

1851 is the first comprehensive report on California

ANNUAL REPORT

OF THE

COMMISSIONER OF INDIAN AFFAIRS,

TRANSMITTED

WITH THE MESSAGE OF THE PRESIDENT

AT THE

OPENING OF THE FIRST SESSION OF THE THIRTY-SECOND CONGRESS,


1851.

PRINTED FOR THE OFFICE OF THE COMMISSIONER OF INDIAN AFFAIRS.

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1851.



From our agents in California much interesting information has been received concerning the Indians in that State, but it is unfortunately of too desultory a character to be entirely satisfactory. A number of treaties have been made with these Indians, embracing from eighty to ninety tribes or bands; and, although considerable opposition by citizens of California to the measures of the agents has been exhibited, yet there is reason to believe that much good has resulted from their efforts to put a stop to hostilities, and secure peace for the future between the whites and the Indians. Of the necessity or expediency of the particular measures adopted by them for this and other purposes, it is difficult, at this distance from the scene of operations, to judge with confidence, especially as there is on some points a difference of opinion among the agents themselves.

In the treaties negotiated with the Indians in California and Oregon there are novel provisions, the practical operation of which cannot be foreseen. Whether they shall be ratified as they stand, is a question which will, of course, be duly considered by those whose constitutional province it is to determine in what form they shall become a part of the supreme law of the land.

The means heretofore placed at the disposal of the Department applicable to Indian purposes in California have been manifestly inadequate. It is quite evident that, without the expenditures of large sums of money, our Indian affairs in California and Oregon cannot be properly conducted; and in this connexion I respectfully suggest the policy of passing a law establishing the office of Assistant Commissioner of Indian Affairs for that State and Territory. A general and controlling power, more direct than it is possible for this office to bring to bear, is of the highest importance in the adjustment of our relations with the numerous tribes of Indians in those remote portions of our wide-spread domain.

It will be seen from the reports of the Governor and ex officio Superintendent of Indian Affairs in New Mexico, that no material change has taken place in the condition of our Indian relations in that Territory since my last annual report. The apparently slow progress which has been made in the work of establishing friendly relations with such Indians of the Territory as have been for years plundering and murdering the inhabitants, without fear or restraint, may be justly attributed to a combination of circumstances over which the officers of this Department have had no control. The country itself, wild, desert, and mountainous; the savage nature and untamed habits of most of the Indians who roam over it; the lawlessness of many of its other inhabitants, often more reckless than the Indians themselves; the scattered, mixed, and heterogeneous character of its population in general—all tend to produce a state of things so discredit-

No. 56.	Letter of Agent J. S. Calhoun,	Feb. 2,	1851.
No. 57.	do do do	Feb. 4,	1851.
No. 58.	do do do	Feb. 16,	1851.
No. 59.	do do do	March 31,	1851.
No. 60.	do Governor do	May 1,	1851.
No. 61.	do do do	June 30,	1851.
No. 62.	do do do	July 1,	1851.
No. 63.	do do do	July 25,	1851.
No. 64.	do do do	Aug. 31,	1851.
No. 65.	do do do	Oct. 1,	1851.

OREGON SUPERINTENDENCY.

No. 66. Letter of Commissioners Gaines, Skinner, and Allen, appointed to treat with the Indians of Oregon, dated April 19, 1851.

No. 67. Letter of Commissioners Gaines, Skinner, and Allen, appointed to treat with the Indians of Oregon, dated May 14, 1851.

No. 68. Report of Anson Dart—Superintendent.

No. 69. Letter of A. Dart, of Oct. 9, 1851.

CALIFORNIA.

No. 70. Letter of the Commissioners appointed to negotiate treaties with the Indian tribes of California, dated May 1, 1851.

No. 71. Letter of O. M. Wozencraft, May 14, 1851.

No. 72. do do do July, 12, 1851.

No. 73. Letter of G. W. Barbour, July 28, 1851.

No. 74. Letter of Reddick McKee, September 12, 1851.

No. 75. Letter of O. M. Wozencraft, Oct., 14, 1851.

No. 76. Letter of Adam Johnston, sub-agent, 24th June, 1851.

TEXAS.

No. 77. Letter of instructions to the special agents in Texas.

No. 78. Letter of C. S. Todd, March 25, 1851.

No. 79. Report of Jesse Stein, one of the special agents.

No. 80. Letter of same, November 1, 1851.

NEW YORK SUB-AGENCY.

No. 81. Report of C. P. Washburn, late sub-agent.

No. 82. Report of Asher Wright, superintendent of school.

APPENDIX.

No. 1. Statement exhibiting the amounts of investments for Indian account in State stocks, &c.

No. 2. Statement exhibiting the annual interest appropriated by Congress, in lieu of investing the sums provided by treaties and laws, in stocks.

No. 3. Estimate of office expenses, commencing the 1st day of July, 1852, and terminating the 30th day of June, 1853.

No. 4. General estimates.

No. 5. Explanations to general estimates.

No. 6. Special estimates.

No. 7. Explanations to special estimates.

miles into the interior, and containing an area of over two and a half millions of acres.

The whole of this purchase is represented as being good farming lands; large tracts of it are heavily timbered with white cedar, of very great growth; there are also many fine mill streams running through it.

Port Oxford, where these treaties were made, is situated on the coast line of this purchase, about midway between the northern and southern limits. A settlement is already commenced at this point, and bids fair to become an important place. The whole amount of this purchase is 28,500 dollars, payable in ten annual payments, no part of which is to be paid in *money*. All the expense in making these treaties, adding the salaries of the officers of Government, while thus engaged, would make the cost of the land less than one cent and a half per acre.

I would further remark, that no treaties have been made with the Indians of Oregon which seem so very satisfactory to the tribes concerned, as the two we have closed with these coast bands.

There is no connexion or intercourse between the coast tribes and the Indians occupying the valley of Rogue river, east of the coast range of mountains; their language is different, as is the case with the different bands along the coast.

I have the honor to be, very respectfully, your obedient servant,
ANSON DART,
Superintendent.

No. 70.

CAMP BARLOW, SAN JOAQUIN RIVER,

California, May 15, 1851.

SIR: Our last joint communication to you, under date of 25th March, from Camp Gibson, enclosed a copy of the treaty concluded by us on the Mariposa river with the Singaw-to, Po-to-yan-to-to-co, Nowan, Apoung-see, Apalche, and I-nex-lo-che tribes of Indians.

We have now the honor to report, that on the 27th of March we left that camp, and that evening reached Camp McLearn, on the Ferguo river, where we remained until the 12th of April awaiting the return of our linniers, or runners, sent up into the mountains to invite the Indians to meet us there, or on this river. It was, firstly, agreed that we should move over to the San Joaquin, where we were promised a meeting with numerous tribes or bands. We arrived accordingly at this camp on the 15th ultimo, found some Indians on the ground, and others continued to arrive daily until the 26th; when, having meanwhile treated the red men and their families to as many provisions as they could eat, and finding them in excellent good humor, we met them in council, explained to them the object and purposes of our mission, and submitted to them our propositions for a general treaty of peace, and a settlement of all existing difficulties.

On the 28th we met them in general council again; heard their replies; and finally, on the 29th ultimo, entered into a general treaty with the following sixteen tribes, whose country we are now in, viz:

The How-ech-es, Chook-chaw-ces, Chow-chill-ies, Po-ho-neich-es, Nook-choos.	}	Under the grand chief Nai-zak-qud.
The Pit-cach-es, Cas-soes, Toom-nas, Tai-lin-ches, Poe-ke-sas.		
The Wa-che-nets, Kech-eel, Cho-e-nim-nees, Cho-ki-me-nas, No-to-no-toe, We-mol-ches.	}	Under Pasquel.

A copy of the treaty will accompany this letter, and give you the general outline of the tract of country assigned them for their future homes, together with the provision we have made for their subsistence during two years, and for their protection and subsequent improvement.

The district assigned these tribes will extend along the lower foot hills of the Sierra Nevada for about fifty miles, general course northwest by southeast; and fifteen miles in width, extending down some distance in the plains or valleys, in which there are occasionally strips of tolerably good farming land; enough, perhaps, with the aid of their much loved acorn, wild potatoes, wild onions, &c., and an abundance of fish in the rivers, at certain seasons, to subsist five or ten times their present number. With several of these tribes there are connected large bands or parties, called "*Monas*," or lost, or wild Indians, who are still in the mountains. It is almost impossible, therefore, to form anything like a correct estimate of their numbers. From partial counts or census taken by our secretary, there are now settled upon Reserve No. 1, between the Merced and Tuolumne, some six or seven hundred souls, which may be increased when the *Monas* come in to 1,000 or 1,200. At this camp we have counted 711. When all come in, they may number on this reservation some two or 3,000. Before we make up our final report, Mr. Adam Johnston, the sub-agent, who will be left in charge of these two reserves, will have made a more satisfactory estimate of their numbers.

These two treaties have, we think, broken the confidence of the hostile tribes in their ability to contend with the whites, and we trust will end the war, and bring about a general pacification on the whole frontier. Such is the opinion, also, of the oldest settlers in this country. The district assigned these tribes, while apparently liberal in extent, is not likely to be ever coveted by the whites, and as a general thing is of no value for common agricultural purposes. It is also outside the mining or gold district; and, so far as we can ascertain, not more than one Mexican grant, and that of a very doubtful authenticity, covers any part of it.

The Indians we have met here are generally a hale, healthy, good looking people, not inferior to their red brethren in the southwestern States; and, from having among them many who in early life were attached to the old missions of this country, have already some knowledge of letters, of

stock-raising, and agriculture. We think they will, therefore, make rapid improvement when schools, &c., shall be established among them.

We have found by experience that the best way to keep these Indians of California quiet and peaceable, is to give them plenty of food. With beef occasionally, and a little flour to mix with the pulverized acorn, making their favorite *panoli*, nothing can induce them to quarrel with the whites. If ever the secret history of the late disturbances is written, we have no doubt but nineteen out of every twenty will be found to have had their origin in direct aggression on the part of unprincipled white men, or failure on their part to supply the Indians with beef and flour, as the promised reward of their labor. We have, therefore, been under the necessity of making pretty liberal provision under the head of "subsistence," and now advertise you that this course will have to be pursued throughout the whole State. The cost of beef cattle *in this part of the country* varies from eight to fifteen cents per pound; in the southern part of the State, where the large ranchos are mostly situated, it can be bought much lower, say from three to five cents per pound. For present pressing demands, we have to do the best we can, fully satisfied that our policy is correct, and that it is, in the end, *cheaper* to feed the whole flock for a year than to *fight* them for a week.

