

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-THIRD CONGRESS,

1853.

1853 saw the beginning of the process of setting up five reservations in California. The conflicts between the Indians and the other settlers was already underway. It was desirable that the reservations had separation between the settlers and the Indians, but that became harder to accomplish than it was originally thought.

WASHINGTON:

ROBERT ARMSTRONG, PRINTER.

1853.

REPORT OF THE COMMISSIONER OF INDIAN AFFAIRS.

DEPARTMENT OF THE INTERIOR,
Office Indian Affairs, November 26, 1853.

SIR: I have the honor to submit a general view of the present condition of our Indian relations, and statement of the operations of this branch of the public service during the past year.

Referring to the accompanying reports of the different superintendents, agents, and other persons employed for the benefit of the Indians, for more detailed and specific information in regard to their present condition and prospects, I would remark, that peace and tranquillity have prevailed generally among the emigrated and other tribes along the extensive inner frontiers, from Lake Superior and our northern boundary to Texas, with whom we have conventional relations and intercourse of long standing. In regard to those more remote, and more recently brought under the supervision of the department, fewer occurrences of a painful nature have been reported than might have been anticipated.

The whole number of Indians within our limits is estimated at 400,000. About 18,000 yet linger in some of the States east of the Mississippi river—principally in New York, Michigan, and Wisconsin; the remainder, consisting of Cherokees, Choctaws, and Seminoles, being in North Carolina, Mississippi, and Florida.

The number in Minnesota, and along the frontiers of the western States to Texas, comprising mainly emigrated tribes, is estimated at 110,000; those of the plains and Rocky mountains, and not within any of our organized territories, at 63,000; those in Texas at 29,000; those in New Mexico at 45,000; those in California at 100,000; those in Utah at 12,000; and those in the Territories of Oregon and Washington at 23,000.

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At the last session of Congress an appropriation of \$250,000 was made to defray the expenses of removing the Indians in California to "five military reservations," of not more than twenty-five thousand acres each, and subsisting them there, should the President of the United States approve this plan of operations. It having received his sanction, suitable instructions for carrying it into effect were promptly issued to the superintendent of Indian affairs for that State, then in this city; but in consequence of the length of time unfortunately consumed in his overland journey, the requisite initiatory measures for that purpose have been somewhat delayed. Reports upon the subject have only been recently received from him, copies of which are appended. I

regret to say that these reports make known a state of things much less favorable, with respect to the practicability, expense, and probable success of this plan of operations, than was anticipated from the information possessed when it was authorized by Congress and sanctioned by the President. It appears that suitable locations cannot be found or cannot properly be made in North California for the Indians in that quarter. Their removal and colonization will, therefore, it is apprehended, be attended with greater difficulty and expense than was expected. And instead of there being ample territory for the purpose belonging to the United States, as was supposed, it also seems that, in the only sections of country proper for the location of the Indians, we may be compelled, in order to obtain the necessary reservations, to incur considerable expense in making extensive purchases of existing claims to the lands, founded upon pre-emption rights and Spanish and Mexican grants. Considering the difficulty now encountered in finding suitable locations, the wonderful growth of the State, and the consequent rapidly-increasing necessity for agricultural lands, I am impressed with the painful apprehension that long before the Indians can be domesticated and fitted to become a constituent part of the permanent population of the State, they must necessarily again be encroached upon and ousted from their reservations. The superintendent reports, that under the counsel and advice of the congressional representatives of the State he shall proceed to purchase the individual rights to lands embraced in the reservations, subject to ratification by Congress; and it also appears that, in addition to subsistence, he is making arrangements to supply the Indians with stock, agricultural implements, seeds, and other means of self-support and improvement. These proceedings are not warranted either by the law or his instructions, but are in contravention of both, though there can be no doubt that the plan, in being restricted by the law to the mere removal and subsistence of the Indians, is radically defective. Considerations of economy and philanthropy—the interests of the government, as well as the permanent welfare of the Indians—equally and alike require that the plan be so enlarged as to provide all the essential means and instrumentalities of improving, civilizing, and making them a self-sustaining people.

In conformity with a proviso in the law, the three agencies in California have been abolished, leaving the superintendent only to manage and control the hundred thousand Indians in that State. However active and energetic he may be, the utter impracticability of his being able, unaided and alone, to discharge even a material part of the numerous and complex duties towards the Indians and the government, necessarily incident to the new system of operations, must be too manifest to need the least argument.

It is understood that an important feature of the plan, as originally projected, was the substitution for the three principal agents, who have been discharged, of five sub or minor agents—one for each reservation; and the superintendent reports that it is essential to the success of the scheme that they be provided.

As in Texas and New Mexico, our relations with the Indians in Utah and Oregon remain in a very unsettled and precarious condition, arising out of the constant and unavoidable encroachments upon their ter-

ritories by the whites, and no provision being made for indemnifying and placing them beyond the reach of the injuries thus inflicted. Already have difficulties of a serious character, resulting in bloodshed and loss of the lives of valuable citizens, taken place. Indeed, hostilities with the Indians in all these sections of country may be said to be constantly impending, the occurrence of which in either would, in all probability, involve an amount of expense far exceeding the cost of arrangements that would secure peace and tranquillity with the various tribes, and at the same time tend to promote their domestication and permanent welfare.

