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[SENATE.]

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No. 57.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

COMMUNICATING

The report of Edward F. Beale, Superintendent of Indian Affairs in California, respecting the condition of Indian affairs in that State.

MARCH 3, 1853.—Ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, March 3, 1853.

SIR: I have the honor to transmit to you, herewith, a letter from the Commissioner of Indian Affairs of the present date, accompanied by an original report of Edward F. Beale, superintendent of Indian affairs for the State of California, on the subject of Indian affairs in that State.

The original report is sent because of the impossibility of having it copied in time; and for the same reason, I must request that the committee of the Senate may also have the use of it.

I am, sir, with much respect, your obedient servant,
ALEX. H. H. STUART,
Secretary.

Hon. W. K. SEBASTIAN,
Chairman of the Committee on Indian Affairs, Senate.

DEPARTMENT OF THE INTERIOR,
Office Indian Affairs, March 3, 1853.

SIR: I have the honor to enclose herewith a report made to this office by Edward F. Beale, esq., superintendent of Indian affairs for the State of California, which, in view of its important character, and of the urgent necessity for immediate legislation in regard to Indian affairs in that State, I respectfully recommend may be laid before Congress at the earliest moment.

That this may be done without delay, the original report is transmitted.

Very respectfully, your obedient servant,
L. LEA,
Commissioner.

Hon. A. H. H. STUART,
Secretary of the Interior.

To LUKE LEE, Esq., *Commissioner of Indian affairs:*

SIR: On my arrival in California, in the month of September last, I immediately entered on the discharge of my duties, as expressly required by law, to "exercise administrative examination over all claims, and accounts, and vouchers for disbursements, connected with Indian affairs in the State of California;" and also to exercise a general supervision over the "official conduct and accounts" of the Indian agents within my superintendency; and also to discharge the duties of superintendent in relation to the Indians themselves. And in discharge of these duties I have, from time to time, made communications to your office, and now make a general report, to show, as nearly as possible, the condition of our Indian relations in California; and to suggest the measures which I deem necessary for the future well-being of the Indians, and the better management of the public service in relation to them, in that State. In doing this, I premise, what is well known to you, that our laws and policy with respect to Indians have been neglected or violated in that State; that they are driven from their homes and deprived of their hunting-grounds and fishing-waters at the discretion of the whites; and when they come back to these grounds and waters to get the means of subsistence, and also when they take cattle and stock from the inhabitants for food, they are often killed, thus giving rise to retaliation and to wars; and in this way a state of things exists there which is not known in the other parts of the United States, where the Indian intercourse laws are enforced by the government, and Indian territorial possession is protected by the government. This anomalous state of things is necessary to be remembered in order to understand the operations of the superintendent and of the agents in that country.

To remedy this state of things, and to secure to the Indians some resting-place and supply them with some food, and make some compensation for the country taken from them, the established policy of making treaties with them was adopted by the government, and several treaties made, all of which were rejected; so that now the Indians remain without practical protection from law or treaties, and the government officers have to do the best they can to save them from death by massacre or starvation. For that purpose the rejected treaties stipulated for "reserves" for the Indians to live upon, and for supplies of food; and a part of the food, in the form of beef-cattle, was immediately contracted for, and some part delivered; but in some of these deliveries great irregularities occurred, (which I have heretofore communicated) to the great injury of the Indians and the government.

The following official questions and answers between myself and agent Wozencraft, will exhibit what I deem irregularities in his official conduct; and as he is now in this city, he can give the explanations which the case may admit of.

Memorandum of conversation of Superintendent Beale with Agent O. M. Wozencraft: San Francisco, September 14, 1852.

Question 1. With whom were your contracts for beef made?

Answer. The first with Mr. S. Norris.

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Question 2. By whom were they issued to the Indians?

Answer. By the traders appointed by myself.

Question 3. What proof had you that they were issued to the Indians?

Answer. No other proof than the word of the traders themselves.

Question 4. How were the weights estimated?

Answer. By asking any persons who might be on the ground to say what they thought the average weight of the drove to be.

Question 5. Have you any further proof than the mere word of the traders, that the Indians ever received the beef without paying for it?

Answer. None; I have not any. I generally saw the beef which was issued during the negotiation of the treaties. It was not weighed.

Question 6. Have you not given drafts on the government for cattle which are not yet delivered?

Answer. Yes.

Question 7. Have you not ordered beef to the amount of fifteen hundred head to be delivered between the Fresno and Four Creeks, without ever having been in the Four Creeks region?

Answer. I have never been to the Four Creeks region, but have ordered the beef.

Question 8. How many Indians do you suppose the Four Creeks country to contain?

Answer. I do not know.

Question 9. If you did not know, how could you determine the amount of cattle necessary for their subsistence?

Answer. From what was promised them by the treaties.

Question 10. How do you know that the Indians of the Four Creeks ever received any of that beef?