We have now concluded, in view of the almost interminable extent of country to be traversed in carrying out our instructions, to cease acting as a board, and address ourselves to the work individually. We have made a temporary division of the State into three districts, for the purpose of negotiating treaties with the various tribes, upon the general plan submitted in our joint letter of 10th March. For our respective districts, lots were drawn to-day, and the northern fell to the writer, (R. McKee,) the middle to O. M. Wozencraft, and the southern to George W. Barbour. The latter will proceed on south with our present escort; the other two will obtain smaller escorts from the commander of the division at Benicia, and proceed immediately, after the receipt of expected remittances, to their respective posts.

Mr. John McKee, our secretary, will accompany the writer, to act in that capacity, and to keep his accounts as disbursing agent. The other two commissioners will employ secretaries when and as may be found necessary. Our object is to expedite and finish these settlements and negotiations at the earliest practicable day, and thus economize both time and expense. We are now largely indebted for flour and cattle, and await the arrival of the mail with anxiety. If further remittances do not reach us soon, our operations must necessarily be suspended.

We remain, very respectfully, your most obedient servants,
 REDICK MCKEE,
 G. W. BARBOUR,
 O. M. WOZENCRAFT.

No. 71.

SAN FRANCISCO, (*Atl. Cal.*) May 14, 1851.

HON. LUKE LEA, *Commissioner of Indian Affairs.*

SIR: We, as a joint board of commissioners, having dissolved for the time being, with a view of proceeding to the three several sections of the country simultaneously, I avail myself of the earliest opportunity of placing

before the Department such suggestions as the occasion may require, and such information as may be in my possession.

In the first place, I would respectfully, but most urgently, impress upon the Department *the great necessity* of quieting and pacifying the Indians in this country, before they become accustomed to the *usages of war*—before they learn and gain that dangerous experience.

It is my opinion, if they should gain that knowledge, we will have the most formidable of all the aborigines of this continent to contend with, and a protracted war, terminating only in their extermination, and at a fearful cost of life and treasure. They do not lack the *nerve* and daring of the best of the Atlantic Indians—they but lack the experience; and, with that, their mountain fastnesses will be *impregnable*. In fact they are measurably so now with their imperfect defence. There are but few of the Caucasian races who can endure the hardships and privations of their eternal snow, and *none* who can chase them down.

You have been advised of the policy we have deemed it expedient to adopt. Permit me to say a few words in relation to it.

The common and favorite place of abode of the Indians in this country was in the valleys and within the range of mountains. The greater portion were located, and had resided as long as their recollections and traditions went, on the grounds *now being turned up for gold*, and now occupied by the gold hunters, by whom they have been displaced and driven higher up in the range of mountains, leaving their fisheries and acorn ground behind. They have been patient in endurance, until necessity taught them her lesson, (which they were not slow to learn, as it is measurably instinctive with the Indian,) and thus they adopt, from *necessity*, that which was deemed a virtue among Spartans; and the result is, we have an incipient border war; many lives have been lost; an incalculable amount of property stolen; and the development and settlement of the country much retarded. And this will ever remain unavoidable, so long as they are *compelled* or *permitted* to remain in the mountains. They can come down in small marauding parties by night, and sweep off the stock of the miners and farmers, and before the loss is known they will be beyond pursuit; and I venture the assertion, that this would be the case in defiance of all the troops that could be kept here.

Our policy is, as you have been informed, to get them down from their mountain fastnesses and place them in reservations, along in the foot hills bordering on the plains. The miners will then be between them and the mountains, forming a formidable cordon or barrier through which it would be difficult to take their families unobserved; and in those reservations there will be no place for concealing stolen stock, and they can there have all the protection which can and should be afforded them against their persecutors. And, lastly, they will there learn the ways of civilization, and thereby become useful members in the community, instead of being an expensive and dead weight to the General Government. The country set apart for them so far is very poor soil; but a small portion of it is adapted to agricultural purposes, but remarkably well adapted to the raising of stock; and we think it would be good policy to supply them liberally with *brood stock*, in addition to the beef cattle which is indispensable for *present consumption*, as the faithful fulfilment of the treaties on their part will measurably depend on it. *They must have food.*

We think that it will not only be good policy, but that it will be a good investment, so to speak, to both parties. The increase will soon be sufficient to place them beyond the necessity of receiving aid from the General Government. The consumption of beef in this country, owing to the great emigration, is supposed to be greater than the increase of the stock; consequently the investment in brood stock, at this time, will result in a profit, as stock must increase in value; thus they will become the recipients of so judicious an investment.

This will require money, and it is a subject of surprise and regret that the appropriation for our use has been cut down so small. The amount required will be seemingly large, but, by pursuing the foregoing policy, it will be found to be small, in comparison, to all treaties where annuities are given.

The middle district having been allotted to me, (commencing at the San Joaquin river south, and extending up through all the Sacramento valley north, to the head waters of the Sacramento and Feather rivers,) it being the one for which I expressed a preference to the Department soon after learning of my appointment, I am in hopes it will be assigned to me.

On this occasion I deem it due to the Department and myself to state, that, so long as we were acting conjointly, almost all of the contracts and purchases were made by the disbursing officer, without my knowledge or participation, the Department having placed the funds in his hands.

I presume he alone will be held responsible; but now, acting as I do in my individual capacity, I hold myself responsible for all the contracts and disbursements that may be contracted by me for the above mentioned district. I have made the preliminary arrangements to meet, talk, and treat, with a portion of the Indians in this district; and am only awaiting the arrival of the mail, in which we expect the communication in relation to means, without which nothing can be done. In this country every thing depends on the ready money.

All communications may be addressed to me here.

Respectfully, your obedient servant,

O. M. WOZENCRAFT.

No. 72.

CAMP NORRIS, SACRAMENTO VALLEY,
July 12th, 1851.

HON. LUKE LEA,
Commissioner of Indian Affairs.

SIR: Your communication, informing the joint board that their commission as commissioners was abrogated by a late act of Congress, and instructing us to continue our negotiations with the Indians, and assume our duties as agents, has been duly received, as also one of a subsequent date, requesting the joint board to accompany the troops that may go out against the Indians.

Since my communication of the 26th May, I have spent my time in attempting to conciliate and pacify the Indians in "El Dorado county."

The State having sent out troops against the Indians, and after having

several engagements, they finally left them in the same position they found them. Convinced of the difficulty if not impossibility of dislodging or subduing them, they then went into a rancho occupied by those who had been known to be friendly to the whites, and captured several as prisoners. Soon after the troops were disbanded, and the war declared happily terminated.

I have been informed that on former occasions those Indians who had been at peace with the whites have been cruelly persecuted by those who either killed or abused their men, without assigning any cause therefor, all of which has been very unfortunate, making it difficult for me to have an interview with, or conciliate, them when I am favored with a talk; they have but little confidence in my promises, when they witnessed so many acts proving the reverse of my statements, that the white man is the true friend of the Indian.

I have, however, made preliminary arrangements by which I expect to consummate a treaty with them. This will take time, as it can only be done after inspiring them with confidence.

In order to effect this I have licensed traders who have sufficient influence with them to conduct their trade and disseminate the friendly talk. I have sent men among them who speak their language, and are influential, and placed beef cattle under the care of the traders in order to supply their pressing necessities for food, and to induce them to come down from out of their mountain fastnesses, all of which it is to be hoped will have the desired effect of causing them to come in and conclude a treaty. I speak of this as the only true policy; further experience only confirms previous statements, that the Indians are numerous and formidable; and it is difficult, if not impossible, to subdue them by waging war; it is possible to make terms with them by exercising a proper and humane policy, making them not only useful to themselves, but to the white community at large.

In order to accomplish this there should be an efficient Government force stationed at convenient points, so as to protect both parties, and aid in enforcing the laws. In relation to the latter I have caused to be published a communication relating thereto, as it is one fruitful of evil, and should be suppressed if we desire an influence over the Indians. Without the laws and regulations of the department are enforced here, no attempt at conciliation can succeed.

The section of country in which I am now laboring, and in which so many obstacles have presented themselves in attempting to consummate a treaty, is that in which the discovery of gold was first made, in or near the south fork of the American river, extending to the Yuba on the north, the Sierra Nevada on the east, and the Mocalumne river on the south, embracing an area of country of say ninety (90) miles square, within which there is, so far as can be ascertained, some forty thousand Indians; one-fourth or one-third that number are disposed to be friendly, and have more or less intercourse with the whites, and express great satisfaction after being told that it is the intention of the Government to set apart lands for their use, and assist and teach them to live like the whites.

Mr. "Norriess," and others who have been living here for many years, and who have had intimate communication with them, say that there have been at least eighty thousand Indians within a few years past within the above limits, and think that my estimate is too low. They have diminished very rapidly of late, the mortality having been great among them;

We think that it will not only be good policy, but that it will be a good investment, so to speak, to both parties. The increase will soon be sufficient to place them beyond the necessity of receiving aid from the General Government. The consumption of beef in this country, owing to the great emigration, is supposed to be greater than the increase of the stock; consequently the investment in brood stock, at this time, will result in a profit, as stock must increase in value; thus they will become the recipients of so judicious an investment.

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On this occasion I deem it due to the Department and myself to state, that, so long as we were acting conjointly, almost all of the contracts and purchases were made by the disbursing officer, without my knowledge or *participation*, the Department having placed the funds in his hands.

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All communications may be addressed to me here.

Respectfully, your obedient servant,

O. M. WOZENCRAFT.

No. 72.

CAMP NORRIS, SACRAMENTO VALLEY,
July 12th, 1851.

HON. LUKE LEA,
Commissioner of Indian Affairs.

SIR: Your communication, informing the joint board that their commission as commissioners was abrogated by a late act of Congress, and instructing us to continue our negotiations with the Indians, and assume our duties as agents, has been duly received, as also one of a subsequent date, requesting the joint board to accompany the troops that may go out against the Indians.