In view, however, of the uncertainty necessarily attending all speculations upon the question of the proper course of policy to be pursued towards the Indians in our remote territories, and the impossibility of forming conclusions of a reliable character from the diverse, varying, and often contradictory suggestions and recommendations of the different agents and others, it is respectfully suggested, as a wise and prudent precaution, that commissioners—able, impartial, upright, and practical men—be appointed, as soon as possible, to proceed to Texas, California, and the Territories of New Mexico, Utah, Oregon, and Washington, for the purpose of investigating the whole subject of our Indian relations there, and of negotiating and recommending such conventional and other arrangements as may be required to place them upon a safe, stable, and satisfactory footing.

The numerous claims for Indian depredations from nearly all sections of the country where there is intercourse and proximity between the whites and Indians, are a source of great perplexity and embarrassment. The act of June 30, 1834, "to regulate trade and intercourse with the Indian tribes and to preserve peace on the frontiers," guarantees indemnity for such depredations upon the property of our citizens committed by tribes in amity with the United States; and provides that they shall be paid for out of the annuities of the Indians, if they receive any, otherwise out of the treasury. The requisite authority to adjudicate and pay the latter class of claims, in like manner with other recognised obligations, has never been given; while, in respect to the former, the power to pay them out of the annuities is virtually abrogated by provisions contained in acts making appropriations for the Indian department, passed at the last two sessions of Congress; requiring, as they do, all annuities and other Indian moneys to be paid directly to the Indian or Indians to whom they are due *per capita*, and without deduction for any purpose whatever, "unless the imperious interest of the Indian or Indians, or some treaty stipulation, shall require the payment to be made otherwise, under the special direction of the President." Compensation for depredations not being required by treaty stipulation, nor by any imperious interest of the Indians, payment of this latter class of claims must, therefore, also fall upon the treasury; and appropriations should be made by Congress to enable the department to fulfil these just and recognised obligations towards our frontier citizens, who are so liable to suffer from such depredations.

The whole amount payable and to be expended for and on account of the Indian service, the present fiscal year, is \$1,015,735 50.

SIR: The act making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, one thousand eight hundred and fifty-four, approved 3d March, 1853, contains a clause in the following words: "That the President of the United States, if upon examination he shall approve of the plan hereinafter provided for the protection of the Indians, be, and he is hereby, authorized to make five military reservations from the public domain in the State of California, or the Territories of Utah and New Mexico, bordering on said State, for Indian purposes: *Provided*, That such reservations shall not contain more than twenty-five thousand acres in each: *And provided further*, That said reservations shall not be made upon any lands inhabited by citizens of California; and the sum of two hundred and fifty thousand dollars is hereby appropriated, out of any money in the treasury not otherwise appropriated, to defray the expense of subsisting the Indians in California and removing them to said reservations for protection: *Provided further*, If the foregoing plan shall be adopted by the President, the three Indian agencies in California shall be thereupon abolished."

The President of the United States has examined and approved the plan provided for in said act, and directs that you be charged with the duty of carrying it into effect. For this purpose you will repair to California without delay, and by the most expeditious route. The selections of the military reservations are to be made by you in conjunction with the military commandant in California, or such officer as may be detailed for that purpose, in which case they must be sanctioned by the commandant. It is likewise the President's desire that, in all other matters connected with the execution of this "plan," you will, as far as may be practicable, act in concert with the commanding officer of that military department.

The \$250,000 appropriated by the act of 3d March, 1853, is to be devoted exclusively to the removal and subsistence of the Indians, and not applied to any other purpose whatsoever.

The expenses of your journey to California, (which will be limited to the sum of two thousand dollars,) and those incidental to the selection of the military reservations, will be defrayed out of the appropriation of thirty thousand dollars, made by the same act, "for general incidental expenses of the Indian service in the State of California."

You are authorized to draw upon the collector at San Francisco, from time to time, as funds may be required to meet the expenses incident to the duties with which you are charged; but as twenty thousand dollars is deemed a sufficient sum to have on hand at any one time, your drafts should only be for such sum as, with the balance on hand, will make that amount.

For all moneys advanced to you detailed accounts should be rendered to this department quarterly.

In your journey to California, and other movements connected with the execution of the plan adopted in relation to the Indians in California, their security, subsistence, and protection should constitute your sole object, and no other subject must be permitted to engage your time or attention.

You will take care that your expenditures or liabilities do not exceed the sums appropriated by Congress; and as soon as practicable, after the reservations shall have been made, you will forward to the de-

partment plats and surveys thereof, with a full report of all your proceedings.

You will lose no time, after your arrival in California, or before, if you deem it advisable, in notifying the agents in that State of the fact of their agencies having been abolished; and you will, at the same time, require them to turn over to you all public property and money in their possession, or under their control, and to settle their accounts without delay.

I am, sir, very respectfully, your obedient servant,

R. McCLELLAND, *Secretary.*

EDWARD F. BEALE, Esq.,

Superintendent Indian Affairs, California.

No. 90.

DEPARTMENT OF THE INTERIOR,

Washington, April 14, 1853.

SIR: As I understand that you have obtained and transmitted to California a treasury draft for the \$250,000 appropriated by the act of Congress approved 3d March last, I have to request that, upon your arrival at San Francisco, you will deposit the amount with the collector for the port of San Francisco, to the credit of the treasurer of the United States. This course is necessary now in order to enable you to comply with the instructions sent to you on yesterday.