Answer. Nothing further than that I was told so by the traders at the Fresno. I have no proof of it.

Question 11. How far is the Fresno from the Four Creeks?

Answer. Eighty miles.

Question 12. Do you not know that, in some instances, the traders who issued and the contractors for the supply of the beef were the same men?

Answer. I do.

Question 13. Were the contracts made by you verbal, or written?

Answer. With Mr. Norris my contract was simply a verbal one: with Messrs. Savage and Haler it was, on my part, the acceptance from them of a proposition, which I understand was the same as a contract.

I have sometimes, when on a visit to the reservations, seen the traders killing beef for the Indians, but do not know whether it was the beef furnished by me or not. It was the impression on my mind, however, that it was the beef of the government. I was told it was so.

I acknowledge the above answers as those made to E. F. Beale, in reply to questions put by him, in his official capacity as superintendent of Indian affairs for California.

**O. M. WOZENCRAFT,
U. S. Indian Agent.**

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I certify that the above is a true copy of the original in my possession.

E. F. BEALE,
Superintendent Indian Affairs.

—
Statement made by Colonel Williams to the undersigned, this 7th day of June, 1852.

That Doctor Wozencraft proposed to Colonel Williams that he would give to him (Williams) the contract for supplying the Indians with 2,500 head of beeves, upon the following conditions: each beef to weigh 500 pounds, at 12½ cents per pound, or \$62 50 each, provided he (Williams) would pay to Wozencraft one-half the profits after allowing Williams \$10 a head each, which Williams refused to do, but afterwards agreed to pay Wozencraft \$25,000 for said contract as above mentioned; and which agreement was reduced to writing by Wozencraft, and read by him to Williams, which Williams signed without reading, supposing the contents to be as read by Wozencraft. Upon a subsequent interview at San Francisco, Williams found the paper signed by him to be in accordance with the first proposition of Wozencraft, (as above,) and not agreeable to the one subsequently agreed upon, which he signed, believing it to be as read by Wozencraft, for \$25,000; that he (Williams) refused to comply with said agreement; whereupon Wozencraft said he should consider the contract void, as he could do better.

C. S. LOVELL.
G. A. STURGES.

With respect to Mr. Barbour and the delivery to the Indians of the cattle received from Colonel Fremont, and for which drafts were given, it would appear by the accompanying documents that a very small part only went to the Indians, the agent, after receiving the cattle from Colonel Fremont, having put them in the care of an Indian trader, named Savage, (since killed in some affray,) who converted the greater part of them to his own use. The following statement made to me by the person employed by Savage to deliver cattle to the Indians, will show the nature and extent of this malversation:

Official statement of Joel H. Brooks to Superintendent Beale, dated San Francisco, September 21, 1852.

"On or about the 29th August, 1851, I was appointed by Major James Savage, the Indian trader on the Fresno, to take charge of nineteen hundred (1,900) head of cattle that were delivered to the Indian agents, Barbour and Johnson, by Colonel J. C. Fremont, on the river San Joaquin.

"My instructions from Savage were, that when I delivered cattle on the San Joaquin and King's river, and to other more southern Indians, I was to take receipts for double the number actually delivered, and to

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make no second delivery in case any should return to the band; and when to Indians on the Fresno, to deliver one-third less than were receipted for. I also had orders to sell all beef I could to miners, which I did to the amount of about \$120 or \$130, and to deliver cattle to his clerks, to be sold to the Indians on the San Joaquin, at twenty-five cents per pound; and I know that such sales were made to those Indians.

"In October I received a written order from Savage to deliver to Alexander Godey seventy-eight head of cattle, to be driven to the mines, and there sold to miners and others. I was also requested, in the same communication, to destroy the order as soon as read—which was done, after I had read it aloud in the presence of Godey, P. Rainbolt, José de Soto, and Theodore McNabb. In November I received a similar order to deliver to Godey four hundred and fifty head, which was done. The best of these were to be sold as soon as possible, and the remainder to be herded by Godey elsewhere. About the last of November, or first of December, I moved the cattle in my possession on to the river Fresno, and delivered to P. Rainbolt, a person appointed by Savage to receive them, eight hundred head. I also gave to Savage receipts to the number of seventeen hundred head, which I had taken from the Indians. After the cattle went on the Fresno, none were ever delivered to the more southern Indians, although I knew that Tom Kit, the chief of the tribe on the San Joaquin, frequently sent after them. Some were sent to the Indians working for Savage on the 'Coarse Gold Gulch,' and others to stock his rancho on the San Joaquin.

"Utia had charge of that rancho, and was a partner of Savage's, and I have seen some of the cattle I had charge of in their corral.

"I give the above account to E. F. Beale, superintendent of Indian affairs, and intend it as an official statement.

"JOEL H. BROOKS."

