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PRINCETON, KENTUCKY, *January 5, 1852.*

SIR: I have just received, to-day, and read, your letter of the 23d of December, and confess that I was somewhat surprised at its tone.

Although I expect to leave in a few days for Washington, (as I informed you some weeks since) with the originals of the treaties made by me with various tribes of Indians in California, together with a full report of all my actings and doings as agent for the government, which I hope will show that the charge of *gross neglect of official duty* is, to say the least of it, unmerited; yet, for fear that some accident may delay, or prevent my reaching Washington in due time, I have concluded to write to you by the return mail, briefly stating some of the reasons why I "took the liberty of drawing for such large amounts on the Secretary of the Interior," &c.

The instructions given by the department originally, were of a general character—no details, nothing definite. Under the circumstances, the commissioners (my colleagues and myself) met at San Francisco: having nothing definite to guide us in the way of instructions, we adopted a policy dictated by the circumstances in which we found ourselves placed.

The plan for our future operations was duly communicated to your department. We found the Indians at open war with the whites in many parts of the State, and, with but few exceptions, I believe in the southern

portion of the State (that portion subsequently assigned to me) they were hostile, and the war between them and the whites characterized by those acts of rapine and murder usual in Indian warfare. The country called for some relief from such a state of affairs; the miners had been driven from the gold mines, and every day, almost, some outrage or injury was done to the person or property of the citizens, and in return many of the Indians were killed and their stores of provisions destroyed.

Under such circumstances, the commissioners undertook to effect a reconciliation and carry out the plan agreed upon for treating with the Indians. Treaties were, with much trouble and delay, made by the joint board of commissioners with several tribes, with the terms of which you were in due time made acquainted. A very important feature in those treaties, (and one, too, without which no treaty could have been made with those Indians) was the supply of an agreed amount of beef and flour, to aid in the subsistence of the Indians treated with, during the years 1851 and 1852. Without some such provisions the commissioners, as well as every intelligent man in California, knows that no treaty made with those Indians would be observed by them; *necessity*, as well as inclination, would compel them to steal, from the whites, animals on which to subsist, as in a large majority of cases the stores of acorns, &c., laid up by them, had been destroyed by the whites: the commissioners, therefore, urged by the calls of humanity and the voice of the whole country, could do nothing less than agree to furnish the provisions stipulated in the different treaties.

After the separation of the commissioners on the 1st of May, each taking a designated portion of the State, for the purpose of more speedily accomplishing the work necessary to be done, it was agreed that the stipulations of the treaties formed by the joint board should form the basis of all future treaties. In accordance with this agreement, and *in the absence of any instructions from your department*, I proceeded at once to discharge, as far as possible, the duties devolved upon me in that portion of the State allotted to me; and before receiving one word from your department, relative to the amount of the appropriation made for the purpose by Congress, or any instructions in relation to our future policy, I had concluded treaties with all the Indians in the San Joaquin and Tulare valleys; and in fact I made no treaties after learning the views of the department touching the supplies to the Indians in 1851.

Whilst acting as a joint board, the commissioners, under the pressing demand for beef with which to feed the Indians on the San Joaquin reserve, according to the stipulations of the treaty made at Camp Barbour, on the San Joaquin river, and in part fulfilment of that treaty, purchased some two hundred head of cattle, (I speak from recollection only as to the number) which were afterwards delivered, as I learned from Colonel Adam Johnston, the sub-agent. After separating with my colleagues, many proposals were made by different persons to supply the amount of beef, &c., necessary to carry out the treaties that had been or might be made by me. I invariably answered such propositions by an assurance that I had no direct authority to make such contracts. On the 25th of May I received from Colonel J. C. Fremont, a letter containing a proposition to supply beef, &c., a copy of which is herewith enclosed. After consulting with some of the officers in command of the escort, and reflecting on what had been done—and knowing as well as I did the necessity for something to be done to secure the peace of the country, and save not only the lives and property of the