I will add, that the modification made in the instructions originally prepared for you, was not the result of any want of confidence whatever in your prudence and discretion, but was solely with a view to guard against the establishment of a precedent, which might result in evil consequences in other cases, and to avoid locking up unnecessarily so much of the public money on the Pacific.

The Secretary of the Treasury will direct the collector at San Francisco to honor your drafts, in accordance with the wishes of this department.

You are authorized to draw upon the department for such portion of the \$30,000, appropriated for general incidental expenses of the Indian department in California, as you may be in immediate need of, and upon the collector at San Francisco for such further sum as may be required to meet the expenses incident to the selection of the military reservations to be accounted for under *that head*.

I am, sir, very respectfully, your obedient servant,

R. McCLELLAND, *Secretary.*

EDWARD F. BEALE, Esq.,

Superintendent of Indian Affairs in California, present.

No 91.

LOS ANGELES, CALIFORNIA,
August 22, 1853.

SIR: I have the honor to report my arrival in this State on the 9th instant, and, in obedience with my instructions, I have been occupied since then in the examination of lands from the State line to this place, which might be suitable for the occupancy of the Indians within my superintendency.

Under the many difficulties and perplexities attending the establishment of an entire new system of government, which is to change the character and habits of a hundred thousand persons, I cannot, as yet, in my communications to the department, give, as my instructions require, a detailed account of all my transactions. In fact, to this date nothing of interest has been accomplished. The country on the Mohai river, lying to the southward of Walker's pass, on which I had hoped to establish at least two of the reservations, after a careful examination I find to be utterly unfit for that purpose, and I am now about to examine a tract near the head of the great Tulare valley, in the hope of meeting with better success there.

Since my arrival here, I have been constantly in consultation with the most experienced men of the State on Indian matters, and as I approach more nearly the practical operation of my plan, I find numerous obstacles obtruding themselves which had not previously occurred to me. One of the principal of these is the peculiar wording of the act of Congress making the appropriation, which embarrasses me more than I can express; and at times it seems to me that I must either assume responsibilities which might bring me into serious difficulties with the accounting officers of the treasury, or else abandon the whole system I have proposed; for the purpose of carrying out which, Congress has made that *identical appropriation*. A single instance of this is sufficient. My plan proposed the abandonment of the three agencies, and the substitution of six sub-agencies—the latter being a most important feature of the proposition. Owing, I presume, to the haste with which the law was framed, the agencies were abolished; but no provision was made for the substitution of the sub-agencies. Now, sir, without the assistance of such subordinate officers, it is impracticable for me to control the entire Indian policy of this State—to scheme, devise and arrange for, and to carry into execution an almost entire change in the hereditary mode of life of one hundred thousand persons, scattered over a distance of seven hundred miles, and living, for the most part, in mountains difficult of access. Yet I almost fear to appoint sub-agents, although the President told me, in a conversation, to do so. Again, the same difficulty presents itself in the employment of blacksmiths, farmers, carpenters, &c., since the law reads "for subsistence and removal;" for the construction put upon "subsistence" might be such as to make me pecuniarily accountable for moneys disbursed in paying their wages, although expended in direct accordance with the views of those who framed and voted for the appropriation.

In regard to my own accounts, it is impossible to keep them with the precision and regularity of other superintendents, who have certain

fixed routines of duty, from which they are not compelled to depart. With me it is different. I am obliged to be continually in the field, forever actively and actually employed, to the almost entire exclusion of office business, unless I neglect that for which I am sent here—the establishment of a new order of things.

At this time I see no probability of being able to return to San Francisco until the month of December; consequently it will be impossible for me to send in my quarterly returns and accounts, and ask the indulgence of the department for this delay.

I respectfully request the department to take these matters into consideration, and to make due allowances for the difficulties of my position. I am not here to continue a business already traced out and known, but have to frame and direct a new policy, which it is hoped will produce the most beneficial results; and I wish the department to feel, that as the President and Congress have approved and adopted my plan, I have entered into the execution of it with my entire energy and whole heart. Moreover, I feel sure of accomplishing all I have promised. But it cannot be done in a month, or a year; but if I am allowed five years, without interference and with proper assistants, I shall not only be able to support the Indians by their own labor, but their surplus produce will be sufficient to pay the expenses of all those whom it will be necessary to employ to aid and instruct them.

As soon as I have selected the localities of the reservations, I shall open contracts for the removal of Indians to them, and request the sanction of the department to the appointment of such sub-agents as I shall be obliged to make in pursuance of the plan proposed.

To enable me to travel within the limit of my instructions, I made a contract for the transportation of myself and escort from Westport to this place; and, whenever it is practicable, I hope I may be allowed to continue to do so, as it will save me much trouble, and will relieve me of at least a portion of my many embarrassments.

My instructions render it imperative that I should abolish the present agencies, and I shall therefore issue the requisite notice to Mr. Wilson at once, though I shall be obliged to employ him in some other capacity, as it is impossible to dispense with his services at present. He is perfectly indifferent as to holding office—a gentleman of great wealth and high standing here—and would only consent to serve from a sincere desire to benefit this portion of the country, in which a long residence has made his influence with the Indians extremely great. I would add also that he never sought the position of agent, but was appointed by the last administration without even knowing it until I sent him his commission. I shall employ him as temporary assistant to superintend the removal of Indians and to aid in locating reservations, his knowledge of the country being perfect, and to use his paramount influence to induce the Indians to remove in peace. Mr. Wilson will only consent to give his assistance in any capacity for a short time, not to exceed next spring.

