in behalf of the Bat-si
YON-NI-CHI-NO, his X mark [SEAL]

For and in behalf of the Yut-duc
SO-MIE-LA, his X mark [SEAL]

For and in behalf of the Sim-sa-wa
PO-MA-KO, his X mark [SEAL]

TO THE PEOPLE

Living and Trading among the INDIANS in the State Of California

From information received, as well as from personal observation while traveling among the Indians, and in conformity with the requests made me by the inhabitants, more particularly the miners in sections of country occupied by Indians.

It is deemed expedient to publish a communication, advisory of the proper policy to be pursued towards the Indians and the laws in relation thereto, that none may hereafter plead ignorance of the existence of said laws, and to inform them that those laws will be enforced in all and every instance, on those who may become amenable to them.

It would appear, that most of the difficulties that unfortunately have occurred between the whites and red men, has been owing to an improper and short sighted policy, or rather a want of true policy with the children of the forest. Since the discovery of gold in this region, the section of country that was and is peculiarly the homes of the Indians, has been found rich in the precious metal, and consequently filled with a population foreign to them, and this has been done in most instances without attempting to conciliate or appease them in their grief and anger at the loss of their homes. I am sorry to say that in many instances they have been treated in a manner, that were it recorded would blot the darkest page of history that has yet been penned; had they even been foreign convicts, possessing as they do a full knowledge of the evils of crime and the penalties therefor, and received the punishment that has been dealt to these poor ignorant creatures, this enlightened community would have raised a remonstrative voice that would have rebuked the aggressor and caused him to go beyond the pale of civilized man.

Indians have been shot down without evidence of their having committed an offence and without even any explanation to them of the nature of our laws; they have been killed for practicing that which they, like the Spartans, deem a virtue; they have been rudely driven from their homes, and expatriated from their sacred grounds, the grounds where the ashes of their parents, ancestors and beloved Chiefs repose, the reverential and superstitious feeling of the Indians for the dead, and the ground where they were deposited, is more powerful than that of any other people.

This is not only inhuman and unlawful, but it is bad policy. The Indians of the Pacific are not unlike, this great ocean in that respect, they are pacific and very tractable, and by adopting a policy towards them, dictated by feelings of mer-

cy—making due allowance for their ignorance of our habits and institutions, and bearing in mind that their habits and customs are very different from ours, treating them kindly and with a firm perseverance teach them the requirements of our laws—permitting them to remain among us, teaching them industrious habits, making useful members of the community, instead of the most dangerous and implacable enemy.

In addition to the foregoing direct atrocious outrages so frequently perpetrated on the Indians by those claiming to be civilized men, there are those who indirectly cause as much mischief, endangering the lives of the families in the community and finally destroying the Indians, as surely if not so speedily as the first. It is those who for present gain steel their consciences against the future consequences, knowing them fraught with frightful evil. Selling these sanguinary brings intoxicating liquor, contrary to law, and in opposition to the dictates of their better judgments, and likewise selling them arms and ammunition, thus inciting them to acts of violence by intoxication, and then placing in their hands those instruments, with which they may and do seek vengeance, alike on the innocent and culpable.

I am happy to learn that there are but few who now prosecute this dangerous and unlawful traffic, and those few are supposed to be foreigners, and the law abiding citizens freely proffer their aid in bringing them to justice.

As stated above I will herewith publish the laws in relation to this traffic, that ignorance may not be plead in extenuation:

"An Act to regulate trade and intercourse with Indian tribes and to preserve peace, &c.

Sec. 13. *And be it further enacted*, That if any citizen or other person residing in the U. S. or the Territory thereof, shall send any talk, speech, message, or letter to any Indian nation, tribe, chief, or individual, with an intent to produce a contravention or infraction of any treaty or other law of the United States, or to disturb the peace and tranquility of the United States, he shall forfeit and pay the sum of two thousand dollars.

