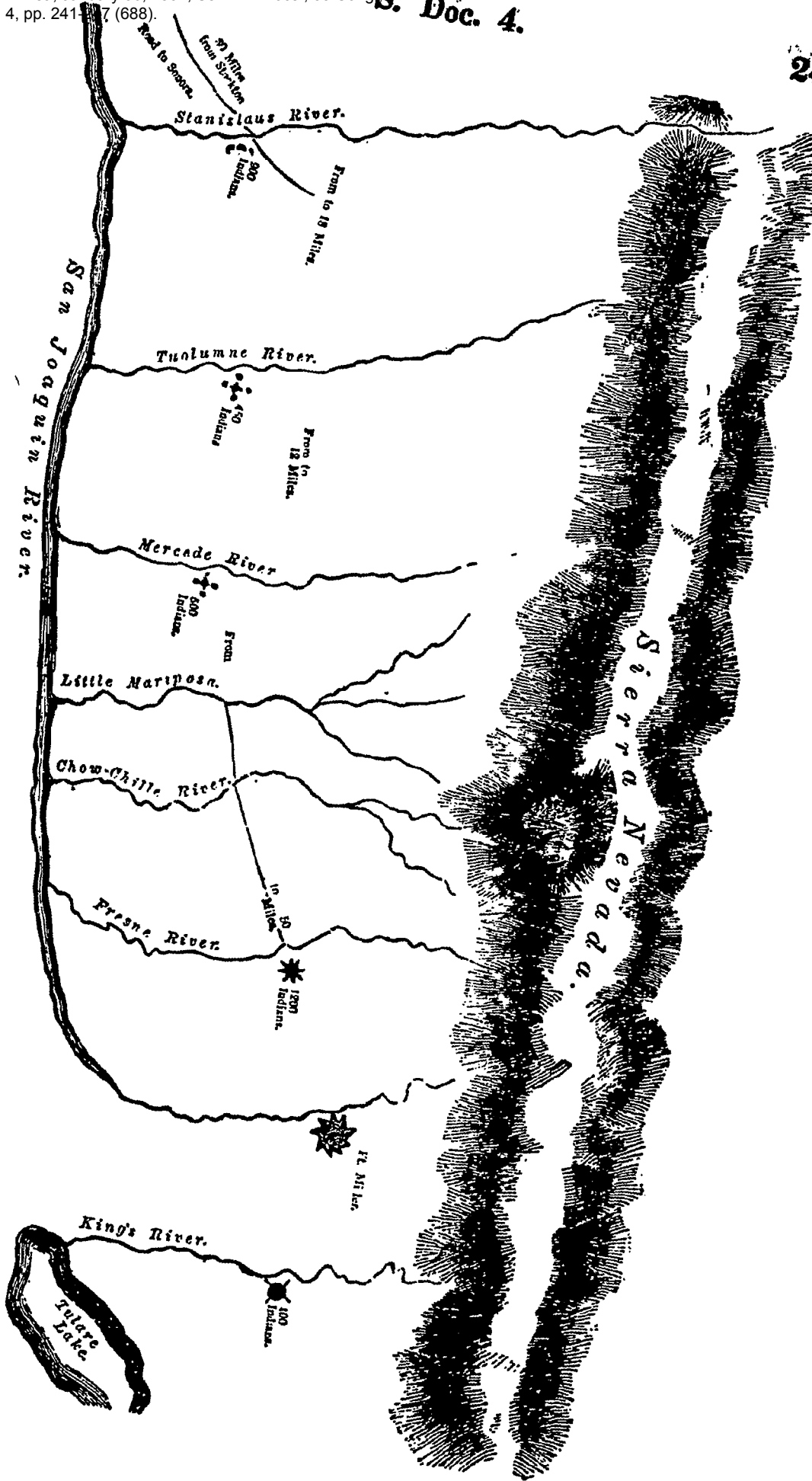

MERCEDE INDIAN RESERVATION,
San Joaquin Sub-agency, California, January 30, 1852.