Mr. Edwards, as I informed you some time since, I had employed, under authority of previous instructions, as farming agent, and to collect, instruct, and protect the Indians of the Joaquin valley, whom I had brought together on the small reserve commenced last fall, which I

intended to serve as an experiment, to be followed, if successful, on the larger system now about to be attempted. For these actual and necessary appointments—none of which can be dispensed with, and for such as I may be obliged to make as the further development of the plan may show to be requisite—I beg the department's sanction, trusting that after having reposed so much confidence in me, it will believe that all due economy in the number of my employes will be practised.

In this part of the State, and in fact throughout California, excepting in the extreme north, the Indians are perfectly quiet, and I hope to be able to keep them so. I shall go at once to the northern portion of the State after concluding my work here.

I remain, very respectfully, your obedient servant,

E. F. BEALE,
Superintendent Indian Affairs.

G. W. MANYPENNY, Esq.,
Commissioner of Indian Affairs.

No. 92.

OFFICE SUPERINTENDENT INDIAN AFFAIRS,
San Francisco, September 30, 1853.

SIR: In pursuance of the intention which I communicated to you in my letter of the 26th ultimo, I left Los Angeles on the 30th, and arrived at the Tejon pass on the 2d instant.

I found the Indians in that quarter quietly engaged in farming, but anxious to know the intentions of the government towards them. Mr. Edwards, whom I had employed as farming agent, had been unable to assure them of anything permanent in relation to their affairs. He had, however, with great tact, and with the assistance of Mr. Alexander Godey, by travelling from tribe to tribe and talking constantly with them, succeeded in preventing any outbreak or disturbance in the San Joaquin valley. I immediately collected together the headmen and chiefs, and deputations from every quarter of the mountains and plains lying between the "Four Rivers" and that point, a distance of about one hundred and fifteen miles in length by about the same in breadth.

With these Indians I held council for two days, explaining to them the intentions of the government in relation to their future support. After long deliberation and much talk among the headmen and chiefs, they agreed to accept the terms I had offered them, which were as follows:

The government should commence with a system of farming and instruction, which would enable them in a few years to support themselves by the produce of their own labor.

That for this purpose the government would furnish them with seed of all kinds, and with provisions sufficient to enable them to live until the produce of their own labor should be sufficient to support them. I pointed out to them the impossibility of their remaining any longer a barrier to the rapid settlement of the State, and of the necessity which existed that they should leave their old homes in the mountains, and

settle at some other point where the government would be able to watch over and protect them from the whites, as well as the whites from them. I pointed out to them, also, the difference between themselves and those who had embraced this new mode of life, as farmers, at the Tejon, and endeavored to make them sensible of the difference between a certain and reliable means of support by the produce of their own labor, and the exceedingly precarious one of dependence upon the spontaneous productions of the soil; and that even this mode of existence, precarious as it is, was becoming still more uncertain by the rapid increase of our white population. To all this I had no difficulty in bringing them to assent. A difficulty, however, arose here, which it was very hard to overcome. This was their disinclination to leave their old homes and hunting-grounds and to settle so far away from them; and I found it utterly impossible to overcome this difficulty until I had promised them that the reserve selected for them should be somewhere in the vicinity of the place where that conference was held. On my promising this, they consented unanimously to my proposition; and I have no doubt that they are all, by this time, on the spot awaiting my return.

Before I determined, however, upon locating the reserve at that point, I called upon Lieutenants Stoneman, Parke, and Williamson, of the United States army, who had had been surveying the country carefully with a view to the location of the proposed Atlantic and Pacific railroad, to know whether, in their opinion, there was any other point north as far as the Sacramento river where an Indian reservation containing the requisites of good land, wood, and water, and also sufficiently accessible to admit of the establishment of a military post, existed within their knowledge. The reply of these gentlemen, coinciding as it did with my own knowledge of the country, and with the views of Mr. Wilson, late Indian agent, on whose experience I placed great reliance, determined me in the selection of that point as one of the reservations authorized by the act of Congress. A copy of the letter of the gentlemen above referred to will be forwarded by next mail.

The Tejon valley, or at least a large portion of it, is said to be covered by a Spanish grant; but as I found no settlers on it, or any evidence that it had been settled, and under the fact that there was no other place where the Indians could be placed without the same objection, I concluded to go on with the farming system at that point, and leave it to Congress to purchase the land should the title prove good, or remove the Indians to some less suitable locality. It is almost impossible to find, at this time, any extent of country either unclaimed by Spanish grants or free from white settlers, who hold under pre-emption right. And this has proved a most serious difficulty in carrying out the intention of Congress, as expressed by the late law in relation to Indian affairs in California. This law gives me no authority to purchase lands for the United States for Indian purposes; it having been supposed by myself, as well as by every one else, that there was a sufficiency of vacant public land for all such purposes.

But since my attention has been directed by necessity to that subject, I have discovered the fact, that between the southern boundaries

of this State, and as far north as I have any knowledge, there is not sufficient land for a single reservation of the quality required. I say of the quality required, because I esteem it indispensable that if the system I propose, of farming with the Indians, should be carried out, the land on which the system is to be commenced should be of the best quality, since the failure of the first crops might so far discourage them as to render subsequent attempts abortive.

It is also right and proper that this land should be well watered, well timbered, and adjacent to a mountainous country, for it is not to be supposed, that the habits of a race who have been for ages accustomed to a certain mode of life can be suddenly and entirely changed.