Since my communication of the 26th May, I have spent my time in attempting to conciliate and pacify the Indians in "El Dorado county."

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the Indians themselves attribute it to the fact of putting on the clothing of the white man, and I have no doubt but this is one cause, as they are much more healthy in their nude condition.

The cholera has carried off a great many, as well as other diseases which have prevailed among them; and they are disappearing from the whites by going up into the wilds of the mountains.

As previously stated they have learned to distrust the white man; and it would appear that the difficulty of treating with them is in due ratio to the comparative length of time that the whites have been among them.

The friendly relations which so happily existed at first have been broken, and the Indians are on the move east, going up into the mountains where they can carry on a war of retaliation, making it unsafe for the whites to go out with a view of further exploration; and, as before stated, it will be difficult to dislodge or subdue them; but by having the laws enforced against all aggressors, and making provisions for them, they can be brought in at a trifling cost in comparison to the expenses of a war.

I have had couriers sent out in different directions, requesting the head men of the different tribes to meet me at this place, with some of whom I have had an interview; agreeing with them to meet at a point near the Yuba river, in the mountains, where I feel sanguine of collecting some thousands, and concluding a treaty; from thence will proceed on as rapidly as possible, visiting, conciliating, and treating with them. As the disaffections and difficulties are increasing daily, it is all-important that this be done soon; yet, owing to the many difficulties presented from various causes and quarters, the want of funds, leading to a want of confidence on the part of the Indians in the fulfilment of stipulations and making them presents, and owing to the success of those Indians who are in open hostility with the whites, and the distrust of those disposed to be friendly, it is difficult to assemble them; the first will defy me, and the latter deny my authority by keeping out of the way. Another difficulty here is owing to the peculiar organization, or, more properly speaking, the want of organization, among these Indians, having no influential chiefs who can control them. They are in small bands, consequently difficult to get them to act in concert, even in one band; and much more so with different tribes, as they are generally at war with one another; consequently very distrustful when it is attempted to bring them together. And I have reason to believe, nay, I am satisfied, there are some white persons who, through selfish motives, dissuade them from coming in to meet me. Owing, as above stated, to all these difficulties, my progress has been slow; but be assured that it is to be attributed to the foregoing causes, and not for a want of untiring exertion on my part, as I have the work at heart, and will leave nothing undone which may be within the compass of my ability; and am yet confident in the belief that the most sanguine hopes may and will be realized in pacifying the Indians, and ameliorating the unfortunate state of affairs existing between them and the whites.

By the 1st proximo I will make up the quarterly returns; it will then have been three months from the time of our separation as a joint board, and thereafter monthly statements, if it is possible to do so.

The commander of the Pacific department has very kindly ordered out twenty-five mounted men, under command of Captain Stoneman, to act as escort, affording me ample protection when required, and at the same time they are enabled to move with celerity, in comparison with larger

trains. Additional force, however, has been placed under orders, to be used should it be deemed expedient.

Respectfully, your obedient servant,
O. M. WOZENCRAFT,
U. S. Indian agent.

To the people living and trading among the Indians in the State of California.

From information received, as well as from personal observation while travelling 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 white and red men have been owing to an improper and short-sighted policy, or rather a want of true policy, with these children of the forest. Since the discovery of gold in this region, the section of country that was and is, necessarily, 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 them, 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, 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 had 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 practising that which they, like the Spartans, deemed a virtue; they have been rudely driven from their homes, and expatriated from their sacred 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 are 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 mercy, 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 teaching them the requirements of our laws, permitting them to remain among us, teaching them industrious habits, you will make useful members of the community, instead of the most dangerous and implacable enemies.

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 as speedily, as the first.

They are those who, for present gain, steel their consciences against the future consequences, knowing them fraught with frightful evil; selling these sanguinary beings intoxicating liquors, 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 United States 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 same, 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 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 persons 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 sup-

plies, 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 wish to 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 are 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.

No. 73.

SAN FRANCISCO, CALIFORNIA, *July 28th, 1851.*

HON. LUKE LEA, *Commissioner, &c.*

SIR: I wrote you last from Camp Belt, on King's river, under date of the 14th of May, enclosing a copy of a treaty concluded at that place between myself, as commissioner, on the part of the Government, and twelve tribes of Indians, which I hope you have received.

Since that time I have effected three other treaties, copies of which I should have forwarded to you from Los Angeles, but was prevented by severe indisposition, which lasted until after the departure of the mail steamer; and having determined to return through the Indian country to this place, I have deferred writing to you until my arrival here, which was this morning, and I now hasten to give you a brief account of my "actings and doings" from the date of my last letter to you to the date of my return to this place.

Immediately after concluding the treaty on King's river I despatched runners to the tribes north of Kern river, desiring them to meet me on the Cahwia river, at a place designated, some thirty-five or forty miles distant from our camp on King's river. As soon as provisions arrived from Stockton (distant about one hundred and eighty miles) for the troops, we moved on to the place appointed on the Cahwia river; on my arrival there, I found delegations had already arrived on the ground from some five or six tribes, and others were expected. I was somewhat surprised from the fact that I had previously learned from the Indians at King's river that there were only three tribes north of Kern river, from the mountains to the lakes, untreated with; whether this information resulted from their ignorance or disposition to deceive I cannot tell; but, at all events, by the 28th of May, delegates from seven tribes, numbering from twelve to fifteen hun-

dred persons, had assembled; learning that there were yet other tribes north of Kern river, but that they were unwilling to come to the Cahwia to treat, but would west of me, at some other point more convenient to them, I immediately commenced negotiating a treaty with the seven tribes represented. I found them ready and willing to treat, having committed many depredations upon the lives and property of the whites, and dreading the consequences of their hostile conduct; I found them, with the exception of the "Ko-ya-te" tribe, willing to treat upon almost any terms. The "Ko-ya-tes" being a large tribe, and the chief, (Pedro,) a cunning, shrewd, and vicious Indian, I had some trouble in getting him to consent to leave the country in which he lived, and remove to the country which I proposed giving to them, (the same designated in the treaty, a copy of which I herewith enclose to you,) though, after much "talk" and consulting together, he finally agreed to the terms proposed, and on the thirteenth of May the treaty was formally signed, &c.

The country given up by these tribes, or some of them, embraces some of the best lands in California, being a portion of what is known in this part of the State as the "Four creek country." The country given to them is generally inferior, but has a sufficiency of good soil, water, &c., to answer all their purposes for all time to come. After agreeing upon the terms of the treaty, but before it had been drawn up and signed, I despatched runners to the other tribes north of Kern river, and desired them to meet me on Paint creek, at a point designated, some forty miles south from our camp, on the Cahwia. By forced marches, we reached the place designated on the evening of the 1st of June. I found the chiefs, captains, and principal men, of four tribes, with many of their people, already on the ground. Those tribes number about two thousand; one portion of them living near Buena Vista lake, and the others on the head waters of Tula river and Paint creek. Those living near the lakes have the reputation (to use the language of the country,) of being "*good Indians*," having always been friendly to "*the Americans*," though like the other tribes in the San Joaquin and Tulare villages, uncompromising enemies to Spaniards and Mexicans, or Californians. I found them very willing to treat, after having explained to them the principles upon which we proposed treating with the Indians in California. I found them more intelligent, more athletic, and better qualified for either peace or war, than any Indians I have seen in California. They were a terror to the Spaniards, being greatly their superiors in war; they have great influence over the neighboring tribes, and until very recently have been at war with Cahwia and other tribes inhabiting the "Four creek" country. On the 3d of June I concluded a treaty with them, which was formally signed, &c., a copy of which I herewith enclose to you.

Having treated with all the tribes between the Sierra Nevada and the "coast range" north of Kern river, and learning that there were several tribes near the terminus of the Tulare valley, and south of Kern river, I immediately despatched runners to them, requesting them to meet me at the Texan (Tahone) Pass, about 75 miles distant from Paint creek. I reached the Pass, at the southern extremity of the Tulare valley, on the night of the 6th; on the 7th the chiefs and captains of eleven tribes or bands, with the most of their people, came in; and on the 10th, I concluded a treaty with them, which was formally signed, &c.; a copy of which I also enclose herewith to you. This treaty embraced the last of

the tribes in the San Joaquin and Tulare valleys, from the Stanislaus river north, to the Los Angeles south, including the whole country from the top of the Sierra Nevada to the coast, embracing a district of country from four to five hundred miles in length, and from one hundred and fifty to two hundred in width.

The tribes included in the last treaty were mostly small bands, mere remnants of tribes once large and powerful; but, what with the drafts made upon them by the Spanish missions, (several of which are located just across the mountains, within the immediate vicinity,) for laborers, and the almost exterminating wars that, from time to time, have been carried on among themselves, together with the ravages of disease *intentionally* spread among them by the Spaniards who feared them, they have, in some instances, been almost annihilated. The Uvas, once among the most powerful tribes in the valley, have been, by such means, reduced to a mere handful, and do not now number more than twenty persons; and among the Texans, I met with an *old man*, the last of his tribe, at one time a large and powerful tribe, but war and pestilence had done their work, and *he alone* was left to prove that such a tribe had once existed.

After concluding the last mentioned treaty I started for Los Angeles, distant about one hundred miles. At that place I hoped to receive, through Colonel McKee, the disbursing agent, the *means* necessary to enable me to prosecute my mission south, to the Colorado river, and to the southern boundaries of the States; but in this I was disappointed. On reaching Los Angeles, on the 16th of June, I received a letter from Colonel McKee, informing me that he had sent to me three small packages of goods which I had ordered, but informing me that he had no money. This information placed me in a rather unpleasant situation. When I separated with Colonel McKee, on the San Joaquin river, about the 1st of May, he informed me that he could not furnish me with any funds, but that on his return to San Francisco he would send me some; at King's river, about the middle of May, I received from him two hundred and thirty-one dollars, (\$231,) which he informed me he had charged to my private or salary account; by the time I reached Los Angeles I had exhausted, in the way of presents to the Indians, all the goods (except a few blankets) with which I had been supplied. Finding myself without goods for presents to the Indians, without money, having not only exhausted the \$231, but, in addition, what little I had of my own private means, besides some I borrowed on my own individual responsibility, and having pushed our credit as far as I deemed it prudent, I determined to discharge the escort that accompanied me through to that place, and return to San Francisco, or proceed down the coast with an escort of citizens, who kindly proposed to accompany me to the Indian villages in the vicinity. Another reason influenced me to dispense with the military escort at that place. I learned from persons well acquainted with the country through which I would have to travel to reach the Colorado, that at this season of the year it would be impossible to march a body of troops (foot) across the great sandy desert, over which we would have to travel to reach the Colorado, the distance across the desert being over 100 miles, without one drop of water, or one blade of grass or vegetation of any kind; accordingly, on the 17th day of June, I addressed a note to Captain E. D. Keyes, who had command of the escort, dispensing with the further services of his command; a copy of which, together with his reply, I herewith enclose.