citizens, but the Indians, from destruction—I determined on the 28th of May to make a conditional contract with Fremont: but he having arrived in camp, I would make no contract with him until I had shown to him my letter of appointment, instructions, &c., assuring him at the time that I did not believe that I was authorized by my instructions to make such contracts; and that if made at all, they would not be paid until Congress passed upon them, and provided a fund out of which they would be paid, besides the approval or rejection of such contracts by your department. After examining these papers, he expressed an entire willingness to "take the chances," under the circumstances. I then addressed him a note under date of the 28th of May, a copy of which I herewith enclose, concluding with him a conditional contract, as you will perceive, of all which I in due time informed your department. Colonel Fremont in a few days started for Los Angeles, in the vicinity of which place he contemplated purchasing cattle to fulfil said contract. I afterwards met with him in Los Angeles in the last days of June, or first of July, and informed him that I had received a letter from Colonel McKee, of the commission, in which he stated that only the sum of \$25,000 had been appropriated for the object of our mission, and that your department had instructed the commissioners to make no further stipulations for feeding the Indians during 1851, in any treaties we might make after the receipt of that letter. He, Colonel Fremont, then went on to furnish those tribes with whom treaties had already been concluded, with beef only, to the amount of the drafts drawn by me on the Secretary of the Interior, (say \$183,825.)

After the delivery of a portion of the beef, Colonel Fremont called upon me, and requested as a favor, that I would draw on the Secretary of the Interior three several drafts—one for \$5,000, one for \$7,000, and one for \$2,000—to enable him to carry out his contract. I objected to doing so, telling him that I had no authority for so doing. He replied that he could not get along without, unless at a great sacrifice: that if the drafts were drawn, he had friends who knew the difficulties in the way of the probable honoring of the drafts, but who would nevertheless aid him if it was put into that shape, knowing that if I drew the drafts as desired by him, it would make no difference, so far as the government was concerned in the contract or transaction, and at the same time be of essential service to him, as he stated. I consented, and drew accordingly. Subsequently, and after the delivery of the remainder of the beef, I drew, according to his (Colonel Fremont's) request, the other drafts on the same department or officer.

In doing so, I knew I was acting without any direct authority, and could only justify the act by the pressing and urgent necessities of the case, and in the absence of direct instructions.

By feeding the Indians with beef, as stipulated in the treaties, I was satisfied, as was every man in California who knew anything of the character of the Indians of that country, that it was the very best possible means of conciliating the good feelings of the Indians, and thus carry out the spirit, if not the strict letter of our instructions.

In receiving beef from Colonel Fremont, I received an amount sufficient to feed the Indians treated with, south of the Merced river, until the spring of the year 1852; my reason for so doing was the fact, that during the winter or rainy season it is generally impossible to get provisions of any kind into that part of the State.

A part of the beef received, and for which the drafts were drawn, was

delivered to the Indians at the various reserves; the remainder, nineteen hundred head, were delivered by me to Colonel Adam Johnston, sub-agent for the San Joaquin valley, for which I took his receipt.

I have now, sir, given you a succinct statement of the whole transaction, together with the reasons that influenced me, and "the circumstances under which I took the liberty of drawing on the Secretary of the Interior for such large sums of money," which I hope will be sufficient to relieve my character, as well as the government, from any embarrassment.

On the subject of my correspondence with the department, I confess, sir, that it was not as frequent as I could have wished: but when you take into consideration the fact that I was not comfortably quartered in San Francisco, Sacramento, or Stockton, nor indeed in any other town where the opportunities for writing and mail facilities were at hand, but, on the contrary, for months in the wilderness, hundreds of miles from the habitation of any civilized being, surrounded by hostile savages, I hope, sir, you will not be disposed to hold me to so strict an accountability as otherwise I might be willing to submit to. I have written to your department as often as I have had matters of interest to communicate, and an opportunity of communicating them: in a word, sir, ever since I entered upon the discharge of the high trust confided to me, I have acted conscientiously in the discharge of these duties, according to my best judgment, under the guidance of feelings of humanity and a sense of duty.

Very respectfully, your obedient servant,

G. W. BARBOUR.

Hon. LUKE LEA, *Commissioner*.

P. S.—I send you also copies of J. C. Fremont's beef accounts and receipts for drafts, together with a copy of A. Johnston's receipt for 1,000 head of beef cattle.

G. W. B.

MARIPOSAS, SAN JOAQUIN VALLEY.

May 19, 1851.

Sir: Having established a cattle rancho on the Mariposas river, neighboring to the Indian tribes of the Sierra Nevada, with whom you are engaged in treating, I submit to your consideration the following proposals.

I propose to furnish for the present and ensuing years, (eighteen hundred and fifty-one and eighteen hundred and fifty-two) all the animals (beef cattle, brood cows and brood mares) which you shall need for the execution of your treaties with the Indian tribes in the district under your direction, and which I understand to comprehend all that portion of the State lying between the parallel of the upper waters of the San Joaquin river and the southern boundary line. I engage and bind myself to make the deliveries in the course of the present and following years, at such time and place, within the district, as you shall indicate, and to commence the deliveries one month after the date of notification, to me, of treaties, as they shall successively be made.