With respect to agent McKee's pecuniary operations I have but little knowledge, as his accounts were required to be settled at the department here; but many certificates were presented to me, which he had given out in the name of the government, (believed to be about \$32,000,) and that over and above the appropriation made by Congress. I refused to pay these liabilities, there being no appropriation for that purpose. The following official correspondence applies to some of agent McKee's operations, and his replies are on file in your office. Copies thereof, I understand, will be embraced in the correspondence called for by a resolution of the Senate of the 21st ultimo.

Copy of a letter from Major Wessels to Captain Townsend, A. A. G., dated Benicia Barracks, March 21, 1852.

"I have had the honor of receiving from headquarters Pacific division, copies of communications from the Hon. C. M. Conrad, Secretary of War, Luke Lea, Commissioner of Indian Affairs, and a letter from Redick McKee, Indian agent, all in reference to certain remarks contained in my report as commanding officer of an escort attending the latter gentleman on a tour among Indian tribes from Sonoma valley to

the Klamath river. These papers having been referred to me, I will state in full my reasons for introducing those remarks in my report, premising, however, that they were made officially, as an officer of the government, uninfluenced in any particular by either private or personal considerations, and pointed solely at the system (if so it can be called) of issuing fresh beef to the Indians, as it came under my notice. No accusations were made; and if such inference is drawn by any one, the matter, I suppose, is open to investigation; and in such an event it would afford me much gratification to meet with a result alike advantageous to the government and creditable to all concerned. It is possible that, in alluding to this subject, I have trespassed beyond the bounds of my legitimate duties as commander of the escort; and if such is the fact, I am very willing that every word should be expunged, satisfied with having directed to it the attention of the proper authorities.

"An expedition to Clear lake, and thence through the coast-range to Humboldt bay and Klamath river, had been contemplated in the early part of last summer; and as the time approached for its departure, public attention, to a considerable extent, was directed towards it. It afforded a pretty general topic for conversation; but I observed that the chief point of interest attached to it was a certain herd of beef-cattle destined to follow the march, and for the use of such Indian tribes as were willing to treat. This, however, was previous to my being detailed for that service; and as it was no concern of my own, I gave to it but little attention. On assuming command of the escort, repeated inquiries were made of me as to the manner of furnishing beef to the Indians—whether purchased in open market on the hoof, or contracted for in the usual way with the lowest bidder. Speculation, it was well known, was rife throughout the country, and this seemed to be looked upon as a *grand* speculation. Of course I could give no satisfactory reply to questions of that nature, as it was no business of my own; but from a constant repetition of the subject my attention was, and unwillingly, directed towards it. I heard the belief repeatedly expressed 'that it was a swindling transaction;' that 'the herd of beef-cattle controlled the movements of the expedition;' and it is possible that I have expressed the same opinion. It may have been an erroneous one, and I hope it was.

"It was observed that a son of the acting Commissioner, holding the appointment of secretary, was agent for the owners of the cattle, and had entire control of the issues. It was also believed that he was a partner in the concern, or directly interested in the profits. Such was my own belief, having been so informed by the chief herdsman of the drove; and this is one feature in the system which I could not fail to condemn.

"At one time some eight or ten head of cattle were turned over to Indians on the hoof, their weight being estimated, as I believed at the time, in a very careless way, to say the least, and the amount reported to the Commissioner. The accounts will show whether the contractors had any reason to complain of the profits, since seventy-five dollars, with a certain share of the profits, was paid for the largest and best American oxen in the herd, as I was informed by the owner of them.

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"On another occasion a small quantity of beef, which could not otherwise be disposed of, was reported to the Commissioner as having been issued to Indians in his temporary absence, when no Indians were present to receive it, and never did receive it; this being related to me by the man who killed the animal, and who ought to have known the circumstances, being at the time employed as a kind of sub-drover to the herd. If this information was correct—and I believe it was—the Commissioner was deceived, and a fraud, to a small extent, was perpetrated on the government. I know myself that no Indians were in camp at the time; at all events, whether true or not, I was satisfied in my own mind that frauds could be practised with impunity unless a different system of accountability was adopted.

"At another time, a beef, broken down on the road and unable to walk, was butchered at a distance of nearly a mile from camp, by the same individual above mentioned, and he was directed by the chief drover to dress the animal, and leave it there for issue to Indians, when no Indians were present; this was told me by the man himself, as a first-rate joke, showing how easy it was to dispose of broken-down cattle. Of course I am not aware that this beef was charged as an issue, but was satisfied that the occurrence took place as stated; and if actually charged, the Commissioner was deceived.

"There are tangible points in the system, forced upon my attention, which caused me to allude to the subject in my official report, and which led me to believe that a better one could be adopted."

Agent McKee was furnished with a copy of this letter; which being communicated to Captain Wessels, he replied as follows, adhering to his first positions with a few slight qualifications:

Extract of a letter from Major Wessels to Captain Townsend, A. A. G., dated Benicia Barracks, March 30, 1852.