Having determined on visiting some tribes of Indians living some fifty or sixty miles from Los Angeles, (between whom and a party of lawless white men a fight had recently taken place, in which some dozen of the latter had been killed,) and try to effect treaties with them, I despatched runners to them, desiring them to meet me at a point named on a given day; but before the time for my departure to the place designated, and before I had recovered from my illness, news reached me that an outbreak among the Indians in the Tulare valley, with whom I had treated, was threatened, and would in all probability take place. Under the circumstances, I concluded it would be better for the country, and more in accordance with the duties of my mission, to return, and, if possible, secure what had been done, and prevent the outbreak of a large body of Indians, who had but recently been engaged in open hostility with the whites, than to prosecute a treaty with a few tribes who for years had been entirely at peace with the whites, with the exception of the recent affair of which I have spoken, and to which they were influenced by some of the citizens themselves, and for the doing of which they were sustained by the better portion of the community.

Although barely able to travel, I employed seven men, well armed and mounted, and with them and my interpreter and secretary, on the 30th of June, I started for the Tulare valley. On reaching the valley, I learned from the Indians that some lawless white men and Sonorameans had visited their "ranchero," or village, and offered some violence to one of their "headmen," but were deterred from doing him any serious injury by the timely arrival of a party of *gentlemen* who happened to be travelling through the country at the time. This affair had produced some little distrust on the part of these Indians. I remained a day or two with them, called on the neighboring chiefs, held a talk with them, made them some presents, and left them well satisfied. I then proceeded to visit the most of the tribes at their villages in the Tulare and San Joaquin valleys. I found some distrust on the part of a few tribes, but after talking with them, and making them a few presents, they professed to be well satisfied; and I am *convinced* that if the whites will not molest them, and the Government will, in good faith, carry out the treaties that have been made with them, they will in good faith comply with the stipulations on their part. But much is to be feared from the conduct of reckless and vicious white men, too many of whom are to be found travelling over the country in bands or parties, murdering and robbing those who happen to be so unfortunate as to fall into their power; in truth, sir, I feel less fear of danger in travelling through the country from Indians than from white men.

In conclusion, upon this subject, I can assure you that all the Indians in the San Joaquin and Tulare valleys, who a few months since were at open war with the whites, are now entirely peaceable and quiet; and instead of robbing the "ranches" of the citizens, and driving off and feeding upon their mules, horses, and cattle, are now at work, many digging gold, with which they purchase clothing, food, &c., whilst others are employed in fishing, hunting, or gathering the roots, nuts, seeds, &c., on which to subsist. With many of them a feeling of emulation and interest has been excited, and I have no hesitation in saying that, with proper care and attention, in a very few years they will be greatly in advance of the Indians of the Atlantic slope in wealth, civilization and intelligence.

I had some trouble in getting the "miners," and others, on my return

through the different "Indian reserves," to leave the reserves; but succeeded in prevailing on most of them to leave. Although it was a primary object with us to withdraw the Indians from the "gold diggings," and from the best portions of the lands in the country, in which we have succeeded beyond our most sanguine hopes, yet evil-disposed and jealous-hearted men soon succeeded in making an impression upon the minds of the miners that the "Indian reserves" embraced the richest mines in the whole country. At once an excitement was gotten up, and hundreds flocked to "the reserves," expecting to find "rich diggings." Finding, however, that they were *deceived*, and that there were no mines in "the reserves" that "*would pay*," many left; and the few that remained to "*prospect*" upon them were, with a few exceptions, prevailed upon to leave; and the few who *obstinately* remain, I think, will leave in a short time, as I am well satisfied that there are no "diggings" within the Indian territories that will pay the *white man* for his labor.

The treaties not having yet been ratified, and there being so small a number of Government troops in the country as to preclude the possibility of having a sufficient force stationed at the different points absolutely necessary to the proper execution of the terms of the treaties by both whites and Indians, we are compelled to pursue towards the whites, at least, a temporizing course. This I find the more necessary from the *peculiar* character of the population of the country.

Since reaching here, I learn from Col. McKee, the disbursing agent, that he has no funds on hand, or indeed in prospective, to enable me, at this time, further to prosecute my mission in the way of treaty making; that he has not been advised even of the means of realizing the \$25,000 appropriated by the last Congress; and that, were he able to do so, the whole amount would be required to meet the liabilities already incurred by us in the discharge of the trust confided to us.

I shall, therefore, immediately after the arrival of the mail steamer from Panama, due here about the 1st of August, return to the San Joaquin; and, by every means in my power, try to maintain peace and quiet between the whites and Indians in the San Joaquin and Tulare valleys, until such time as I may be placed in funds or means to prosecute treaties with the Indian tribes in the extreme southern portion of the States, and on the Colorado river.

I have now, sir, a request to make, which is respectfully to ask the permission of the department to visit my family in Kentucky during the next winter. I would not make the request if I believed that the interest of the high trust confided to me would, in the least, suffer from your compliance with it; but we may reasonably expect that the "rainy season" will commence about the 1st of November, (the usual time of its commencement;) after which time it is perfectly impossible to transact any out-door business of importance, and wholly impracticable to travel over any portion of the country before the middle of April or the 1st of May; hence I could render but little, if any, service in connexion with my mission in this country. Again; if you think it advisable, and would authorize me to do so, I could hire an escort of thirty or forty men to accompany me to the Colorado, and, if necessary, through to Texas or Missouri. On my way to the Colorado I could, and would, visit all the Indian tribes in southern California, not yet treated with, (and there are many on the Colorado,) and, if possible, form treaties with them. From my knowledge of the expense attend-

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ing the military escort that accompanied me on my late expedition through the San Joaquin and Tulare valleys to Los Angeles, I am well *satisfied* that, if my suggestions should be approved, I can save to the Government, by employing such an escort instead of a regular military force, at least \$25,000. Such a force would move with more expedition, and require much less transportation, and provisions, &c., than an escort of infantry troops, the only kind that would or could be furnished, in all probability, by the military commandant of the division for such a service. However, sir, I only make the suggestion with a view to economize as far as possible; but, in view of all the circumstances connected with the discharge of the duties of my office, I would again most respectfully ask that, by some order or otherwise, I be permitted to visit my family, whom I hastily left on the receipt of instructions accompanying my appointment. I hope, sir, you will pardon me for having pressed this matter upon your kind consideration.

In compliance with your instructions I will, at as early a day as practicable, prepare my report as commissioner, and forward it together with the original treaties entered into between myself and the various Indian tribes with whom I have treated.

With sentiments of the highest regard, I am, sir, your obedient servant.

Respectfully,

G. W. BARBOUR.

I would be pleased to hear from you on the subject of my return at your earliest convenience.

G. W. B.

No. 74.

CAMP AT BIG BEND OF EEL RIVER,
Twelve miles southeast from Humboldt, Sept. 12, 1851

HON. LUKE LEA,

Commissioner Indian Affairs, Washington city.

SIR: My last letter was dated San Francisco, July 29th, to which referring, I have now the honor to report, that on the 8th ult. I joined my escort of 36 mounted men, under command of Brevet Major H. W. Wessetts, at Sonoma, and on the morning of the 11th commenced our march for Humboldt bay.

As our route would be mainly through an uninhabited and almost unexplored region, we started with 30 days' rations, on pack mules, with a drove of 160 head of cattle close in our rear. The cattle were sent along by Gen. Estell, of Vallégo, with the understanding that the escort party and my own should pay for the number used at the current rates of the country, leaving his agent to dispose of those remaining to the miners on the Klamath.

Owing to the want of funds in the Indian department, I was forced to employ men to manage my own pack train, whose wages, at the rates paid by Major Wessetts, say \$80 to \$100 per month, will add largely to my expenses. The mules required, except three or four riding animals, which I had to purchase, were, with 30 days' rations for 12 men, furnished by the department at Benicia; our estimates were quite low enough; for, by the

th inst., when we reached the first white settlements on this river, (four weeks and one day out,) our supplies were pretty well exhausted. Our *caravan* consisted of some 70 men, 140 horses and mules, and 160 head of cattle; of course reference to grass and water was of the first importance in selecting our camps. The general course from Sonoma to this place is northwest, and the distance not far from 250 miles. The first 70 or 80 miles up the valley of Sonoma creek and Russian river, were accomplished with but little comparative difficulty; but from the time we left Russian river at its source and commenced crossing, what our guide, Mr. Thomas Scabeing, called the *divide* between Russian and Eel rivers, we had for about 100 miles a succession of hills, mountains, gulches, gorges, and sundry such as are not to be found east of the Rocky mountains, and but seldom even in California or Oregon. I am happy to say, however, we accomplished the journey with unexpected safety. Our men are all in health, and we lost but one horse, three or four mules, and six or eight head of cattle—the former broke down, the latter strayed off, and were probably stolen by the Indians.

At Sonoma I was fortunate in securing the services of Geo. Gibbs, esq., formerly of New York, and recently attached to the Indian commission in Oregon. He is acquainted with the Schinook or Chinook language, and the jargon spoken by all the tribes on the borders of Oregon and California. He is, moreover, a practical topographical engineer; has kept a journal of our entire route, and will furnish me, I hope in time for my annual report, a correct map or reconnoissance of the trail from Sonoma, showing the exact position of all the important rivers, lakes, mountains, and valleys, together with a synopsis of the various dialects of the tribes we shall have met. In selecting reservations with a view to collect and colonize the remnants of the tribes scattered in all directions over this coast and among the mountains, it is important that close attention be paid to similarity of language, customs, &c.