I propose to furnish beef cattle, upon the hoof, at the price of fifteen cents per pound, net: brood cows, between the ages of three and five years, at the price of seventy-five dollars each: and brood mares, between the ages of four and six years, at the price of seventy-five dollars each.

Very respectfully,

JOHN C. FREMONT.

Col. G. W. BARBOUR, *Indian Commissioner, &c.*

CAMP KEYES, ON THE CAHUA RIVER, CALIFORNIA.

May 28, 1851.

SIR: I have received your letter of the 19th instant, in which you propose furnishing beef cattle, brood mares and cows, to the Indians in this (the southern) district of the State, according to the stipulations of such treaties as have been, or may be, made with the Indians.

Having received no advices from the Indian department, at Washington, since my colleagues and myself adopted the policy of supplying those Indians, with whom we might treat, with beef and stock, &c., I could not, except to a very limited extent, enter into any unconditional contract for supplying those Indians treated with, in this (the southern) district of the State; but in view of the necessity for such supplies, and not doubting but that the proper authorities will readily acquiesce in the policy that we have adopted, I should not hesitate to make such contracts as may be necessary to carry out, *in good faith*, the stipulations of such treaties as may be made with the Indians; such contracts, *of course*, being left subject to the approval or rejection of the Indian department at Washington.

I have had many proposals offered me, to furnish such supplies: but regarding your offer as the best, and lowest, of any yet made by a responsible man, and believing, as I do, that your offer is a fair one, I have concluded to close with your proposition, subject, however, to the approval or rejection of the same by the Indian department at Washington. Should this arrangement be satisfactory, you can confer with Colonel A. Johnston, sub-agent for the San Joaquin valley, who is near you, and who will advise you of the time and place, and number of beef cattle wanted for the Indians in this vicinity, with whom treaties have been made. I will advise you as to what will be necessary after leaving this valley.

Respectfully,

G. W. BARBOUR,  
*Commissioner.*

Col. J. C. FREMONT.

THE UNITED STATES,

To JOHN C. FREMONT.

DR.

To two hundred and seventy head of beef cattle, averaging each five hundred pounds net weight, left by Alexander Godey at different points in the valley of the San Joaquin, for the use of the Indians, agreeably to the treaties, as follows, viz:

At the Texan.....	82
“ “ Tulare lake.....	50
“ “ Cahua river.....	36
“ “ King's river.....	34
“ “ San Joaquin.....	34
“ “ River Fresno.....	34

Amounting to 135,000 pounds—\$20,250.

Received, at the military post of Fort Miller, on the San Joaquin river, from Colonel G. W. Barbour, Indian agent for the United States in California, the twenty-eighth day of August, 1851, the sum of twenty thousand

two hundred and fifty dollars, in drafts on the Hon. Secretary of the Interior, in full of the above amount.

JOHN CHARLES FREMONT.

THE UNITED STATES,

To JOHN C. FREMONT,

Dr.

To	22,000	pounds beef furnished Indians at Texan-----	\$3,300 00
	2,500	" " " " at Juan's rancho	375 00
	000'08	" " " " at Cahua-----	4,500 00
	21,000	" " " " of King's river----	3,150 00
	13,000	" " " " of San Joaquin---	1,950 00
	16,000	" " " " at the Fresno, by Alex. Godey-----	2,400 00
	7,500	pounds beef furnished Indians by V. D. Haller--	1,125 00
	28,500	" " " " at the Fresno, from Mariposas rancho-----	1,275 00
	950,000	pounds beef furnished Indians, delivered August 27th, at San Joaquin-----	142,500 00
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			163,575 00
By draft on Hon. Alexander H. H. Stuart-----			10,000 00
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			153,575 00

Received, at the military post on the San Joaquin river, from Colonel G. W. Barbour, Indian agent for the United States in California, this twenty-eighth day of August, 1851, the sum of one hundred and fifty-three thousand five hundred and seventy-five dollars, in drafts on the Hon. Secretary of the Interior, in full of the above amount.

JOHN CHARLES FREMONT.

FORT MILLER,

San Joaquin River, August 28, 1851.

G. W. Barbour, Indian agent for California, has this day delivered to me nineteen hundred head of beef cattle, to be distributed among the Indians south of the Chonchilla river, with whom treaties have been formed, in accordance with the stipulations of said treaties.

ADAM JOHNSTON,

Sub-Indian Agent for San Joaquin Valley.