Sec. 20. *And be it further enacted*, That if any person shall sell, exchange, or give, barter, or dispose of, any spirituous liquor or wine to an Indian, (in the Indian country,) such person shall forfeit and pay the sum of five hundred dollars; and if any person shall introduce, or attempt to introduce, any spirituous liquor or wine into the Indian country, except such supplies as shall be necessary for the officers of the United

States and troops of the service, under the direction of the War Department, such person shall forfeit and pay a sum not exceeding three hundred dollars; and if any superintendent of Indian affairs, Indian agent, sub-agent, or commanding officer of a military post has reason to suspect, or is informed that any white person or Indian is about to introduce or has introduced any spirituous liquor or wine into the Indian country, in violation of the provisions of this section, it shall be lawful for such superintendent, Indian agent, or sub agent, or military officer, agreeably to such regulations as may be established by the President of the United States, to cause the boats, stores, packages, or places of deposit of such person to be searched, and if any such spirituous liquor or wine is found, the goods, boats, packages and peltries of such person shall be seized and delivered to the proper officer, and shall be proceeded against by libel in the proper court, and forfeited, one half to the use of the informer, and the other half to the use of the United States; and if such person is a trader his license shall be revoked and his bond put in suit. And it shall, moreover, be lawful for any person in the service of the United States, or for any Indian, to take and destroy any ardent spirits or wine found in the Indian country, except military supplies, as mentioned in this section; and by a subsequent act of Congress, imprisonment for a term of two years is also imposed upon all offenders.

It is also provided, that in all prosecutions for the offences mentioned in the first of the foregoing heads, "Indians shall be competent witnesses."

In relation to the proper policy to be pursued towards those Indians who are provided with fire-arms, I would suggest that they be disarmed, but not in the manner advocated by some, who would either shoot them or violently wrest their arms from them. It would be well to consider first, that they bought those arms from the white man, and we would wish to teach them that the acts of the white man are good, and we would teach them to imitate them, and it is not correct for them to infer, that because one or more white men act badly the balance or necessarily so.

The proper policy, would be to require of those Indians who may be found with arms in their hands, to inform on those from whom they were purchased, taking him or them before the culpable trader, demanding a return of the amount paid by the Indian, and making him feel the consequences of his derelictions.

O. M. WOZENCRAFT,
U. S. Indian Agent.

Address of the Indian Agents.

Below we publish an address of the Agents appointed by the General Government for the purpose of treating with the Indians, to the people of California. We commend it to the attention of those living in the Indian Districts, and trust that it will be respected. The Agents proceed this day to the capital at San José.

To the People of California, residing in the vicinity of the Indian Tribes: The undersigned, appointed by the President of the United States, Special Commissioners, with plenary powers to visit and negotiate treaties of peace and friendship, with the various tribes of Indians in California, deem it proper in this way, to announce their arrival in the country, and their intention to enter upon the important duties of their mission, as early as the state of the weather, and of the roads, will admit of travelling. In the meantime, bearing of the difficulties which have recently existed, and are said still to exist, on the borders of the Sacramento and San Joaquin rivers, as well as in other parts of the State, the Commissioners appeal to their fellow citizens, in such disturbed districts to adopt and pursue towards the Indians a course of conduct marked by mildness, moderation and forbearance—holding themselves wholly on the *defensive*, at least until time shall be afforded us to investigate, and, if practicable, redress their grievances.

All good citizens and emigrants are interested in restoring to the frontier settlements the peaceful and amiable relations which once so happily existed between them and the Indians.

That in some of the difficulties which have recently occurred the Indians have been the aggressors—that the whites have had much provocation to justify the severity of their measures of retaliation, will not be denied; still, so far as our information extends many lives have been sacrificed, and much ill feeling engendered unnecessarily.

The Indians of this country are represented as extremely ignorant, lazy and degraded, at the same time generally harmless and peaceable in their habits, indisposed to controversy, or war, with the whites, until actually goaded to seek revenge for injuries inflicted upon them. For them many allowances should be made. Their very imbecility, poverty, and degradation, should, with enlightened and liberal white men, entitle them to commiseration and long forbearance.

They were the original owners and occupants of these beautiful valleys and mountain ranges. Their fishing and hunting grounds, and acorn orchards surrounding the graves of their fathers for many generations, were long unclaimed by others. Until the discovery of the golden treasures, contained in the mountain gorges and water courses of California, the white and red man lived together in peace and mutual security. Since that period, we are informed, the Indian has been by many considered and treated as an intruder, as a common enemy of the whites, and in many instances shot down with as little compunction as a deer or an antelope.

As there is now *no further west*, to which they can be removed, the General Government and the people of California appear to have left but one alternative in relation to these remnants of once numerous and powerful tribes, viz: *extermination or domestication*. As the latter includes all proper measures for their protection and gradual improvement, and secures to the people of the State an element greatly needed in the development of its resources, viz: cheap labor—it is the one which we deem the part of wisdom to adopt, and, if possible, consummate.