The rapid settlement of the northern part of this State, and the fact that the richest mineral region known to the world lies in this portion of California, leads me to the belief that it would be a wise policy to commence now the removal of the northern Indians to the southern part of the State, which is thinly settled, and possesses little or no mineral wealth.

To do this it will be necessary to purchase from the claimants a sufficiency of land on which to place them; and I recommend that authority for the purchase of Spanish grants, in localities which may be found suitable for Indian reservations, be given. Inquiry into the matter enables me to say that these purchases can be made at the government price, and in many cases for much less. In connection with this subject I have consulted the congressional delegation of this State; after discussing the matter verbally, I addressed each one a letter, which, with its reply, will be forwarded by next mail. I shall be in a great measure governed in all my operations by the advice of those gentlemen.

It may be necessary to adopt some other plan of colonization with the tribes inhabiting the extreme northern border, as they differ materially from those living further south—being bolder, more warlike, and less disposed to agricultural pursuits.

I have already informed the department of the experimental farm which I established late last fall on the San Joaquin river. This experiment, so pre-eminently successful and gratifying in its results, has placed beyond all doubt the question whether Indians can be made a self-supporting and useful class of population. This farm, commenced with Indians of the wildest and most uncivilized character, has enabled me not only to support, by their own labor, those tribes engaged in it, but has been forcible, beyond all other means of persuasion, in inducing others to accede to the propositions I have made them on the part of the government; and what is still more important is the fact that, by its example and through the means of those I have employed, I have been enabled to preserve peace throughout that extensive region.

These Indians, but a year ago so completely wild and untamed, are now free from the necessity of robbing for food, and have laid the foundation of their own future comfort by a life of honest labor. I enclose to you herewith a copy of the report of the farming agent.

The war now existing with the Indians at the north is, properly speaking, within the borders of Oregon; and I am credibly informed that very few California Indians have joined the hostile tribes.

In conclusion, it gives me pleasure to state, that I have entire confidence in the ultimate success of the plan I have proposed for the support of the Indians in California; and that if this plan is pursued, that they will ultimately form industrious and useful communities.

The small experiment I have already made proves that they are worthy of the paternal care of the government.

It is impossible at present to enter into a detailed estimate of what this plan will cost to carry it into complete effect; but judging by the high rates of everything in this State, and the number of Indians to be provided for—variously estimated at from 75,000 to 100,000—the sum of five hundred thousand dollars, (\$500,000,) in addition to what has already been appropriated, will be required.

I remain, very respectfully, your obedient servant,

E. F. BEALE,

Superintendent Indian Affairs.

HON. GEO. W. MANYPENNY,

Commissioner Indian Affairs, Washington, D. C.

No. 93.

INDIAN RESERVATION,

San Joaquin River, September 20, 1853.

SIR: The ploughs and other farming implements which you had purchased for the Indian department arrived at this place about the first of February last. In accordance with your directions I immediately came here, and brought with me the men, women, and children belonging to the different tribes of Fregno Indians.

I proceeded at once to start twelve ploughs and put in wheat. All the work, with the exception of the sowing, was done by Indian boys from twelve to twenty years of age. Everything went on well; in fact, better than could have been expected from Indian lads, none of whom had any previous experience in ploughing. In three weeks' working time, about three hundred and fifty acres were ploughed and sowed with wheat; and, while the boys were engaged in ploughing, the men dug a ditch four feet wide, four feet deep, and about two miles in length—to enclose the field, and to protect the grain from the encroachments of wild horses, cattle, and other animals—not being able to obtain a sufficient quantity of timber without hauling it a considerable distance.

After sowing the wheat I commenced planting potatoes, of which we put in seven thousand pounds. We finished this job about the first of March; we then proceeded to prepare another field of about two hundred and fifty acres for corn, pumpkins, water and musk-melons, &c. The manner in which it was ploughed and planted was very creditable to the Indians who did the work. We enclosed it with a ditch of the same dimensions as the one enclosing the wheat-field. This we completed about the last of March.

I then commenced making a *corral*, for keeping and branding the cattle until their removal below the farm. It is one hundred yards in

diameter, and surrounded by a ditch seven feet wide and six feet deep, and was dug by the Indians in one day. This piece of work has been pronounced by all who have seen it to be the most extensive in the ditch line that has ever been done in California in the short space of one day. It served to brand several hundred head of cattle without any serious damage being done to it. Another *coral* for securing beef cattle at night, on the grazing ground eight miles below, on the river, was made by setting posts in the ground close together, and then filling in between them with poles, and it took about one hundred wagon loads to complete it. By this time the wheat, corn, potatoes, and other vegetables were up, and promised to yield an excellent crop.

The Indians appeared delighted with the work they had done; and the prospect of reaping a rich harvest to reward them for their labor, besides having a surplus for the coming winter, instead of living upon acorns, as they had hitherto done, was a source of much gratification. At this period I gave permission to all, with the exception of the plough boys, to leave for the Fregno river, where they could dig for gold, and purchase clothing with the proceeds of their labor.

I retained the plough boys on the farm, to cultivate the corn and other vegetables, and to do any other work which might be required on the place.