On this journey, as elsewhere in California, I have found the Indian population almost universally overrated as to numbers, and underrated as to intelligence and capacity for improvement. From information at Benicia, Sonoma, &c., I was led to expect that I should find some 2000 or 3000 Indians on Russian river, at least 3000 on Clear lake, and 2500 or 3000 on Eel river. After passing through their country, and counting every soul in some half dozen *rancheros*, to test the accuracy of their own estimates as well as those of the whites, I make the actual number less than one-half, generally about two-fifths of the number usually estimated by the settlers below.

1. In the valleys of Sonoma and Russian river there may be in all, say	1,200
2. On Clear lake and mountains adjacent	1,000
3. In the two first valleys of south fork of Eel river, with language and customs similar to the above, and who should be colonized with them, from 1,000 to 1,100, say	1,100
4. On the coast, from the old Russian settlement at Fort Ross, down to San Francisco, and around the bay, by St. Raphael, Pelatoma, &c.	500
5. On the mountains and valleys of Eel river, South, Middle, and Vanderson's forks, and about its mouth	500

6. From the mouth of Eel river south, on ——— river, Cape Mendocino, and to Fort Ross, say	400
7. On Humboldt bay, and north to Mad river, a mile or so above the head of the bay	300
Total	5,000

Having as yet visited but one or two rancheros on the coast, I do not offer the above estimate with much confidence, though I think it approximates the truth, while it is only about one-third or one-fourth of the number *generally estimated by the old settlers*. For many years past the Indian population has been rapidly diminishing by diseases introduced by the whites, internal dissensions, and, in some cases, by want of food. At Humboldt bay, and at other places on the coast, where they depend almost wholly on fish and crabs, many sicken and die every winter; and if the benevolent designs of our Government for their preservation and improvement are not speedily set in operation, and vigorously prosecuted, the Indians, now wearing out a miserable existence along the coast, *will all die off*.

Back on the rivers and mountains, the Indians are generally a hale, healthy, vigorous looking people, though of small stature. They are all docile in their habits, and evince a great desire to learn our language and the arts of agriculture; with proper instructions and assistance for a few years, I have entire confidence in their reclamation from ignorance, idleness, and heathenism, and their ability to maintain themselves and families.

On Russian river, near Felix ranche, while our runners were out collecting the Indians for a grand *pow-wow*, I took a few men for an escort, with five or six pack mules to carry our provisions, blankets, &c., for presents, and crossed the mountains into the valley of Clear lake; we found a blind trail, and the route very difficult; distance from fifteen to twenty miles. The eight tribes, who claim the valley and lake, were apprised of our approach, and their chiefs and headmen came promptly to our camp to learn what the *great chief* at Washington had to propose. They said some white men had been there, and made treaties with them, but did not live up to them, and they were now satisfied they were not *big chiefs*. After a number of interviews and explanations, which my secretary's journal will give you more fully, we finally concluded a treaty on the 20th August, which, if approved and promptly carried out by the Indian department, will, I am in hopes, quiet the Indians in that quarter, and secure the safety of the white settlements in the neighboring valleys of Nappa, Russian river, &c. I am very glad now that I took the lake in my route, as the Indians were in a very unsettled, unsatisfactory condition, and doubtless meditating revenge and reprisals on the whites in the settlements, against whom, as well as the military which went out against them last year, they make loud complaints. That they have suffered severely by the war, and also by disease, induced by privation, I have no doubt. After much reflection, personal examination, and consultation with Major Wessetts of the escort, and with General Estell of the State militia, who kindly accompanied me to the lake, I concluded to reserve and set apart the *whole valley*, and if practicable induce the entire Indian population, scattered along the coast about Bodega, Petaloma, &c., to San Francisco, together with those on Russian river, and the head waters of Eel river, to remove to and colonize there; I do not think another location so completely isolated, and in all re-

spects so desirable for the settlement and improvement of 3 or 4000 Indians, can be found in the State. The valley has at present no white inhabitants, and there are no claimants to any part of it except Don Salvadore Vallejo, of Sonoma, who is said to have a *grazing* and *ranching* privilege from the Mexican governor on some sixteen leagues in that quarter. Generally this grant is considered of no validity or value whatever, and that he has but little confidence in it himself, it is plain, from the fact of his offering to sell his interest in it for some 5 or \$6,000. If it should ever become desirable to quiet his claim, which I think altogether improbable, the Government can well afford to do it, as it will obtain for the white settlers a far more desirable country on Russian river, and now in possession of the Indians. With the general plan proposed the Indians on the lake were well satisfied, and several of their principal chiefs returned with me to Russian river, and rendered important aid in negotiating a treaty with four of the largest bands on that river.

Copies of both these treaties will be forwarded for your examination at an early day, as soon as my secretary can find some better accommodations for writing than on his knee, in the open air, or with the light afforded by a camp fire. I will here add, that the tribes last treated with are to remove to the lake within one year, or as soon as the necessary arrangements are made by your department. It will be of the utmost importance to the peace and security of this State that full and liberal provision be made by the ensuing Congress for carrying out these California treaties *as early in the coming year as may be at all practicable.*

Finding it impossible to visit on this journey many of the smaller tribes or bands scattered among the mountains of the coast range, and on the coast south of Humboldt, and that it was quite necessary that some one or two white men should be selected to advise, and protect if necessary, the Indians treated with in my absence, and until resident sub-agents are appointed, I arranged with Gen. Estell, of Vallijo, and Mr. George Parker Armstrong, of Russian river, to attend to these matters, and particularly to the delivery and proper distribution of beef and flour, stipulated to be furnished the present fall and ensuing winter; the beef (100 head for each treaty) I get from Gen. Estell; the flour (10,000 lbs. for each treaty) from Messrs. Morehead, Waddington & Co., San Francisco, both to be paid for after Congress shall have made the necessary appropriations. This arrangement I consider highly fortunate for the country, and exceedingly liberal on the part of the gentlemen named; especially when it is considered that both articles are to be furnished at the *lowest cash prices* at the time of delivery.

Mr. Armstrong, besides visiting the lake occasionally, will, in the present month, visit all the Indians in the coast range and on the coast, not already treated with, ascertain their numbers and arrange with their chiefs to meet me at some convenient point in the Sonoma and Russian river valleys, at some time during the present fall or ensuing spring, as I may find possible after the present expedition; mean time he is to report the facts to me at San Francisco by the first November.

After leaving Mr. Armstrong's ranche, the last settlement on the trail, travelling over some stupendous mountains, we descended into the first valley on the south fork of Eel river, near its source, and found in a little valley, called by the Indians Betunki, five small tribes, viz:

Tribe and principal chief.	Men.	Women.	Children.	Total.
Na-loh, Car-lots-a-po	30	26	19	75
Chow-e-chak, Che-do-chog	25	25	27	77
Choi-te-u, Mis-a-lah	34	42	13	89
Ba-cow-a, Tu-wa-nah	23	29	28	80
Sa-min-da, Cach-e-nah	15	25	19	59
				380

One or two other small parties were absent across a mountain, and could not be seen. In all, this valley may contain 450 or 475. We remained two days in this valley, and supplied them liberally with beef and hard bread, and as many blankets, shirts, &c., as our small stock would afford. About 20 miles further on the trail, after crossing another ridge of mountains, we descended again to the river, and in a valley called Batin-da-kia, found another Indian settlement. They were of the same general flock or family of Indians, but spoke a somewhat different lingo or dialect, and we had more difficulty in getting them to understand our objects. Many of them had never seen a white man, a horse, or a gun before, and were consequently extremely timid and fearful. They had two principal chiefs, Lum-ka and Com-a-cho-ca, and their rancheros were reported to contain 153 men, 200 women, and 144 children—497. One or two other small parties did not come in, and may increase the total number in this valley to 600 souls. We remained here one day, killed for them one or two beeves, and made them sundry presents, with which they appeared much pleased, and promised to treat kindly all white men who may hereafter pass through their country. The Indians in both valleys should, I think, be removed to the Clear lake. They will be invited to meet me for consultation on Russian river, when Mr. Armstrong shall have arranged the time and place. I gave them certificates in writing of their good conduct to us, and commending them to the protection of the whites passing through their country.

These were the last Indians we could communicate with, though we saw several other small parties on the mountains; and after we again descended to the river, all we met after leaving Batin-da-kia speak a different lingo, and were supposed to belong to the general family who live below them on this river. On our arrival here I visited Humboldt to obtain some supplies, and if possible interpreters, to open a communication with the tribes in our neighborhood. In the latter I was unsuccessful, the only two men who understand their language being absent in the mines on Trinity river, some 80 or 100 miles distant. Through a Mr. Robinson, who resides near, and his squaw wife, I have been able to get a number of the Indians to visit our camp, to whom we have made presents. At present, the Indians here and at Humboldt bay are quiet and peaceable, express a desire to work for the settlers, eat their food, and learn their arts; all which is desirable, and it is a source of much regret that we cannot, for want of interpreters, conclude a formal treaty with them. This, from the necessity of the case, will

have to be postponed till some future time. In the mean time, I shall make them some more presents as soon as the messenger, sent for the goods to Port Trinidad, about 40 miles, returns, and set off a reservation of land for them at or near the mouth of this river, which is some 12 or 14 miles by the channel below our camp, and by the coast 15 or 16 miles south from Humboldt. This appears to be necessary at the present time, to avoid difficulties hereafter with our own people, who are moving into and settling upon claims in this fertile and beautiful valley every day. Here the lands are exceedingly rich, well watered, convenient to timber, and irrigation *wholly unnecessary*. Such advantages will insure to this vicinity a speedy settlement.

It has been suggested to me by Mr. Dupere, (formerly of Norfolk, Va., now a merchant in Humboldt,) and others, that no more effectual way to benefit these Indians could be devised than to have for their use two or three pairs of good work oxen, to break up a few acres of land to be planted for them in potatoes and other vegetables, and thus at once give them some idea of the advantages of cultivating the soil. I have the matter under advisement, and may adopt the suggestion, if some of the gentlemen in the neighborhood will volunteer their services, and see the plan carried out. The general character of the soil on this river, and the mountains also, even to their summits, is that of exceeding fertility. On the very tops of the mountains, many thousand feet above the ocean, we found grass of the finest kind in great abundance, interspersed with groves of the most magnificent timber. We encamped a few nights since under a redwood fifty-five feet in circumference six feet from the ground, and between two and three hundred feet high. I measured another, which had been burned at the roots and blown down, three hundred and twenty-five feet in length. Another gentleman of our party found a tree eighty-seven feet in the girth four feet from the ground.