It will be our earnest endeavor to quiet the difficulties which now exist, and afford to both whites and Indians, throughout California, such protection of property as their good conduct may entitle them to.

It is essential to the character of the State, and indeed of the United States, as a civilized and Christian nation, that a stop should be put to the shedding of blood. If hereafter depredations are committed by the Indians, upon either the persons or property of the whites, and you will apprise us of the facts, we will use all proper exertion to bring the offenders to justice, by the military force of the United States, or otherwise.

If, on the other hand, an Indian, or Indians shall be killed in your neighborhood by a white man or a body of white men, without the authority of law, we request that in like manner, information may be sent to us. The shooting in cold blood, of a white man by an Indian, is *murder* punishable by *death*. So likewise if an Indian be killed by a white man, the crime is the same, the punishment should be the same, and the safety and security of every community demands that equal and exact justice be meted out to all alike: We design paying our respects to your Governor and other public functionaries at San José, and hope to obtain from them much valuable information touching our proposed duties. Ere long we shall hope to meet many of you in your respective neighborhoods, and avail ourselves of your experience and advice in effecting the objects in view.

Very Respectfully, Your Obed't Serv'ts,
 REDICK MCKEE,
 GEO. W. BARBOUR,
 O. M. WOZENCRAFT.

San Francisco, Jan. 13. 1851

P. S. So far as opportunities may serve the Commissioners will feel obliged if intelligent miners, traders, &c., will take pains to explain the purport of this paper to the chiefs and head men of such tribes as they may meet.

Our Indian Difficulties.

It is to be hoped that the temperate and reasonable address of the Indian Agents, which we published yesterday, may have weight with the public, and induce that forbearance and moderation which the importance of the matter demands. Not only do we hope that the miners and people generally will pause and let reason and justice guide their conduct toward the ignorant starving savages, but that our legislators and all those who hold public and high trust will use their influence to prevent the effusion of blood. It is not for the benefit of our State, viewed even in a pecuniary light, to annihilate these poor creatures. But there are reasons infinitely beyond all estimate of dollars and cents, all prospects of profitable business or possessions, which should guide our councils and conduct. There is a question of justice, of humanity, of right, of religion. They are the original possessors of the soil. Here are all the associations of their lives. Here are their traditions. The trees which we cut down are the volumes of their unwritten histories. The mountain-tops are their temples; the running streams which we turn aside for gold have been the store-houses of their food, their fisheries by us destroyed and their supplies thus cut off.

The wild game which gave them food we have driven from the valleys, the very graves of their sires have been dug down for the glittering gold which lay beneath. The reckless of our people have not stopped at these inevitable results. They have abused and outraged the confidence and friendship of the trusting Indians, robbed and murdered them without compunction, and, in short, perpetrated all those outrages against humanity, and decency, and justice, which have entailed upon the American public nearly every war which has turned red with Indian blood the green valleys from the Pequot and Narragansett nations, all the way through the continent, which we have taken from them, to the sand-bordered homes of the Yumas, and the unten hills of the Clear Lake tribes.

Is it not time to pause and inquire if might is right in this matter? We may make war upon them and annihilate them. But is that the best policy? Is it humane? Is it politic? Is it Christian? We answer it is not. The Indian has his vices; it is to be regretted that the white man has many—ay, greater by far than these poor untaught children of nature. And is it known, too, that they have lived on the most friendly terms with us until oppression has broken all the bonds between the races?

We have driven them to the wall. We have pushed them from the valleys where their arrows procured their meat, from the rivers where they caught their fish, we have destroyed their oak orchards; we have cut down or burned their wheat which was the seed of the wild grass; have slaughtered the men and debauched the women. And now the atonement is to be, utter destruction! Can God look down upon such cruelty, and bless the people guilty of the outrage? We therefore call once more for moderation in council and moderation in action. Our agents are already upon the mission. Let all good citizens give a helping hand. Let us avoid if within the bounds of possibility, an Indian war. Such a calamity would not alone be one to the Indian. It will cost the lives of many valuable citizens. And should it end with the total destruction of the Indian tribes, it would be at a cost of treasure and blood horrible to contemplate, for which there could be no adequate return, and would be a result over which the philanthropist, the Christian, and every true hearted man would mourn as the last great sin of national injustice, violence and oppression.