

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 whites 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 peculiarly the home of the Indians has been found rich in the precious metal, and consequently filled with a population *foreign* to them; and this has been done in most instances without attempting to conciliate or appease them in their *grief* and *anger* at the loss of their homes. I am sorry to say, that in many instances they have been treated in a manner that, were it recorded, would blot the darkest page of history that has yet been penned. Had they even been *foreign* convicts, possessing, as they do, a full knowledge of the evils of crime and the penalties therefor, and received the punishment that has been dealt to these poor ignorant creatures, this enlightened community would have raised a remonstrative voice that would have rebuked the aggressor, and caused him to go beyond the pale of civilized man.

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

This is not only inhuman and unlawful, but it is bad policy. The Indians of the Pacific are not unlike this great ocean in that respect—they are pacific, and very *tractable*. We should adopt 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; making them 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* caused as much mischief, endangering the lives-

of the families in the community, and finally destroying the Indians, as surely, if not so speedily, as the first. It is those who, for present gain, steel their consciences against the future consequences, knowing them fraught with frightful evil; selling those sanguinary beings intoxicating liquor contrary to law, and in opposition to the dictates of their better judgments; and likewise selling them arms and ammunition; thus inciting them to acts of violence by intoxication, and then placing in their hands those instruments with which they may do and 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 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 tranquillity of the United States, he shall forfeit and pay the sum of two thousand dollars.

"SEC. 20. *And be it further enacted*, That if any person shall sell, exchange, or give, barter, or dispose of, any spirituous liquor or wine to an Indian, (in the Indian country,) such person shall forfeit and pay the sum of five hundred dollars; and if any person shall introduce, or attempt to introduce, any spirituous liquor or wine into the Indian country, except such supplies as shall be necessary for the officers of the United States and troops of the service, under the direction of the War Department, such person shall forfeit and pay a sum not exceeding three hundred dollars; and if any superintendent of Indian affairs, Indian agent, sub-agent, or commanding officer of a military post, has reason to suspect, or is informed, that any white person or Indian is about to introduce, or has introduced, any spirituous liquor or wine into the Indian country, in violation of the provisions of this section, it shall be lawful for such superintendent, Indian agent, or sub-agent, or military officer, agreeably to such regulations as may be established by the President of the United States, to cause the boats, stores, packages, or places of deposit of such person, to be searched, and if any such spirituous liquor or wine is found, the goods, boats, packages, and peltries of such person, shall be seized and delivered to the proper officer, and shall be proceeded against by libel in the proper court, and forfeited one-half to the use of the informer, and the other half to the use of the United States; and if such person is a trader, his license shall be revoked, and his bond put in suit. And it shall, moreover, be lawful for any person in the service of the United States, or for any Indian, to take and destroy any ardent spirits or wine found in the Indian country, except military supplies, as mentioned in this section; and by

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a subsequent act of Congress, imprisonment for a term of two years is also imposed upon all offenders."

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

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

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