

[Referred to office of Indian Affairs, 24th January, 1852.]

To the Hon. Mr. Stuart, Secretary of the Interior.

Sir: The continued delay of Mr. Barbour, the government agent in California for making Indian treaties, who has not yet arrived with the treaties, and the ruinous consequences to Mr. Fremont from this delay, induce me to ask you to proceed at once to endeavor to obtain an appropriation in the deficiency bill, to cover the amount of the drafts he has received, on the evidence submitted to you. These are:

1st. The drafts themselves, which have been presented and protested, and which are evidence of their own existence, and pre-suppose their own correctness.

2d. The original proposals of Mr. Fremont to furnish the beef—a copy being annexed to this paper.

3d. The original letter of the agent, Mr. Barbour, accepting the proposals, and declaring them to be the lowest and best terms offered by any responsible bidder.

4th. A statement from Mr. John Walker, well known as a butcher and cattle dealer, both in Washington and San Francisco, from which it appears that the contract price with Mr. Fremont was below the ready-money prices of beef in San Francisco, and below what the government vessels, the lines of steamers, and citizens, paid him, and that he would not have taken Mr. Fremont's contract when made, nor take such a one now.

5th. The letter of Mr. McCorkle, representative from California, stating the price of beef, in 1851, at Sacramento, to be twenty-five cents per pound, and, out in the mining districts, from thirty to fifty cents per pound.

6th. Statement from Mr. Henry B. Edwards, showing the actual delivery of the cattle, their weight, number, &c., and the urgency of the commissioner to have them delivered promptly, and showing the current price, on the San Joaquin, to be twenty-five cents all round, and for ready money.

7th. The statement of Lieutenant Beale, of the United States navy, testifying to the same facts with Mr. Henry B. Edwards; and further, to the urgency of the commissioner to have the cattle delivered, and his promises to have the treaties at Washington before the meeting of Congress, refusing,

on that account, to remain longer to treat with the southern Indians, though Colonel Fremont urged him to do so, as the only means of keeping them in peace and friendship with the United States.

These evidences thus submitted are deemed sufficient to authorize an appropriation to pay the drafts, and also to make an equitable compensation for the delay of payment occasioned by the non-arrival of the agent. The damages to Colonel Fremont are four per cent. per month on seventy thousand dollars of the drafts, from the time they were presented till paid. He is now in the third month of that ruinous interest, and the agent not yet arrived with the treaty; and he or his friends having no _____, compel him to come on or to get the treaties from him.

Colonel Fremont knew there was no appropriation to meet the drafts; he took the risk of Congress making the appropriation, but in the full faith that the treaties would be presented at the commencement of the session.

The acceptance of the proposals of Colonel Fremont contains a stipulation that they are to be subject to the approval of the Indian department at Washington; but this condition only applies to the deliveries required for the year 1852, the agent requiring some immediate deliveries "in view of the necessity of such supplies," and Colonel Fremont requiring "*to commence the deliveries within one month after the date of the ratification to him of the treaties.*"

The treaties were made in May, 1851, and the deliveries for which the drafts were given were made in June following; and the terms of the proposals and acceptance, as well as the nature of the case, show this part of the contract to be unconditional.

THOMAS H. BENTON,
for COLONEL FREMONT.

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 notifications to me of the 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; brood mares between the ages of four and six years, at the price of seventy-five dollars each.

Very respectfully,

JOHN C. FREMONT.

To Colonel G. W. BARBOUR,
Indian Commissioner, &c., &c.

CAMP KEYES, CAHUUA 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 various tribes.

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, &c.*

Colonel J. C. FREMONT.

WASHINGTON CITY, January 23, 1852.

This will certify that I, John Walker, of the city of Washington, born and raised in the city, and engaged all my life in the cattle and butchering business, and now carrying on the same in this city, and also having carried on the same business in San Francisco, in California, during part of the year 1850 and 1851, as partner with Mr. Steinberger, am therefore well acquainted with the prices of beef and beef-cattle in California during that time, and in the summer of 1851; knew, by report, of the contract made by Colonel Fremont to furnish beef-cattle to the Indians at the San Joaquin, at the price of fifteen cents a pound, and I consider the price to be low, and such a one as I would not have taken the contract for. It was below the current ready-money prices of the country, and less than I was getting, cash down, from individuals, companies, and United States ships, at the same time. We sold at San Francisco a common beef to individuals at about eighteen to twenty-five cents per pound, and choice beef at twenty-five cents per pound; to Howland & Aspinwall's steamers at fifteen cents per pound, and usually to the amount of \$3,500 to \$5,000 per steamer, and always paid down, the beef in all cases taken from us without the expense

or loss of deliveries, which was a heavy item of expense to the contractors; to Howard & Sons' steamers at the same price and upon the same terms as to Howland & Aspinwall's. I also furnished the city prison with beef for the prisoners, on a contract with the agent, at eighteen cents per pound: this beef consisted of neck pieces principally. None but *bugueros* could drive the California cattle, and we have given three hundred dollars a month to some that we have employed. The loss and expense must have been great to Colonel Fremont on driving cattle to the frontiers on the San Joaquin, and I would not take his contract even if the fifteen cents were to be paid down at the time of delivery.

I make this general statement, and am willing to answer any questions before a committee.

JOHN WALKER.