SIR: As there will undoubtedly be some legislation, in the course of the present session of Congress, in regard to an organization for the Indian service in California, it may be proper for me to submit to the department my opinions, together with some suggestions upon the subject. Before entering upon the plan of organization, I would call attention to the supposed number of Indians within the bounds of the State, their present location, condition, &c. It is difficult, as you may perceive, to arrive at a strictly correct estimate of the number of Indians residing within the limits of California, so little is known of those occupying the eastern side of the Sierra Nevada. Few individuals, and no government officials, have, as yet, visited that region for the purpose of ascertaining their number, or having intercourse with the Indians living there. We are, consequently, without any very reliable information in regard to all those inhabiting the entire district of country between the summit of the Sierra Nevada and the eastern boundary line of the State. From such information as I am in possession of, there can be but few Indians on that side of the mountains, within the State of California.

The sides of the mountains, which rise from the valleys of Carson and Truckee rivers, and further north, are cold and barren, producing little of anything upon which the Indians subsist. The climate of the valleys of those streams is more mild and congenial to the nudity and habits of life of the aborigines of this country. The valleys and lowlands produce berries, grass-seed, and roots of various kinds. Carson lake, Truckee lake, the rivers which bear the same name, and their tributaries, furnish immense quantities of fish. Upon those streams, lakes, and lowlands, all of which I understand to be beyond the eastern boundary of the State, it is said the Indians of that region are located. I therefore cannot believe the Indians within the State of California anything like so numerous as they have recently been represented. Estimates of their numbers have heretofore been made by several individuals, varying from forty thousand to two hundred thousand. These vast discrepancies show a great want of correct information upon the subject.

For the last two years, I have spent almost my entire time among the Indians of the Sacramento and San Joaquin valleys and adjacent country. Judging from the number within my actual knowledge, covering a large territorial portion of the State, and from such information as I have been able to obtain through traders, travellers, and others, who have been in the remote corners of California, I have estimated their number within the State at *eighty thousand*. I cannot, by any reasonable calculation, make it more.

In the first place, for two hundred miles around the bay of San Francisco, there is no considerable number of Indians. Many have died of disease, and others have fallen back before the whites, into the mountains and more remote sections of the country. Those who were known as "Costanoes," or Indians who inhabited the coast, near to the bay of San Francisco, have nearly all disappeared; but a few miserable wanderers about the old missions are at this day to be seen. Their council-fires have rapidly gone out; and within the last half century, that people who once occupied the shores and valleys of the Pacific coast have given way to civilization and the white man's approach, as did the parting Celt to succeeding Saxon. While the country immediately on and contiguous to the coast in the region of San Francisco is almost depopulated of aborigines, the more remote sections of the State have become, in places, more prosperous. There is scarcely a collection of Indians in California, especially south of the Sacramento river, who have not more or less of the Mission Indians among them. The Indians in this country have heretofore lived upon the margins of streams, in small bands or communities of from thirty to eighty; seldom so many as one hundred in the same rancheria. These rancherias or villages were tolerably numerous in some particular parts of the country, and were calculated to impress a casual observer with the idea of great numbers of Indians. Under the several treaties the Indians have been brought together, at least those within my control, and located upon their respective reservations at such points as I have designated. For instance, those under my immediate charge are located as follows:



You will perceive, by the foregoing rough sketch, that the first Indian rancheria is upon the Stanislaus river, about thirty miles from Stockton, where there are about 900 Indians. The next is on the Tuolumne river, in another reservation, about eighteen miles distant. On the Merced, which is about twelve miles from the Tuolumne river, but in the same reservation, there is another rancheria. On the Tuolumne river there are 450 Indians, and on the Merced about 500, making in all upon this reserve about 950. From the Merced to the Fresno river, the next Indian rancheria, is fifty miles: at this point there are near 1,200 Indians. From the Fresno to Fort Miller, on the San Joaquin, it is eighteen miles: at this point there are 1,000 Indians. This is in the same reserve as the Fresno. From Fort Miller to King's river is twenty-five miles: at this place there are 400 Indians, who are also on the same reservation. There is also a small number on the Cowier, or the first of the Four creeks, belonging to the latter reservation. In none of these reservations is there any agricultural land, except in spots; a few acres only can be found together, and those upon the banks of the streams. Now, it may be a question worthy of consideration, whether it is best to continue the Indians in their present location within the numerous reservations which have been set apart for them, or to remove them to the country around Tulare lake; (at that point there are some of the best agricultural lands in California, and it is beyond the reach of the mining region;) or, indeed, whether it would not still be better to remove the entire Indian population of the State beyond the Sierra Nevada, than to continue them in so many small reservations, contiguous to, and in some instances in conflict with, the mining interests of California? That there is a suitable country for them on the other side of the mountains, there can be no doubt. The valley of Carson river is quite extensive, and possesses as good soil, wood and water, as can be found between the Missouri river and the shores of the Pacific. In my opinion, there have been too many reservations carved out of the Territory of California. They are objectionable for various reasons: first, the Indians are scattered over so great an extent of territory as to render it impossible for the agent, or other official, to give them his personal attention, which I look upon as *all-important* in their management. Again: as at present arranged, the reservations, in many cases, conflict with the mining interests of the country. Aggressions on the part of the whites or the Indians will frequently occur; slight feuds and personal quarrels will naturally lead to more serious consequences. This has been the subject of earnest complaint, especially in regard to many of the treaties concluded in the valley of the Sacramento. That the commissioners, in most cases, acted for the best interests of the government, as they believed, I have no doubt; that in the formation of some of the treaties there was too limited a knowledge of the country, too great haste, and perhaps a want of due consideration, is equally clear.

In regard to an organization for the Indian service of this country, I must consider it *under existing circumstances*.

In my opinion there should be one *general agent* or superintendent of Indian affairs located in San Francisco, or some other central point. He should superintend the entire business belonging to Indian affairs, both

of California and Oregon. His salary should exceed *twenty-five hundred dollars*, with a clerk at a salary of twelve hundred dollars. As there is but little difference, under the present law, between an agent and a sub-agent, except the name and compensation—both exercising similar duties within their respective territories—both reporting to and being alike responsible to the government—I would suggest that there be eight sub-agents appointed by the Department of the Interior for the State of California, who shall be allowed a salary of \$1,200 per annum. In my opinion it would be much better to have eight sub-agents than four full agents. It is not so much the diplomacy exercised in such positions that has the beneficial influence, as the fact of a *government official being right among them*. Make it the duty of such sub-agents to reside immediately among the Indians of their sub-agencies; to report quarterly to the general agent or superintendent of Indian affairs for this country, and yearly direct to the department of Indian affairs at the city of Washington. Six of these sub-agents might be located at proper points on this side of the Sierra Nevada: say one on the Klamath, one on the headwaters of the Sacramento, and one about the mouth of Yuba river. For the valley of the San Joaquin and the country south, say one at Fort Miller, on the San Joaquin river; one at or near Texon pass; and one yet further south. For the Indians on the eastern side of the Nevada, let the remaining two be placed at such points as may be thought best, after exploring that region. No agent or other official sent here by the government should consider his work so far accomplished, by rapidly passing over the country, and perhaps concluding a few treaties with the Indians, as to enable him to return to San Francisco for the balance of the year.

The Indians of this country have not yet learned our language. Of course they do not read the newspapers, and therefore cannot fully appreciate such publications as may be made of the great things which have been done or may be doing for them by an agent residing at so great a distance from them. It is therefore of the *greatest importance* that each agent or sub-agent *reside immediately among the Indians intrusted to his charge, and not in San Francisco, Sacramento, or any other city*. The agent, or other official, of whatever class, should be compelled to live among, or convenient to, the Indians under his care, where he can be in daily communication with them, hearing their complaints and healing such trifling difficulties as may arise among them. In this way they would readily become familiar with him as *an official*, and regard him as *the one* whom they must consult, to whom their complaints must be made, and by whose decisions they must abide. On the other hand, if the agent be not at his post, personal revenge frequently follows the smallest offence.