The river *here* is affected by the tide, and may be navigated by very small boats as high as the junction of the South and Middle forks—say forty to fifty miles. Here and there it affords fine wide prairie bottoms, but in general the bottoms are heavily timbered with redwood, maple, alder, &c. The climate being very fine and uniform, I anticipate that all the good lands will be very soon appropriated by actual settlers.

I expect to remain here until the 18th instant, to recruit our animals, and then resume our march for the Klamath, via Humboldt, Eureka, Union, and Port Trinidad. We have still a long journey before us and many Indians to visit, and, if possible, conciliate. Since leaving Sonoma we have had five or six days of wet weather, from which some conclude that the rainy season will this year set in early. If it should, our operations will be necessarily suspended. My escort will probably take up winter quarters, and I shall be forced to disband my party and return, by the coast, to San Francisco. I indulge the hope that if the rains do not set in till the usual time, say first part of November, that I can keep the field and yet accomplish much, if not all, the work before me, in the northern part of the State. • All agree as to the importance of the undertaking, and, personally, I am anxious to avoid the labor and expense of another expedition.

I am, very respectfully, your obedient servant,

REDICK McKEE.

No. 75.

SAN FRANCISCO, *October 14, 1851.*

To Hon. LUKE LEA,
Commissioner of Indian Affairs.

SIR: Referring to my communication of the 30th ult. to the department, I now proceed to make a brief statement relative to the appearance, manners, habits, and customs of those Indians with whom I have negotiated, and a brief summary of the negotiation.

The Indians of this country do not differ from those of the Atlantic States as materially as is generally represented. They are evidently one and the same great family, extending over the entire American continent, differing only so far as climate and the products of the soil are calculated to produce.

That the characteristics of the human organization are modified by climate and the products of the country, I presume does not admit of successful controversy. We find in tropical climates, abounding in fruits, and but few or no wild animals suitable for food, that the natives are mild and indolent; the enervating effects of climate, and the bounteous provisions furnished by nature, may justly be ascribed as the controlling causes of these characteristics. Those living, again, in the mild and temperate zone partake of the nature of the climate, modified, more or less, by the quality and quantity of the numerous products suitable for food. In such a climate we would expect to find the natives mild, but more active, possessing a higher physical and mental development; and, finally, those living in a colder region, abounding with fruits, and plentifully supplied with game, we find of a better physical organization, and a higher tone of mental development.

The aborigines of this country are as *much the products*, if I may so speak, of the climate, soil, and its fruits, as of that of any of nature's works. This being admitted, we readily show the difference between the Indians of California and those of the Atlantic States, at the same time designating their leading characteristics.

In the valleys we find a mild, equal, and temperate climate throughout the country; the indigenous products, suitable food, not so abundant, however, as in the tropical latitudes, constantly requiring of the natives, in order to supply their wants, a great portion of their time in procuring their food.

There is an abundance of game in these locations, such as the elk and antelope, both of which are with difficulty captured, being found on the open plains. The rivers abound in fish, obtained at certain seasons.

In procuring their food a degree of industry is requisite, and thus we have a full type in the higher organization of the climate, animal, and vegetable products of the country.

These Indians, like the climate, are mild, passive, and tranquil; industrious through necessity, and only so far as necessity requires, in providing for their daily wants.

The large game above referred to being so difficult to procure, they content themselves with the vegetable products, and the lesser animals more easily obtained, from the *hare* down to *small vermin*; thus procuring their

and through patient perseverance, and showing the valley Indians to be mild, patient, submissive, and tractable.

The mountain Indians differ from those in the valleys as materially as do the climate and its products. There they have a cold, bracing atmosphere, abounding in game, with but a sparse vegetable product: the climate requiring a full animal diet, compels them to pursue the chase and encounter its perils.

The deer abound in the mountains, and it becomes necessary for the Indians to toil in their pursuit, if they expect to procure their meat for food, in doing which they undergo great physical exertion, which the climate and its products are well calculated to sustain. And thus we have a race of beings immediately adjacent to the former, yet differing widely from them in every respect; here are *athletic, wild, brave, independent*, and *measurably* intractable beings, their physical and mental organization far superior to those in the valleys. And there is a third and intermediate race, whose abodes are between the plains, and immediately within the foot-hills, thus forming three separate and distinct races, all within a few degrees of longitude of each other. These tribes possess intermediate characteristics of the other two, showing as perfect gradation in their leading traits as there is in the climate and products of the country in which they live.

The marked characteristics of the mountain and valley Indians, as spoken of previously, not only exist within one or more degrees of longitude, but in latitude we find a perfect gradation from the extreme south to the extreme north, imperceptible it is true, in adjacent tribes, but by comparing the valley Indians of the South with those of the head waters of the Sacramento, the great difference is very apparent. Here they are fearlessly brave and unyielding in their independence, contending heroically for supremacy on the soil of their ancestors.

The valley Indians are mild and tractable, making good and faithful laborers, submitting to correction; and, if in fault, to correction without murmuring. In this respect is apparent the greatest dissimilarity between the Atlantic and Pacific tribes. The former possess an unconquerable spirit of independence; in subduing that spirit you destroy the being; not so, however, with the latter; they are mild, passive, and intuitively obedient to the white man, and are more easily domesticated than those on the Atlantic. With judicious management their condition can be materially improved, and in a short time placed beyond want. This can also be effected with the mountain Indians; after having been located in the valleys and foot-hills for some years, they will assume the traits of those tribes. But, as stated in a former communication, this will require time and judicious management.

The foregoing statements are not made to substantiate a preconceived theory, but are based upon mature reflection, after having seen, studied, and compared the different tribes, one with the other, from the Colorado river south, to the head waters of the Sacramento north, living in the mountains, plains, and foot-hills.

It is a difficult matter to obtain from them a reason for the performance of many of their ceremonies, or their belief in relation to a previous or future state of existence. Their ceremonies are numerous, which they perform with great devotion, showing evidence of intense feeling. This is innate and peculiar to all human beings, and the most enlightened will

fail to give a more satisfactory reason than that of *yielding* to intuitive feeling of sorrow for the dead, or joy for the bounteous gifts of Providence.

They are evidently controlled and governed by a belief in some Great Spirit; and, like most of the ignorant and imbecile of the human family, they are actuated by fear. This spirit of theirs is considered as an evil one, and afflicts them with all the evils that "flesh is heir to." They sometimes attempt to conciliate it by offerings, in order to obtain fish, fruits, and seeds; and again will torture it and burn it, making an effigy to subserve their purpose; all of which is done for and in behalf of their dead, thereby assisting them to reach good hunting grounds, and to cross a stream, which is very difficult; in fact, so much so, that none but the good are supposed to cross it. They burn some of the bodies of the dead that the wolf and bear may not devour them, believing that if such were the case they would be transmigrated into the form of the animal which destroyed them.

Their general appearance will not compare favorably with the Atlantic Indians, particularly those living in the valleys. The women are low in stature, and heavily set, yet remarkably well made, and possessing small feet and delicately tapered hands; great slaves to their lords and masters, gathering all the food from the vegetable kingdom, and preparing it for consumption. They are faithful; infidelity to their husbands is punished with death. And this is one of the fruitful causes of difficulty between the whites and themselves. They are not prolific in child-bearing; indeed, they seldom have more than two. This may be owing to the fact that they rarely wean their children until they are six or eight years old. Their incessant toil and manner of life may be another cause, tending to repress sexual desire. There is nothing to excite the imagination, as the men are entirely nude. Polygamy is common, some chiefs having several wives.

The men are finely formed, with the exception of the head, (it lacks the bold contour of the Atlantic Indians,) with low and heavy features; their average height about five feet five inches, though I have measured with several of my height, (six feet one inch.) Some of the valley tribes are large, particularly those in the Sacramento and Feather river; low down at these points they get an abundance of fish, and this may be a favoring cause.

The Willie, Cobes, and Hock Indians are the largest of the valley tribes. Some of the former have sandy hair and hazel eyes, an exception to their race generally, the causes of which are yet to be ascertained.

Those tribes living high up in the mountains are generally larger and finer looking, with fairer skins, and higher cast of features; and, as previously stated, more independent. The country affords them a great variety of products, from which they collect their food. The acorn being their great staple of consumption, one of the just causes of their complaints is that the white man is destroying their oaks. The mansinette, a small apple, is also an article of food with them. Indeed, there is a great variety of seeds, berries, and vegetable products that have hitherto supplied their wants. But their broad fields are fast disappearing, and will continue to do so as the white population increases, until their resources and bounteous nature are gone from them. In the mean while, we would wish to teach them husbandry, that they may learn to produce from small fields a sufficiency to supply their wants.

The salmon abound in these streams. The Indians construct dams entirely across the river, driving down poles in a peculiar manner, holding

the maul or driver up in the air while they repeat an invocation. They then fill it up by wicker-work of the willows; in adopting which method for trapping the fish they cut off, in a measure, the supplies of those living above on the same streams. At all events, they are there abundantly supplied; and this may be the favoring cause of their superior development.

The Indians living higher up cannot construct these dams, owing to the rapidity of the current. They use the spear and seine, which they make from the native hemp.

They are singularly expert in the water. I saw an Indian swim out in Pitt river, dive down and bring up a large salmon, suspend it above water, and there hold it while he swam for the shore, using his feet only, as both arms were engaged in holding aloft the fish.

It is to be regretted that in most of the reservations given to them there is but little good tillable soil; and yet it was difficult, if not impossible, to locate them elsewhere. The Indians would not consent to move further from their mountain homes than the foot-hills; and, indeed, I could not take them down in the valleys, as there the soil is in the possession of the husbandman, producing for the pressing demands of a large and increasing population.

The reservation between the Stanislaus and Tuolumne rivers will be about eight (8) by twelve (12) miles square, and very poor soil; indeed some of it, on a dry creek intermediate to the two rivers, if possible to irrigate, might produce well. Some little on the banks of these streams may be made to produce; with this exception the balance is poor and gravelly soil. Indeed, the Indians complained very much, and only consented to go that they might have a home in which they would be protected from the white man. There is no gold as yet found in this reservation, but such as is washed down these rivers.