In addition to other work which was done at this time, we made two *corals* for threshing grain. They had to be made very large and strong, to hold a large number of cattle, and prevent their breaking out. These *corals* were made by setting posts in the ground two feet apart, and then poles were lashed on them, one above another, six inches apart, till it reached a sufficient height to hold a large amount of unthreshed straw, and to keep the cattle from jumping over it.

About this time the weather became very warm, and we found that our tents afforded us but little shelter; and I therefore found it advisable to build a brush house, which I did by setting poles in the ground, forked at the end, and then extending poles across the top from one fork to the other. We then covered it overhead and on the sides with fine willow brush, and thus made an excellent summer house. It was about forty feet square.

After this time, for about a month, we employed our time in making hay. I found excellent grass and clover about six miles from the farm, and we cut, cured, and hauled in about one hundred tons of superior hay.

Up to this time I had hoped to make a splendid crop of wheat; but I now discovered it had been attacked by a green bug, which proved very destructive. For several acres there were three or four in each head of wheat, and appeared to suck the sap out of the stalk, which soon turned yellow and withered. In the course of a few days they had committed so much destruction that only a few acres were worth cutting, and the whole amount harvested was not more than two hundred and fifty bushels. However, I think there is a sufficient quantity of wheat on the field that came to maturity to yield a second crop without resowing. It will only require ploughing this fall to give a good crop next season.

In addition to all this, there was farming done, on quite an extensive

scale, by the Indians living at the Tejon. There were about two hundred families engaged in it, and the result of their labor proved very different from that at this place; all the crops having produced abundantly, and yielded sufficient to many large feasts, besides creating a great desire among them to go into more extensive operations during the coming season.

They, like the Indians here, found the use of our farming utensils a little awkward at first; but they soon got accustomed to and worked with them quite well.

The nature of the land at the Tejon is much preferable for farming purposes to that on this river, and the great ease with which it can be irrigated (a most desirable object to be attained) makes it one of the best locations for an Indian reserve I have seen in all my travels through the southern country.

I have visited all the various tribes, both in the valleys and in the mountains south of Stockton, and find them all more willing to live there than any other place that could be selected.

With much respect, I remain, very respectfully, your obedient servant,
H. B. EDWARDS.

Supt. BEALE, *San Francisco.*

No. 94.

OFFICE SUPERINTENDENT INDIAN AFFAIRS,
San Francisco, October 10, 1853.

SIR: I have the honor to transmit, herewith, the letters of the congressional delegation of this State on the subject of the purchase of Spanish grants for purposes of Indian reservations; also, the letter of Lieutenants Stoneman, Williamson, and Parke, in relation to the reservation at the head of Tulare valley.

I forward also an estimate for the removal of five hundred (500) Indians from Feather river to Indian reserve at the Tejon. From this estimate, I find that to attempt any removal on a large scale during this season would be unwise and impolitic. The appropriation would be exhausted in the removal of a comparatively small number of Indians, leaving nothing for the support of those already on the reservation, and what is still more important, crippling my means for the establishment, on a secure basis, of the agricultural system of self-support, which I have proposed to government, and has been sanctioned by Congress.

I have drawn on the collector for this port for the sum of one hundred and twenty-five thousand dollars (\$125,000) of the appropriation of 3d March, 1853. This will be immediately disbursed as follows:

For 1,000 head of cattle, about.....	\$65,000
For agricultural implements, provisions, clothing for the Tejon reservation.....	10,000
For freight to the reserve, 390 miles.....	10,000

For purchase of mules and horses.....	\$20,000
For wages of laborers, mechanics, &c.....	10,000
For removal of Indians, and incidental expenses.....	10,000
	125,000

When it is remembered that these supplies are for two reservations of 25,000 acres each, and to support all the Indians between the San Joaquin river and the Tejon, estimated at 10,000, these estimates will not be found extravagant.

In addition to this, it is my intention to draw for the remainder of the appropriation, in order to establish the other reserves contemplated by the act.

In purchasing supplies for the Indian department, I have to furnish the persons whom I employ to make the purchases, and who have to go into the country for that purpose, with the necessary amount of money. From this cause I am obliged to depart from the suggestions of the department as to the amount I should keep on hand at any one time, although I endeavor to do it as little as possible.

I remain, very respectfully, your obedient servant,

E. F. BEALE,
Superintendent Indian Affairs.

HON. GEO. W. MANYPENNY,
Commissioner of Indian Affairs.

No. 95.

SAN FRANCISCO, *September 27, 1853.*

GENTLEMEN: In the execution of the law of Congress in relation to Indian reserves I have met with great and unexpected difficulties, and as it is important to me that I should be supported in my movements by the delegation in Congress from this State, I beg to submit the following fact: That, so far as I can discover, there is no land of the proper character and sufficient quantity south of Stockton on which to locate the reservations anticipated by the act of Congress, except such as are covered either by pre-emption claims or Spanish grants, and these of course cannot be applied to public use without previous purchase. I have therefore thought of making a conditional purchase of the necessary lands from the claimants; and as there is no time to be lost, if the plan already sanctioned by Congress is to be put in execution this winter, it is my wish to do so at once, on receiving your sanction to that measure. I would propose to make these purchases, subject to their ratification by Congress, at a sum not to exceed the government price of public lands, or at an appraised value, by disinterested persons, if desired by the government.

In connection with this subject, I enclose copies of the letters of Indian agent B. D. Wilson, and of Lieutenants Stoneman, Williamson,

and Parke, who have fully explored the country as far as the Tejon pass, and whose statements fully sustain all I have said.