Trade and intercourse with the Indians.

As it is to be presumed that the agent or sub-agent should know the most proper points for the location of trading establishments, and perhaps the most proper persons to be licensed as traders, I would be in favor of allowing the power of licensing traders to remain in such agents within their respective agencies. Such license should, in all cases, be approved by the general agent or superintendent of Indian affairs for

this country. The bonds should also be approved by him, and forwarded to the department at Washington.

In no case should a license be granted for a longer period than one year, revokable and renewable as at present. As great profits are realized by Indian traders, they should pay to the agent or sub-agent granting the license a reasonable sum for such privilege, to be appropriated and expended for the use and benefit of the Indians within such reservation.

SEC. 8. After "or take and destroy any peltry or game except for subsistence," I would add, *or engage in mining upon the Indian territory.*

When fines or forfeitures cannot be enforced, some appropriate corporal punishment should be applied.

SEC. 9. After "without the consent of such tribe," add, *and agent or sub-agent, as the case may be.*

SEC. 10. Let the general agent or superintendent of Indian affairs here be authorized to direct the military force to be employed in such removal.

SEC. 11. I would have the last sentence of this section read, "and it shall moreover be lawful for *the general agent or superintendent of Indian affairs at San Francisco* to take such measures, and employ such military force, as he may judge necessary to remove from the lands any such person as aforesaid."

SEC. 13. Besides the forfeiture of \$2,000, *corporal punishment.*

SEC. 14. Besides the forfeiture of \$1,000, *corporal punishment.*

SEC. 16. "And if such offender be unable to pay a sum at least equal to the just value or amount," &c., *other punishment should be applied.*

SEC. 17. That unless such be presented within one year, "the same shall be barred."

SEC. 19. And the general agent or superintendent may direct the military force of the United States to be employed, &c.

SEC. 20. The amendment of March 3, 1847, remedies all defects, except, "such supplies as shall be necessary for the officers of the United States and troops of the service" should be extended to all persons in the employ of the United States.

SEC. 25. After the last word in the proviso of this section, add, "belonging to the same band or reservation."

I have here made such suggestions of alterations and additions as, in my opinion, will render the law regulating trade and intercourse with the Indian tribes more applicable to this country under existing circumstances. In some instances, where prompt and immediate action might be necessary, I have substituted the name of superintendent for that of President of the United States. My reasons for so doing must be obvious. Our distance from Washington is so great, that at least two months' time is required in obtaining an answer to any communication from this region. In many cases, where prompt and immediate action might effect much, a delay of two months, for the direction of the President, would be tantamount to having no law upon the subject. For instance, in the case of miners trespassing upon the territory of the Indians, it would be idle to await the President's order for the military force to be employed in their removal. The Indians, jealous of their rights, expect immediate remedies from the *officials* for all such real or

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imaginary injuries. If they be rapidly remedied, it impresses them with a deep sense of the power of law and control of our own people. In my experience with Indian affairs, and the class of community to be dealt with in this country, I have found that, *with prompt and immediate action*, a single individual can effect that which might require almost a regiment of soldiers after any considerable delay. In a region like California, filled up with persons from every country and every clime, who, from the nature of their pursuits, are daily brought in contact, and not unfrequently in conflict, with the Indians, the agent or other official should not only be a person of courage and energy, but should be clothed with such facilities as would enable him to act with promptitude and power. The most stringent laws can be of but little force unless they can be promptly administered.

With all the amendments and alterations which I have suggested, or which can be adopted, I doubt whether they would be worth the trouble of making under the present organization of the judiciary. Until that is changed so as to give force and rapidity of action, no law can be effective in a population so unsettled as is this mining, migratory community of California.

Your obedient servant,

ADAM JOHNSTON,
Indian Sub-agent.

HON. LUKE LEA,
Commissioner of Indian Affairs.