The reservation in El Dorado county is about ten (10) miles in breadth, and twenty-five (25) miles in length. In this there are some small valleys that can be cultivated; the balance is broken and poor. There is more or less gold in some portions of the reservation; but, as it is placer diggings, (there being no quartz claims, as I could hear of,) it will soon be washed out.

In relation to this, I would suggest the policy of permitting those who may wish to mine within the reservation to do so, requiring of them to conform to the laws and regulations of the Indian bureau. I believe if this is not done, there will be a good deal of dissatisfaction, if not difficulty. The very fact of a prohibition being placed on their going into a reservation will induce many to violate the restriction, either through that perverse feeling which is common to the human organization, as well as the lower animals, or under the belief that it must be rich in gold. I regret that the precious metal is found here, as it was the best reservation I could find, there being no other location with less objection than this; and those hostile, who had caused so much trouble and expense to the State, could not be induced to come in elsewhere.

The reservation between the Yuba and Bear rivers is about twelve (12) miles square. Camp Far West is included within it.

There is a *portion* of one, and two other small valleys, that are good tillable soil; the balance *very poor* and *broken*, although *well calculated* for an Indian country, and would *not*, most probably, have been occupied by the whites, were it not adjacent to a rich and populous mining region.

As stated in a former communication, there are some improvements made by *squatters* in these valleys, with a view of permanency. And there is a claim or grant, a portion of which is within the boundaries, *all of which I should have avoided* had it been possible to do so in justice to both parties (the whites and Indians.) I could not act otherwise.

I have treated with bands of Indians, a portion of whom *had been negotiated with*, on a former occasion, by an *officer of the State*. They were patiently awaiting the fulfilment of *that treaty*, and, in the meanwhile, were acting in conformity to those stipulations themselves, by refraining from all aggressions and hostilities. *They were jealous of their rights*, and contended for *their old homes*; and I am confident, *had I refused this reasonable request*, they would have fled to the mountains, and *immediately* commenced hostilities. As it is, they are now pledged to peace, and to bring in the mountain tribes; which I pledge they *will adhere to*, if allowed to retain *their present possession*. I refer to this more particularly, as it was a subject made use of to subserve political purposes prior to the late State election. The effect has been to cause considerable discontent with those living within the reservation, and induce them to make an appeal to Congress to redress supposed grievances; which, if granted, must result very unfavorably to the negotiations already effected.

I trust the department will accredit me with having performed my duties in this instance to the best of my abilities, both to the Government and to the citizens of California.

The reservation of the Chico treaty lies under the foot-hills north of the Feather river; is about twenty miles in length, and six in breadth; the soil poor, with the exception of a small portion on a dry creek, which is rich; and if the Artesian wells are introduced here, (of which I have no doubt of the practicability,) it will be amply sufficient for the support of the Indians. There are some small bodies of good land in the Bute and Chico creeks, within the boundaries; no gold as yet discovered in this section, with the exception of that washed down the Feather river; and but one improvement, and that to a limited extent.

The reservation made in the Cotton Wood treaty is a very favorable one for the Indians, being about thirty-five miles square; embracing within its boundaries an amount of good tillable soil, sufficient to support the numerous Indians now living within its limits, and those in the adjacent Nevada, Shasta, and coast ranges. This reservation is the head of the great Sacramento valley, surrounded by the above mentioned range of mountains. It is supposed there may be gold within it, it having been found, as usual, in the main streams, i. e. the Sacramento and Pitt rivers. There are no improvements on it, nor does any white man live within it. The Indians living adjacent to it, particularly on the McCloud fork of the Pitt river, are very troublesome. Marauding bands are continually passing down from their mountain fastnesses, sweeping the country of its stock; and on several occasions going into the town of Shasta, and firing the buildings and property. But a short time prior to my visit there, they had captured an entire train of pack mules, with their cargoes, and killed the muleteers.

Immediately after negotiating the treaty at Major Reading's, which I had considerable difficulty in accomplishing, owing to the fact that Major R. was absent, the Indians manifesting but little or no confidence in any one but him, I proceeded to the head of the Sacramento valley, some twenty-five miles distant, and there perfected the arrangements to go among those trou-

blesome Indians on the north Pitt river. Twenty-five men were detailed to accompany me, commanded by Lieutenants Stoneman and Wright; some thirty odd of those Indians who had been under the controlling influence of Major Reading accompanying me, proposing it voluntarily, and appearing desirous of showing their fidelity to me, as well as a wish to encounter the Ukas, their enemies; the balance of my escort were left at camp, in command of Major Fitzgerald, himself and a number of the soldiers being on the sick list. I had transportation for six days rations, only three of which were expended, and the men and animals were well nigh exhausted in fruitless attempts to capture some of the Indians. They were apprised of my approach before I arrived in their country by their sentinels, who were posted on the mountain tops, and by signal fires, by which they spread the alarm far and wide. I would frequently see them down on the banks of the river, and but a short distance from us; the rough character of the country would present almost impassable barriers to our movements; to them they were otherwise—ascending the rugged mountain cliffs with the celerity of the wild goat. I was convinced that, without some stratagem, we could not expect success; the Indians with us were unwilling to go further in a chase than we could; I retraced my steps, crossing over a high mountain on the eastern branch of the river, one of our Indians making them a parting speech from an adjacent spur of the mountain, inducing the hostiles to believe that I was leaving their country. I encamped that night on a stream that empties into the east Pitt river, and early in the morning took four men, accompanied by Lieutenant Wright and J. P. Harrison, the guide; proceeded along the banks of the stream at as rapid a pace as the rugged face of the country would admit of, and soon fell in with a band of the hostiles, and succeeded in cutting off the retreat of a few squaws and children, whom I took to camp, treating them kindly. From thence I was necessitated to take them down to Major Reading's, in order to procure an interpreter. On my arrival at that point I found that their language could not be understood or spoken by the interpreter; he promising, however, to bring me an Indian in the morning who could converse with them. The morning arrived, and my captives had fled, and with them all my sanguine hopes of making a peace with these hostiles for the time being. Could I have explained to them my mission, and taken them back to their people, I should have succeeded in having a *talk*, and doubtless effected a peace. I look upon this as extremely unfortunate, as I was *ambitious* of success here, and had, by dint of great patience and personal exertion, so far succeeded, that I looked to its final accomplishment with a degree of certainty; I felt it the more, as it was irremediable at the time. The rains admonished me to leave the high latitudes; most of the men were sick; my engagements below were pressing; and should I go among them again immediately, I could not expect the same success. I was, consequently, compelled to leave them as I found them, troublesome neighbors to the whites.

I am now further confirmed in my communications to the department that these Indians cannot be subdued by waging a war with them. The rugged face of the country forbids it, and the Indian can pursue his course without halt, whenever he will, and live upon the indigenous products of the soil, where the white Caucasian cannot tread or transport his food.

It affords me great pleasure to state that Major Reading called on me a short time since, and very kindly proffered to visit these troublesome tribes,

soon after his return home, and endeavor, if possible, to have a *talk* with them, and explain the advantages of their being at peace with the whites. He proposes taking a select party of the latter, and a band of the *friendly* Indians, in which I am to accompany him, if my health is sufficiently restored to do so. I feel extremely anxious to bring these Indians in, for, from my explorations in the above mentioned section of country, I am satisfied that it is rich in gold and other resources, which must remain locked up until they are pacified, whilst the surrounding country is left materially impeded in its developments.

I then proceeded down some sixty miles, and there made many ineffectual attempts to effect negotiations with several troublesome bands living on the eastern side of the coast and western side of the Nevada mountains.

The whites have been prosecuting a war against these tribes of late, making it extremely difficult to approach them. I went out with three men and an interpreter high into the Nevada range, but did not succeed in having an interview with them. In the mean while, I had disposed of all the escort, with the exception of ten men, under command of Lieutenant Wright. On my return, I learned that my couriers had been equally unsuccessful with those on the coast range, and finally the valley Indians distrusted my motives.

I am sorry to say they have but little confidence in the white man. Their intercourse has been well calculated to make them sceptical as to his goodness and fidelity.

I find it very difficult to remove or correct this impression of theirs; they are slow to believe any good is intended them. I finally had a talk with a few of the captains, and they were evidently relieved from their forebodings of evil, and appeared inspired with some confidence as to the truth of what I had stated, promising me to do all they could to have the Indians meet me when I should come again, which I promised them to do.

There are the mountain and valley bands I propose making a treaty with, and giving a reservation to, as mentioned in my last communication.

I had but little trouble in concluding a treaty at Colusi. The Indians had been previously informed of what I had done for those on the Chico. The reservation given to them here is on the eastern banks of the Sacramento, opposite Colusi, three (3) miles in depth, by fifteen (15) miles in length, unoccupied, and most of it good soil. It is on the Sutter claim; one of the purchasers, however, informed me, that he had no objections to their remaining on it.

It will be indispensably necessary that the Indians should be protected from those claiming to be civilized beings. To effect this, there should be a military post established at Major Reading's, this point being so very far removed from any settlements.

It will be necessary to visit those Indians on the eastern side of the Nevada early in the spring. They are very numerous, and exceedingly jealous at the approach of the white man. They can be pacified without much difficulty, provided it is done previous to the whites commencing to make settlements in the country; but if this is delayed until those settlements are made, the difficulties we would wish to avoid would be unavoidable.

There are parties now organized for the purpose of taking possession of that portion of the State early in the spring. It is supposed to be rich in gold, and there is certainly some very fine soil in it. There are sections of the country there more suitable for the Indian population than that given

to them on this side, and I have no doubt but that the Indians west of the Sierra Nevada would readily go east, (after effecting treaties with those on the east, and getting their assent to it,) in the event of a necessity occurring hereafter of removing them.

The department can make the estimates that may be required for this purpose, taking as a basis those transmitted by the last steamer; with this material difference, that if they are secured in the possession of a sufficient area of country, they will require very little in addition to keep them at peace; and I would humbly, but most earnestly, urge the subject for your favorable consideration.

Respectfully, your obedient servant,

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

No. 76.

VALLEY OF SAN JOAQUIN, CAL.,
Merced Indian Reservation, June 24th, A. D. 1851.