"The communication of Colonel R. McKee, Indian agent, dated 26th instant, addressed to the commanding general Pacific division, has been referred to me; and after perusal, I must beg leave to insist upon the position assumed by myself, as set forth in my official report of November last, and communication of 21st instant, in regard to issues of beef to Indians. The system I still maintain is open to great abuse, and on that account the subject was alluded to in my report. It was my intention to be accurate in every particular; but it is possible that my assertion in regard to the secretary of the commission 'having entire control of the issues' should have been less comprehensive, and I am willing to qualify that remark so far as to say that the secretary had 'entire control of the herd of cattle intended for issue,' which was the fact. No reference whatever has been made by me to 'rumors rife throughout the country;' my statements are mere facts, just as they occurred. I mentioned that 'speculation was rife,' and on this account attention was directed to the herd of cattle as a speculation of magnitude, inquiries being frequently made of me as to the nature of the contract, by different individuals anxious to engage in it."

Copy of a letter from Colonel E. A. Hitchcock, 2d infantry, to Superintendent Beale, dated San Francisco, September 21, 1852.

"I have just received your communication of this date, requesting such information as I may be able to furnish you, likely to be of service in the execution of your duties as superintendent of Indian affairs in this country; and asking transportation for agent R. McKee, with the troops about to proceed to the northern boundaries of the State.

"Our duties will necessarily have much influence upon each other, and it will afford me the greatest pleasure to furnish you any information I may chance to have, which may promise to be useful. In regard to agent McKee, I regret to say, but do so from a sense of duty, that his presence with the troops will not, in my opinion, be productive of any advantage to the public. Information to some extent, and rumor to a much greater extent, have impaired my confidence in Colonel McKee's usefulness as a public agent, and I do not hesitate to request that he may not be directed to accompany the troops."

With respect to sub-agent Johnson, I made a communication to the department on the 30th September, 1852, (of which I here give an extract,) and add that he has given out various certificates, of which some were presented to me for payment, and refused; also that he drew drafts, of which one was for cattle which had not been delivered; and of all which transactions he may have made a report to the government.

Extract of a letter from Superintendent Beale to Luke Lea, Esq., Commissioner of Indian Affairs, dated San Francisco, September 30, 1852.

"Adam Johnson, late Indian sub-agent, called on me a few days ago with the verbal request that I would settle his accounts. It appears he was dismissed from the service in January, and has nevertheless failed, since that time, to forward his accounts for settlement. As the date of his dismissal was previous to my appointment, and the fault that his accounts remained unsettled his own, I certainly did not feel that he had any claim on me. I replied to him, however, that if he brought the subject before me in an official manner, I would give it my attention. I believe he has since sent them to Washington."

I believe the drafts drawn for cattle not yet delivered, were for 2,100 head, of which 700 were by agent Wozencraft, and 1,400 by sub-agent Johnson. These transactions took place before I was appointed superintendent, and are reported for the information of the department and the explanation of the parties. Agent Wozencraft is here, and the holders of the Johnson drafts also.

I now turn to the condition of the Indians in California, and the necessity of doing something for their relief and protection. Their condition is truly deplorable; driven from their hunting and fishing grounds, in danger of starving, many of them made to work entirely without compensation, and continual massacres going on. To give an account of all these is impossible, and I shall chiefly have recourse to official reports heretofore made as a sample of what is done, and to show the

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necessity of relieving them. And, first, I give an instance of this new mode of oppression to the Indians, of catching them like cattle and making them work, and turning them out to starve and die when the work-season was over. It relates to a scene of which there are many instances, and the knowledge of which coming to me from report, I sent out a reliable person to attend to the case. It must be added that these oppressed Indians, while actually starving to death, were only fifteen miles from San Francisco, surrounded by settlers and their stock, and took nothing. The indictment spoken of I consider as ending in nothing.

Copy of a letter from J. H. Jenkins to Superintendent Beale, dated San Francisco, January 13, 1853.

"I have the honor of informing you that, in obedience to your letter of instructions of date December 8, 1852, I went over to the San Pablo rancho, in Contra Costa county, to investigate the matter of alleged cruel treatment of Indians there. I found seventy-eight on this rancho, and twelve back of Martinez, and they were there most of them sick, all without clothes, or any food but the fruit of the buck-eye. Up to the time of my coming, eighteen had died of starvation at one camp: how many at the other I could not learn. These Indians were brought into this county from some place near Clear lake by Californians, named Ramon Briones, Ramon Mesa, José M. Quiera, José Francisco, and Juan Beryessa, who have for some time made it a business of catching, and in various ways disposing of them, and I have been informed that many Indians have been murdered in these expeditions. These present Indians are the survivors of a band who were worked all last summer and fall, and as the winter set in, when broken down by hunger and labor, without food or clothes, they were turned adrift to shift for themselves as best they could. Your timely interference in behalf of these unfortunate people has saved the lives of most of them, for Indians could not have lived through such weather as we have had without any food, clothing, or shelter.