Permit me to beg a reply to this at your earliest convenience.

Very respectfully, &c.,

E. F. BEALE,

Superintendent Indian Affairs.

Hon. WM. M. GWIN and Hon. M. S. LATHAM.

No. 96.

In view of the case as presented by the superintendent of Indians in the above letter and accompanying documents, I do not hesitate to say that he should make such conditional arrangements, subject to the approval of Congress, as in his opinion are indispensable to the successful operation of the law under which he proposes to locate the Indians, care being taken to so locate the reservations that they cannot interfere with or be surrounded by white settlements. I am authorized by Mr. Latham to give his concurrence to the above.

WM. M. GWIN.

No. 97.

SAN FRANCISCO, CALIFORNIA, *October 2, 1853.*

DEAR SIR: In the multiplicity of other engagements I have had some difficulty in finding a moment to respond to your letter of the 27th ultimo in relation to Indian reservations in California.

I should regret very much to find that you were unable to execute the act of Congress passed on the 3d March last. The plan contemplated by that law is in my opinion the only practicable one for preserving the Indians of this State from destruction. Unless they can be gathered together, and placed under military protection, we shall have a bloody war, which will result in the extermination of the race. The Indians should be withdrawn as much as possible from the white population, and taught to rely upon their own labor and industry for their support. The supplies which nature has heretofore furnished them will soon be cut off, and an attempt to sustain them otherwise than through their own labor would be impolitic.

It is well known to you that whilst the plan you are endeavoring to carry out received my warm support, yet I was utterly opposed to making the reservations as large as they are now authorized by law. Whilst we have some of the richest agricultural lands in the Union, the fact cannot be disguised that we have a large body of land in this State which cannot be cultivated. The greater portion of our population are engaged in commerce and mining. They are consumers, and in order to feed them all of our agricultural lands should be put under cultivation. We should not depend upon other States or foreign countries for our breadstuffs. If five reservations are made in this State, and to the extent authorized by law, great injustice will be done to our citizens; withhold, for the use of the Indians, 125,000 acres of agricultural land, and a serious blow will be struck at the farming interests of this State. Such a policy would be unwise in every particular; no

reservation, in my judgment should be made containing more than 8,000 acres. In each of them you could readily find a sufficient quantity of land susceptible of cultivation to produce enough to sustain 5,000 Indians; and this, I apprehended, will be as many as you can assemble or settle upon any one of your reservations.

In regard to the difficulty to which you refer I can only say, that if you find a sufficient quantity of land at any point desired which is unoccupied, although persons might claim it under Mexican grants, I would not hesitate to take it. If the grant is in the end sustained by the courts, the government, having taken private property for public use, will have to make compensation therefor. When there are only a few settlers upon lands which you may desire to reserve for the Indians, the better plan will be to make contracts for the improvements, subject of course to the confirmation of the department or Congress.

These reservations should be made so as interfere as little as possible with the settlements which have been made by our people.

Sincerely hoping that you may succeed in all your efforts to ameliorate the condition of our Indians,

I am, very respectfully, &c.,

JOHN B. WELLER.

E. F. BEALE, Esq., *Supt Indian Affairs.*

No. 98.

SAN FRANCISCO, *October 14, 1853.*

MY DEAR SIR: Since the receipt of your note of the 27th September last, I have given the suggestions made by you a careful consideration; and I have also taken occasion to consult upon the matters suggested with several of our best-informed citizens from different portions of the State.

I have been for some time aware of the serious embarrassments you would have to encounter in executing the act of Congress; and I can think of no other plan than the one you suggest at all consistent with either the policy or duty of the government.

If the locations selected should prove the property of the government, no liability would be incurred; if they should prove private property, the government would be secured the privilege of acquiring them at a fair equivalent, if their acquisition should appear desirable. This would be infinitely better than a temporary location, subject to the chances of a forced removal, or an imposition upon the government by the demand of exorbitant terms.

Permit me to assure you that my knowledge of your familiarity with the business you have in hand, and of your entire devotion to the duties of your office and the public interests, command from me complete confidence in such policy as you may hereafter suggest with regard to our Indian affairs; and that I shall, with great pleasure, lend my aid to carry out such course as you may indicate.

With great respect, your friend and servant,

J. A. McDOUGAL.

E. F. BEALE, Esq., *Superintendent, &c.*

No. 99.

TEJON PASS, CALIFORNIA,
September 4, 1853.

DEAR SIR: We have the honor to acknowledge the receipt of your communication of this date in relation to an Indian reservation in that section of California south of Sacramento valley, and to the establishment of a military post upon that reservation, and asking our opinions upon several points connected therewith:

1st. "Which do you consider the most suitable locality south of the Sacramento to this point for an Indian reservation?"

Judging from the fact that the whole country south of Sacramento, and as far as latitude 37° north, where the San Joaquin breaks out of the Sierra Nevada, is thickly populated by American citizens, there can be no point within this limit that would be available. The only other points where a reservation could be located, which would fulfil the conditions of your instructions as stated in your communication, on King's river, and the Four Creeks, and this point.

Most of the land on King's river is occupied by American citizens; and the same may be said in regard to the Four Creek country. This fact is an objection to either of those two points, but there being no occupants at this point, a like objection does not obtain; and besides, the Tejon possesses many other advantages over either of the other two.