HON. LUKE LEA,
Commissioner Indian affairs.

SIR: I have the honor to lay before you a synopsis of my proceedings during the last three months, as sub-Indian agent for the valley of the San Joaquin. On the arrival of the United States' Indian commissioners for California, the Indians of this valley and adjacent country were in a hostile attitude towards the whites. They had assumed this position about the middle of December last, fled to the mountains with their women and children, and were engaged in a general predatory war with the miners in the mountains and persons who had located on the plains. They made frequent descents into the valley, cutting off travellers in small parties, and robbing them of horses and cattle. Their great object seems to have been to steal animals for food; but in doing this, frequent murders and other depredations followed. After becoming fully convinced that feelings of hostility were general among the Indians throughout the valley of the San Joaquin, I repaired to the seat of government to ask aid from the State on behalf of her citizens. The legislature was then about assembling, and the Governor desired to lay the matter before the representatives of the people for their consideration.

I transmitted to his excellency a statement of the facts connected with the original outbreak, which had come under my immediate notice. Knowing that considerable time must necessarily be consumed by the legislature in its organization, before it could render any aid, and believing that prompt action would check, if not entirely arrest, further depredations by the Indians, I repaired immediately to Sonoma, for the purpose of consulting with the then commander of the United States forces of the Pacific. A brief interview with that officer informed me of the opinion he entertained in regard to the Indian difficulties, and convinced me of his determination to maintain a "masterly neutrality" until compelled to do otherwise under orders of Government. I was, therefore, induced to urge the organization of State troops, in order, if possible, to arrest a general Indian war, already commenced with some success on the part of the Indians. At this period of time, the Indian commissioners for California arrived in the country, but

were delayed in San Francisco for some time before proceeding into the valley of San Joaquin. I did not see them until about the 12th of February, when they reached the Tuolumne river, under an escort of one hundred United States troops. At that place I joined the command, and proceeded in company with the commissioner through the valley, as far as Rio Rey, or Rug's river. Deeming it important to enter into the fulfilment of our contracts with the Indians, to get them from the mountains, and settled in their respective reservations, at the earliest possible day, I returned through the valley for that purpose. For the last three months I have been arduously engaged in these duties, and I am satisfied great good has resulted from a prompt commencement with the Indians. I have now under my immediate charge the Indians in the following reservations: That lying between the Stanislaus and Tuolumne river, containing about one thousand Indians; that between the Tuolumne and Merced rivers, containing about eight hundred; that lying between the Chow-chille river and the Cowe, or first of the four creeks, including the San Joaquin and King's river, containing about eighteen hundred or two thousand; and another adjoining this latter reservation, as set apart by a treaty recently concluded by Colonel Barbour, near to or at Tulare lake. I have not yet been in that reservation, on account of the absolute necessity of my constant attention to the Indians in the three former. I am, therefore, not prepared to state the number of Indians included in that reservation. My time has been wholly employed in passing over the former three, and regulating their internal affairs. In some of them I have had considerable difficulties to contend with, arising, mostly, from the destitute situation of the Indians for subsistence, and those feuds which naturally take place between the Indians and a mixed population like that of this country.

The extent of country over which my duties extend is large; the civil authorities yet imperfectly in force over it, and without any military force for my aid, I have frequently felt my inability to carry out the laws "relating to Indian affairs," and more especially the "act regulating trade and intercourse with the Indian tribes." I have, however, succeeded beyond my expectations in settling the Indians upon their lands, and maintaining the supremacy of the laws. In doing this, I have been obliged, in some instances, to depart from the strict letter of the law, and to act upon such policy as prudence dictated.

I would call your attention, first, to the situation of the Indians of this region before, and at the time, the respective treaties were entered into by them. They are an ignorant, indolent, and rather migratory people, who heretofore lived upon roots, grass seeds, acorns, pine nuts, and fish. Their main subsistence, however, was acorns, which they usually gathered in large quantities and stored away in magazines. On the breaking out of the war in December last, the Indians retired to the mountains, leaving behind them their principal stores of subsistence, intending to return for them as necessity required. The whites, in pursuing them, burnt and destroyed all that fell in their way; consequently, at the time the different treaties were entered into, the Indians of this region were destitute of any thing to subsist upon, even if left to range at liberty over their native hills. Under each treaty they were required to come from the mountains to their reservations on the plains at the base of the hills. They were but children of nature, ignorant of the arts of agriculture, and incapable of producing any thing if they had been placed upon the best soil on the earth. They came

from the mountains without food, depending upon the small amount allowed in their treaties, with the roots and seeds to be daily gathered by their females. These have been found wholly inadequate to their absolute necessities. It was not then the season for acorns or the masinnetto. Their new locations possessed but little of grass seeds, or the poppa, so much used by them. The consequences have been continual complaints for food, and I doubt not there has been much suffering among them.

I have been told by the chiefs that they desired to live up to the terms of their treaty; they had "kept it in their heads and in their hearts, but their people were starving; they must die of hunger, or return to the hills." This want of food induced petty thefts from the miners and others, which resulted in difficulties between them, and if continued must have ended in serious consequences.

Under this state of things, what was my duty? To say nothing of humanity, under such circumstances, what was the best policy to be pursued by me for the interest of the Government? In the absence of authority, and in view of the best interests of the Government, I "*took the responsibility*" of furnishing greater supplies of beef to the Indians than was stipulated in the treaty, relying on the Government for its payment in future. This was the only alternative to keep the Indians from returning to the mountains, and undoing all that the commissioners had effected. I have also changed the manner of delivering it to them. Instead of delivering beef cattle, on foot, by the head, I have ordered such as I give them to be killed and delivered by the piece or pound. My reason for doing so was, that the cattle of this country are wild and unmanageable. The Indians are without horses, and if they had horses are ignorant of managing cattle, and many escape from them after being delivered.

Already had they lost, on different occasions, over four thousand dollars, worth of cattle, purchased for them by the commissioners. I have placed the duty of delivering beef to them in the hands of the licensed traders of the respective reservations. In furnishing them subsistence, I had an eye to the strictest economy, barely allowing enough to supply their absolute necessities. Besides their original destitution on entering into the treaties, the Indians of the reservations are gradually swelling in numbers, from the "Monoes," or wild Indians, from the adjacent mountains. These are as destitute as their friends, and must be fed, or they will all return to their covert places in the mountains, and depend upon thieving and plunder for subsistence.

In the course of my travels through this valley, I have found considerable amount of disease among the Indians demanding immediate attention. The most common are ophthalmia, of the various kinds, and syphilis. I first endeavored to make their own "medicine" men treat those diseases, but they seem to know but little of the healing art. I have also had some apprehension that the small pox might break out among them, which would, in all probability, have spread among them to an alarming extent. In order to guard against this disease, which caused so much destruction among the Indians of the Sacramento valley a few years ago, I thought it but proper to obtain immediate and general vaccination, a policy frequently pursued by the Government with the Northwestern tribes, but not provided for by treaty with the Indians of this valley. Should the small pox break out among the Indians here, it would be destructive to them and dangerous to the whites in this community. Deeming it a duty on the part of the Government, as well as an act of humanity, to guard, as far as possible, these

ignorant beings from such diseases, I appointed Doctor M. M. Ryor, who came to me well recommended, to vaccinate the Indians, and to give such medical or surgical attention to cases as might be *absolutely necessary*, coming under his notice. I am aware that such matters should generally be incorporated in treaties, or at least the department should ordinarily be consulted.

The distance from Washington, and the length of time which must be expended in getting advices, the danger of delay, and the necessity for immediate action, induced me to make the appointment as before stated. Vaccination and attention to the most virulent cases of syphilis, and other such cases, can cost the Government but an inconsiderable sum compared to the great good that may result from it.

Should this or any other proceedings of mine not meet the approbation of the department, I hope to be so informed immediately.

I also deemed it important to enforce and maintain the law of the United States, "regulating trade and intercourse with Indian tribes," over the reservations, at the earliest possible date, in order to prevent as far as possible the influence of bad and irresponsible persons with the Indians, and the sale of spirituous liquors to them. In order the more readily to effect this, I licensed good and responsible persons as traders in each reservation. Every thing has been regularly complied with under the law, except the irregularity of placing the individuals in immediate operation on the reservations before transmitting the papers and reporting the same to the department. I knew this to be the only course by which bad influences upon the Indians could be avoided, and the sale of liquors suppressed. The delay of awaiting an answer from Washington would have brought among the Indians petty traders and traffickers of all kinds to make the most out of the Indians while they could. By placing an authorized trader immediately among them, other traders were prevented from locating upon their reservations or trading with them. Besides, I obtain great assistance from them, and those around them, in enforcing the laws and regulations of the department. At the dates of the treaties there were but few traders or persons of any kind located on land assigned to the Indians. Peace being restored, many were rushing upon the lands and venturing among the Indians for the purpose of mining and trading with them. Two months delay would have brought fifty times the number of persons in contact with the Indians, and caused me much trouble, had I not directly taken the course I did. By doing so, I have succeeded in foreclosing traders, and almost entirely abolishing spirituous liquors and wines from the reservation.

The applications, bonds, and licenses of such persons as I have placed upon the several reservations, together with reports, are herewith transmitted.

The amount charged on licenses are as follows: Messrs. Dent, Vantine & Co., of the reservation between Stanislaus and the Tuolumne rivers, *one thousand dollars*; George Belt, of the reservation between the Tuolumne and Merced rivers, *one thousand dollars*; and James D. Savage & Co., of the San Joaquin reservation, between the Chow-chille river and the Cow-er, or the first of the Four creeks, *twelve hundred dollars*.

In order to carry out the objects of the Government regarding Indian territory, I attempted, by arbitration, to extinguish the titles of persons residing within the reservations. Two cases were considered, but the awards, especially in one case, were so extraordinary and exorbitant that I had no

others considered. As it was important to have those persons out of the reservation whose claims were considered, on account of their keeping a tavern and a trading-house, and were, in my opinion, calculated to do mischief with the Indians in my absence, I took possession of the property under the award, leaving the final disposition of the matter to the department. The papers connected with these transactions are also herewith forwarded.

I am, sir, your most obedient servant,

ADAM JOHNSTON,
Indian sub-agent, valley of San Joaquin.