"I distributed all the well among families around, who are to feed, clothe, and protect them till your further orders. I have made provisions for the sick to be fed. I am happy to inform you, to show the good character of these Indians, that even when starving, and surrounded with horses and cattle, yet I heard no complaint of their stealing. These people could easily be made to support themselves, and their condition changed for the better. The grand jury of the county has found bills against these men, and I presume their trial will come on next term."

These Indians were offered by their captors to the farmers in the neighborhood for hire at a dollar a day; but that price was considered too high for beings so low in flesh, and rather than lower the price they were allowed to starve as reported. It is a common practice, and I know it to be such, to catch Indian children when they are out gathering acorns, and take them and hold them as slaves. Not two months ago I was implored to restore some which had been taken from the

Yo-Kci tribe in this way. I know there are a great many Indians held as slaves in this way, or taken captive in some of the forays I have described.

By the last mail from California, I have received the following letters on the same subject. I here submit them. They need no comment :

MARTINEZ.

DEAR SIR: I have the honor to acknowledge the receipt of your favor of the 15th ultimo, in which you desire such information as I may have concerning treatment of Indians in this county. I most cheerfully respond to your wishes. In the discharge of my duties as district attorney I obtained the following information, which is substantiated by reliable evidence.

Ramon Briones, Mesa, Quiera, and Beryessa, of Napa county, are in the habit of kidnapping Indians in the mountains near Clear lake, and in their capture several have been murdered in cold blood. There have been Indians to the number of one hundred and thirty-six thus captured and brought into this county, and held here in servitude adverse to their will. These Indians are now said to be in the possession of Briones, Mesa, and Beryessa, and sundry other persons who have purchased them in this county. It is also a notorious fact that these Indians are treated inhumanly, being neither fed nor clothed; and from such treatment many have already died, and disease is now threatening destruction of the remainder. All the Indians I allude to were brought here forcibly and against their will. From my observation, that class of population who have these Indians treat them more like brutes than human beings.

There is also a regular organized company of persons who capture and sell these Indians, and several have lately been so disposed of to William and Ramon Castro.

There is now pending a suit against the persons above named for kidnapping these Indians, but the statutes of this State afford no adequate protection against cruel treatment of Indians.

Respectfully,

R. N. WOODS.

J. H. JENKINS, Esq.

SAN FRANCISCO, *January 30, 1853.*

SIR: Information having been forwarded to me that the band of Indians on the San Pablo rancho, Contra Costa county, had been stolen off in the absence of Mr. H. B. Edwards, I informed your clerk, Mr. F. Kerlin, of the fact, and he, upon consultation with General Hitchcock, deemed the matter of sufficient importance to be taken notice of. I therefore, acting under letter of instructions to me of December 9, 1852, immediately went up to Martinez, where I supposed the persons carrying the Indians off would endeavor to cross them over to Napa county. When I arrived, I was informed that the day before the two native Californians, Ramon Briones and — Beryessa, had attempted to pass over the bay; but as warrants were already out for

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their arrest, they were lodged in prison. The facts in regard to the cruel treatment of the Indians by these parties being well known, and their wretched appearance whilst being driven down to the boat so exasperated the people of the town, that only their respect for the law kept them from breaking in the prison and hanging them on the spot. There will be a term of the court next week, by which time I hope another one of the parties will be arrested.

I found the Indians encamped at an old adobe house back of the town, and without anything to eat, and many of them sick; and in this condition they must have been driven from San Pablo. As they had shelter, I merely made arrangements to supply them with some barley to keep them from starving till such time as Mr. Edwards arrives, which will be in a day or two. It is indeed shameful that such men as these parties should be suffered to interfere and defeat the aims of government, and exercise such cruelty towards these Indians—than whom they are but little better—and yet have no law to punish them, except for kidnapping them.

Colonel R. N. Wood, the district attorney, informs me that there could be evidence enough had, with a little trouble and money, sufficient to convict these parties of murder. As Ramon Briones has been admitted to bail, and has friends, he may still endeavor to carry off the Indians. To guard against this, I have requested several personal friends of mine to prevent this at all hazards.

Hoping that what I have done may meet your approbation, I remain your obedient servant,

J. H. JENKINS,
Special Agent.

EDWARD F. BEALE, Esq.,
Superintendent Indian Affairs for California.

Copy of a letter from Roderick McKee, Esq., to Hon. Luke Lea, Commissioner, dated San Francisco, April 5, 1852.

“Since my regular despatch per this steamer was mailed, I have received from the temporary agent in Shasta and Scott’s valleys very unpleasant news, revealing the murder almost in cold blood of some thirty or forty Indians at the *ferry to upper crossing* of the Klamath, and at *Indian Flat*, two miles above, on or about the 12th ultimo. Some time before, a young Indian, whom I had seen at ‘Happy Camp’ in November, and had commended to the protection of Judge Roach, had, it appears, been shot by a man named Irvin R. Tompkins. He (the man shot) was connected with the Indians at the ferry, some of whom made complaints about his death, and gave some miners in the neighborhood the idea that they (the Indians) contemplated revenge. Instead of going to the agent, who, with his interpreter, could have settled the matter amicably in a few minutes, the miners went down to ‘Happy Camp,’ expressed their fears, raised a party, returned, surrounded the rancheria at the ferry, and shot down all the men there, with several women; they then proceeded two miles farther up to the other village, and in like manner surrounded it, and killed the inmates.