It appears to be a point to which the Indians in the San Joaquin and Tulare valleys might, with the most facility, and at the least expenditure of time and money, be induced to join with those living on the east side of the Sierra Nevada; and if the reservation extended as far north as Kern river, (latitude $35^{\circ} 30'$,) would be sufficiently ample to accommodate all the Indians you might find it necessary to bring together in that portion of California you designate.

It is a point the most remote from white settlements that can be selected, and is so situated that settlements cannot be made to the eastward, owing to the fact of the location being on the confines of an almost impassable desert in that direction. There appears to be fewer inducements for miners to locate near here than in almost any other portion of California.

The amount of arable land is neither too great nor too small, and would be located in different parts, or at different points in the reservation, thus allowing each family, ranchero, or tribe, a spot by themselves.

These and other reasons induced us to think that portion of country in and about the Tejon pass by far the most preferable location of any we have seen, or of which we have had any reliable information.

2d. "Do you know any other place within those limits where one could be made, embracing the requisites of good land, wood, and water?"

We know of none other than King's river and the Four Creeks.

3d. "To what point south of the Sacramento do you think the Indians would be most willing to remove, or could be removed by government at the least expense?"

If the Indians are to be removed from their homes at all, we have no doubt but that they would, as a body, be more willing to concen-

trate at this point than at any other, and to take them all from both sides of the Sierra Nevada, (and which we presume will be the case,) that they can be collected, fed, and protected at much less expense here than at any other point with which we are acquainted.

4th. "Where do you consider the most important point for the establishment of a military post for the protection of the interests of both whites and Indians?"

We answer, decidedly, the Tejon pass.

5th. "Do you consider it practicable to remove them to the eastward of the Sierra Nevada; or, if removed there, could they subsist themselves by cultivation?"

If there existed an *absolute necessity* for removing them east of the Sierra Nevada, it might, under these circumstances, be considered as practicable; but, as far as our personal observation goes, we should say that they could subsist upon the agricultural productions of the soil, but with extreme difficulty. The country is quite elevated, and during many months of the year the cold is quite intense—to withstand the effects of which the habits of the valley Indians but very illy fit them; and besides, if a military post is to be established upon the reservation, it would require a very great outlay of money and labor to establish and supply a post on the eastern slope of the Sierra Nevada.

In conclusion, we beg to congratulate you upon your safe arrival in California, and to express the pleasure it gives us to meet you after your arduous journey across the continent.

We are, very respectfully, &c.,

GEORGE STONEMAN,

Lieut. 1st Dragoons.

R. S. WILLIAMSON,

Lieut. U. S. Top. Engineers.

JNO. G. PARKE,

Lieut. Corps Top. Engineers.

E. F. BEALE, Esq.,

Superintendent of Indian Affairs.

No. 100.

Estimate of expenses of removing five hundred Indians from Guber (Feather river) to Indian reserve, by land.

25 teams, at \$12 each per day, \$300, for 30 days.....	\$9,000 00
Beef for provision, 1 each day, \$125, for 30 days.....	3,750 00
Flour, 500 pounds per day, at \$10 per cwt., for 30 days..	1,500 00
Ferriages and incidental expenses	800 00
Total estimate.....	<u>15,050 00</u>

Submitted by ED. E. CHEEVERS.

No. 101.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, November 18, 1853.

SIR: Your letters of the 22d August, 30th September, and 10th ult., indicating the progress made in the execution of the "plan" proposed by you, and adopted by the President, under the authority of Congress, for the removal and subsistence of the Indians in California, have been received.

The great pressure of other important matters before this office at this time will not admit of a reply in detail. I shall therefore notice but briefly the points of inquiry and embarrassment to which you have directed attention.

In the instructions given to you by the department in April last, you were informed that the \$250,000 appropriated by the act of 3d March, 1853, "is to be devoted exclusively to the removal and subsistence of the Indians, and not to be applied to any other purpose whatsoever;" and that the expenses incidental to the selection of the military reservations were to be defrayed out of the appropriation of \$30,000 made by the same act "for general incidental expenses of the Indian service in the State of California." The directions of the department in respect to the proper application of these appropriations are such as are alone authorized by Congress, and it is therefore not within the province of this office to direct otherwise.

As regards the difficulties anticipated by you in selecting for the proposed reservations, such lands as constitute a portion of the "public domain," and that are not "inhabited by citizens of California," both of which are made conditions prior to their occupancy for Indian purposes, I have to remark, that if the wants and necessities of the Indians will not admit of their being colonized or concentrated upon a less number than five reservations, or upon such suitable tracts containing less than 25,000 acres as can be selected from the "public domain in the State of California, or the Territories of Utah and New Mexico bordering on said State," it would seem to be prudent that you should postpone for the present all action touching the practical operations of the "plan," and await further legislation on the part of Congress. Under no circumstances can the department sanction the purchase of any lands or claims laid thereto for the purposes indicated.

In conclusion, it is not improper that I should remark, that although you cannot too highly estimate the importance of placing your "plan" in successful operation, or the responsibility attaching thereto, there is, notwithstanding, abundant reason for conforming your action in all respects to the requirements of the law and your instructions on the subject.

Very respectfully, your obedient servant,

GEO. W. MANYPENNY, *Commissioner.*

EDWARD F. BEALE, Esq.,

Sup't Indian Affairs, San Francisco, California.

P. S. No letter from you bearing date the 26th August last, as stated in your letter of the 30th September, has been received at this office.

G. W. M., *Commissioner.*