P. S.—On looking over my books now in this city, I see that we furnished the United States frigate Savannah with beef in the year 1850-'51; also the United States revenue barque Polk; also the United States brig Lawrence; also the United States brig Dolphin; also the United States revenue schooner Argus; also the United States steamer Massachusetts, at the rates mentioned, and all for ready money. J. W.

WASHINGTON CITY, January 24, 1852.

DEAR SIR: In answer to your inquiries as to the price of beef in California, I have to reply, that during the summer and fall of last year the market price was *twenty-five cents per pound* in the valley of the Sacramento. In the mining region the price varied according to the distance from the valley, ranging from thirty to fifty cents per pound.

Respectfully, your obedient servant,

JOS. W. M'CORKLE.

HON. THOMAS H. BENTON.
Washington City.

WASHINGTON, January 24, 1852.

This will certify that I, Henry B. Edwards, of Chester, Delaware county, Pennsylvania, went to California in May, 1850, and returned from there in October, 1851, and the principal part of that time was on the Mariposas, doing business on my account part of the time, and assisting Col. Fremont in his delivery of cattle under the contract with Mr. Barbour, the Indian commissioner. That I bought much beef for myself, and also bought parcels for Col. Fremont, and never paid less than twenty-five cents a pound, ready money, for the beef all round, and more if choice parts only were taken. That I was in charge of Col. Fremont's rancho when he went to the south to buy the cattle; and hearing that the Indians were troublesome on his route, I and Lieutenant Beale, of the navy, with two others, went down to meet him, and did meet him high up on the San Joaquin; and as Mr. Savage, who was in the employment of Mr. Barbour, was there and urged Col. Fremont to hasten on cattle to satisfy the Indians on the Fresno and King's rivers, on the San Joaquin, above the Big Bend, I took charge of

the drove, being two thousand head, and hastened them on and made the deliveries. They were delivered at different places, as we came to the Indians, or rather as they came and met us. They were all bought in the old settlements in the south, and were considered the finest drove of cattle ever brought up. At the delivery the commissioner himself was present; also Mr. Johnston, an Indian agent; also two gentlemen of the army, (medical men) besides Col. Fremont, Lieut. Beale and Alexander Cadey. They were averaged at five hundred pounds apiece, the average being taken by an estimate founded on a view of the whole in *rodea*; that is to say, by forming them in a circle and making the whole walk round, which is the Spanish mode of counting and inspecting, and to which the cattle are trained, and will begin to form as soon as the *baquero* calls out "rodea." I assisted to deliver nineteen hundred to the agent, or to the Indians with him; also five hundred and fifty-one before that, to the Indians at the Tahon pass, on the Coahilla, on King's river, on the Tulare, on the Fresno, and on the San Joaquin. Before the arrival of the cattle at the place of delivery, the Indians being impatient, Col. Fremont had between seventy and eighty head purchased from the American settlements at the high rate of fifty dollars a head, which had to be driven about sixty or seventy miles in the wild country, and suffered a loss of about ten head, (five in one night.)

The loss on driving the whole band from the south was about four hundred head, and the expenses enormous, some of the *baqueros* having ten dollars a day, and about ninety horses; being about one-half of them destroyed, and nearly all the rest worn down and useless. This great loss and expense was owing to the urgent demand of the agent to get the cattle brought on to keep the Indians quiet, and the extreme heat of the weather and scarcity of water, it being the middle of the dry season, and the distance driven about five hundred miles, and all through a wild country.

H. B. EDWARDS.

WASHINGTON CITY, January 24, 1852.

This will certify that I, Lieutenant E. F. Beale, of the United States navy, was in California, mostly, since 1845, and especially in 1850 and 1851, and was part of that time engaged in business for Commodore Stockton and Mr. Aspinwall, at the Mariposas mines, and bought beef for their establishment, and usually paid from 20 to 30 cents a pound for it, and never less than 20 cents, and that for beef all round, and for ready money always. I also certify that I have read the statement in this case made by Mr. Henry Edwards, and am acquainted with almost every fact mentioned by him, and know it to be true. I also know that Mr. Barbour, the commissioner, was importunate with Col. Fremont for the prompt delivery of the cattle early in June, to keep the Indians friendly and peaceable, and that Col. Fremont made the greatest exertions, and at great loss and expense, to comply punctually; and when he found that he could not get the whole drove to the appointed place on the appointed day, had a lot of about 75 head brought from the nearest settlement at a great price, 50 dollars a head, and delivered in advance, and so satisfied the Indians, who were becoming very restless and suspicious. I also believe that the Indians thus supplied by the contract with Col. Fremont are the only ones now peaceably disposed towards the United States.

I also saw Col. Barbour, the commissioner, and Col. Fremont, often to-

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gether during the time of the existing of this contract, and know that he (the commissioner) constantly promised to have the treaties at Washington early; and that he would bring them on, and gave that as a reason why he would not wait to hold treaties with the Indians to the south, though Col. Fremont urged him to do so, as the only means of keeping the southern Indians peaceable and quiet.

But he persisted in his determination, and came off in the steamer of October 4th, and has not yet arrived, to my knowledge.

I also know that Col. Fremont negotiated a part of the drafts he gave him to pay for the cattle he bought: making the negotiation on the exorbitant terms usual in California, and in full confidence that the treaties would be here by the meeting of Congress, and they are not here yet.

EDWARD F. BEALE, U. S. A.