In all some thirty or forty fell. The women and children who escaped fled to Scott's valley, where, the agent says, they are mourning the loss of their friends, and almost wholly dependent upon him for food.

"What will be the result of this breach of treaty-arrangement, and most unnecessary and cruel sacrifice of life, is of course unknown; but I have fears that the law of retaliation, so deeply implanted in the Indian nature, will again overcome all prudential considerations. I have received accounts of an almost similar outrage committed by a small party of whites upon the Indians at Humboldt bay and Elk river, resulting in the death of some fifteen or twenty.

"There are many right-thinking, considerate men in this country, who deeply deplore this savage spirit on the part of some of the settlers; but living so far distant from the county seats, and their own lives and property at risk, they are afraid to speak out as they otherwise would.

"I will (I hope) receive further advices in a few days, and by the next mail will write you again.

"In the mean time I design appealing to the governor of the State to order a rigid scrutiny into the facts of these outrages, and take such measures as may be proper to bring the offenders to justice. In all the frontier settlements there are many men from Missouri, Oregon, Texas, &c., who value the life of an Indian just as they do that of a *coyote*, or a *wolf*, and embrace every occasion to shoot down. I despair of seeing the peace of these settlements fully established until the laws of the State are enforced; some terrible examples made; or the government of the United States send the military commandant of this division the men and means to establish several small military posts to protect the Indians from such attacks."

Extract of a communication from Agent Wozencraft to Superintendent Beale, dated San Francisco, September 9, 1852.

"In conformity with your request, I hasten to place before you a brief synopsis of the state of affairs as they now exist within my district, likewise within the southern district, which fell under my supervision, by request of the agent who formerly had charge of said district. An emergency, however, occurred subsequently, which rendered it imperative on me to visit and act in said district.

"Since my last report to the department, dated June 23, 1852, there has been no material change or event in the above-mentioned districts of much moment, with the exception of an occurrence of rather an alarming nature—one which was well calculated to induce the Indians to break their fealty. It was in consequence of having a number of their people killed by a party of whites. This occurred within the reservation on the Fresno river, in the early part of July; and as they (the Indians) appeared to be ignorant of a cause sufficient to incite and bring down on them such summary punishment, it was well calculated to produce serious results, which in all probability would have occurred had not General Hitchcock taken active measures to prevent it.

"Immediately on learning that there was a probability of such a design against the Indians, I hastened up, with a hope of being able to prevent it; but, unfortunately, the fatal act was consummated before

my arrival. So hasty were they, indeed, that the Indians themselves were unapprized of the fate that awaited them.

"Most all the Indian men were absent at the time, at work some distance from home. After informing myself of the particulars, I deemed it due to the Executive of the State to inform him of the fact, as the probability was it might terminate in a war. The following is a copy:

"FRESNO RIVER, July 13, 1852.

"HONORED SIR: I deem it proper to inform you of a serious occurrence which has lately transpired on King's river, where a party of men are charged with having made an attack on some Indians, living within a reservation set apart for their occupancy, and having killed several of them.

"The facts of the transaction, as stated to me, are of such an aggravated nature that I deem it my duty to take cognizance of it, as the only means of preserving the peaceful relationships established and now subsisting between the Indians and the whites; and I cherish the hope that the Executive of the State will deem it of sufficient importance to join with me in maintaining the supremacy of the law, as the only sure means of preventing the recurrence of similar outrages and preventing a war.

"Please address me at San Francisco, where I expect to be on the 16th inst.

"Very respectfully, your obedient servant,

"O. M. WOZENCRAFT,

"U. S. Indian Agent.

"Hon. J. BIGLER,

"Governor of the State of California."

"I regret to say that I have not received an answer to the above communication, and am thus left in doubt whether or no the governor deems the subject of sufficient importance to claim his attention.

"I returned to San Francisco with a view of having warrants issued for the accused parties, and thus bring them to trial before the federal court, but I am sorry to say that I have been disappointed.

"The United States district attorney, after giving the subject that attention which its importance demanded, informs me that he was not aware of the existence of any law that would apply in the case, the federal court having no jurisdiction in cases where life was taken.

"The gentleman who commanded the party in this unfortunate affair was soon after elected county judge; consequently I did not think it worth while to prosecute him in his own county."

The above-mentioned massacre has many cruel aggravations. It was upon a "reservation" secured to the Indians upon the faith of the United States. It was plotted for weeks, and so well known to the whites, that news of it went three hundred miles to agent Wozencraft, at San Francisco, and he had time to get nearly to the place before it was perpetrated; and kept so secret from the Indians, that they had no suspicion until the attack was upon them. It was a massacre of defenceless women and children. The men were absent and at work

the head man, *Pasqual*, a Christian Indian and a good man, to me well known for years, being actually at work on the house in which I passed a part of last winter, at another reservation, and when he went home from work, found all his family destroyed. It is a reality of the history of Logau's family; and for all this there was no redress in the country. The governor of the State did not answer the letter officially addressed to him. The United States district attorney could find no law to apply to the case; and the leader of the massacre was elected county judge.

There are from 75,000 to 100,000 Indians in that country, and probably not a week passes in which some are not killed, or worked and starved to death. Accounts of the killings usually appear in the newspapers; and as such accounts are mostly derived from the actors, they appear as war exploits, and expeditions for which the United States is called upon to pay. The total demand for Indian wars in California, it is believed, is near a million of dollars.

I will only mention two other instances of these massacres—one the famous case of the Trinity river. This river, falling into the Pacific from the high, rugged country some distance north of San Francisco, is noted as the best in the country for salmon fish, which constitutes almost the whole subsistence of the Indians upon it. The whites took the whole river and crowded the Indians into the sterile mountains, and when they came back for fish they were usually shot; and if they took cattle, or were suspected of taking cattle, they were pursued and punished, and their villages sometimes attacked. In the spring of the last year some Indians were charged with taking cattle. A party went against a village, surrounded it in the night, attacked at day-break, killed the whole (chiefly consisting of women and children, the men being absent) except one woman and child taken "*prisoners*," carried home a bag full of scalps—reported in the newspapers at 150, but believed to be about 130—and all without loss to themselves, which proves the character of the operation.

The second instance I will mention is this:

In a conversation on the subject of Indian affairs with General Hitchcock, just previous to leaving California, I mentioned the fact that I had seen in the papers a long and flourishing account of a victory gained by a party of whites over a tribe of Indians, somewhere in the northern district, and it was from that officer I learned the following story of this affair: A party of Indian fighters had been on a long hunt after Indians, and unsuccessful in finding any. Being determined, however, not to come in without scalps, they sent for some Indians who were living near to make a treaty with them. These Indians slept in the white camp that night, eating peacefully with—as they supposed—their friends. In the morning the commander of the white party ordered his men to discharge their rifles and load afresh, so that each might be sure of his gun. He then disclosed his plan; which was, that at the crack of his pistol they were to commence the massacre of their guests. The plan succeeded admirably. All the Indians were killed; and the *victors* returned with the scalps of thirty Indians to the nearest mining town, where they received an enthusiastic welcome from the citizens. This was told General Hitchcock by one of the actors in this glorious affair. At the same time a United States force of reg-

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ular soldiers was in the vicinity for the purpose of chastising the Indians, should there prove any necessity for doing so.

Another instance is the following, brought by the last mail :

“ News from the Interior.—Marysville.

“ A correspondent of the *Marysville Herald*, writing a few weeks since from Lyon's ranch, giving an account of an affray with the Indians, which resulted in the death of eighteen or twenty, writes again under date of 15th inst :

“ Yesterday, evening, information was received that the old chief was at Frenchtown, a mining settlement across the West Branch, four or five miles distant, openly threatening vengeance upon the whites for the severe castigation they had received. A party of eight was immediately formed, and at 6 o'clock set out from Hasty's ranch, crossed the river, and arrested and brought back the old chief, arriving before 11 o'clock. After binding him, a strong guard was placed over him to prevent the possibility of his escape, until this morning, when he was removed about a mile, to Lyon's ranch; and after a short deliberation, it was unanimously resolved to hang him at once. Arrangements were soon made, and the redoubtable old brave, who has figured so conspicuously in every Indian affray of importance in this region since the introduction of the whites, after calmly surveying the preparations made for his execution, met his fate with consummate bravery. He was suspended by the neck to the limb of an oak in the neighborhood. The vote deciding upon this course was unanimous, but there is at least one who strongly doubts the policy or justice of the proceeding. Time will show. There are still two chiefs remaining, and a tribe that can muster at least 250 fighting men, in the immediate neighborhood of a small scattered population of exposed and defenceless whites. What course they, together with their allies, the Tigres and Nimskews, will pursue, remains to be seen.”

I remark upon the above :

1. That no whites appear to have been killed in this “*affray*” where 18 or 20 Indians were killed—a full proof that it was a massacre of helpless and defenceless beings, perhaps mostly women and children.

2. That the “*old chief was at Frenchtown openly threatening vengeance.*” This is so contrary to Indian habits, that I set it down as an entire untruth. An Indian (and an old man at that) does not go into a town to “*threaten vengeance.*” If he wants vengeance, he goes privately and takes it.

3. The unanimity of the vote for hanging the old man is, with me, no sign of its justice; and as for his courage in dying, that is natural to the Indian character, and especially in these California Indians, who are reduced to despair—their country, and all support, taken away from them; no resting-place, where they can be safe; death on one hand from starvation, and on the other by killing and hanging.

I now come to the remedy that is proposed for these wrongs, and which is supported by the approval of the military commander, the governor, and lieutenant-governor of the State, as the following letters show:

VALLEJO, CALIFORNIA, *February, 1853.*

To his Excellency the President of the United States :

We desire to recommend to your careful and favorable consideration the plans proposed to be adopted by the superintendent of Indian affairs, Lieut. Beale, for the government of the Indians of this State.

The Indian policy for this State should be carefully devised and rigidly enforced. The character of Lieut. Beale is well known. His knowledge of the customs and habits of the Indians of this State has been acquired by a residence among and around them, and, together with his experience in border life, eminently qualify him to submit some feasible plan of future operations to the administration, whereby the lives and property of our people may be secured, and the condition of the Indians improved, at a greatly reduced tax on the general and on our State government.

These, to a great degree, we believe, will be attained in the adoption of the plans proposed by him.

And in this connexion we beg to deprecate the removal of Lieut. Beale from his present position, but hope that it may be the pleasure of the administration to continue him here, to elaborate the system projected; for on the successful development of this policy, we think, depends much of the prosperity of the people on the borders of our State.

JOHN BIGLER, *Governor.*

SAMUEL PURDY, *Lt. Gov'r.*

The Indians of this country do not hold labor in disgrace, as those do who live on the Atlantic side of the continent. They labor freely, and in the time of the missions did nearly all the labor of the country, cultivating and building; and memory and tradition presents it as the happiest period of their lives. I know they would rejoice to get back into such a condition; and they hope to find it in the military reserves, if established. At a place where I have collected five or six hundred between the Mariposas and San Joaquin, and where I make frequent visits and temporary abode, they are now working about twenty ploughs, and about one thousand acres will be cultivated this year. The ploughing is well done, and other Indians are begging the same privilege. The plan of military reservations which I have proposed to the government is eagerly embraced by the Indians, reminding them, as it does, of their peaceful and happy times at the missions, and is entirely approved by the United States commanding officer in the country, as the following letter from General Hitchcock will show:

Copy of a letter from General Hitchcock to Colonel Cooper, dated San Francisco, November 29, 1852.

"I deem it necessary, for such use as the Hon. Secretary of War may think proper, to express an opinion, carefully formed, in favor of the plan proposed recently by Mr. Beale, the superintendent of Indian affairs in this division, for adjusting and placing on a permanent basis our relations with the Indians in this country. Mr. Beale has fully explained to me his views on this subject, as communicated a few weeks since, by letter to the chief of his department at Washington city, and

it appears to me that the choice of the government lies necessarily between accepting that plan and giving the Indians over to rapid extermination or expulsion from the State. The objection to the plan is the apparently new policy of assuming direct control over the Indian lands, and providing for the Indians, giving them the alternative of accepting such arrangements as the government may make, or of being treated (or maltreated) at the pleasure of the white settlers.

"In answer to this, it should be considered that these Indians have never been recognised by the Spanish or Mexican government as having independent rights in the country; and therefore, as far as they are concerned, the proposed policy would introduce no decided change, but, on the contrary, in respect to dominion, would be such as they have been accustomed to. In regard to the settlers, it is not to be denied that there is serious difficulty; but the real question is, whether they shall, in an unregulated manner, determine our intercourse with the Indians, inducing expensive wars, with other evils, or whether the government shall establish some limits and rules for this intercourse.

"By the plan proposed, a small portion of land is to be set apart within which there is to be a military post, and some provision made for the subsistence of the Indians, to be supplied as far as possible from their own labor. Within this reserve the Indians are to be protected, but not beyond it. This reserve would naturally be selected near the mountains, leaving the latter for the range of the Indians extending interior without limit.

"The system might be commenced with one or two posts at first where most needed, as on the headwaters of the San Joaquin, at the base of the Sierra Nevada, and at some point on the upper waters of the Sacramento; and the system could be extended as the requirements of the country and experience might indicate the necessity for it.

"The present course tends to exasperate a large body of Indians, a remnant of which in a very few years will be driven beyond the Sierra Nevada, carrying with them a leaven of bitterness among extensive tribes with which we have as yet had no intercourse. They would carry with them, also, some knowledge of fire-arms, and an instructed spirit of war hitherto unknown on this coast, and the result could not fail to be the most savage and desperate warfare for an indefinite period, making a pacific transit over the continent next to impossible for a great many years.

"It is a mistake, in my judgment, to suppose that the Indians on this coast, except perhaps a few 'digger bands,' differ materially from those found by the pilgrims at Plymouth, from whose descendants there sprang up in time a Philip or a Tecumseh. It is by no means certain that the seeds of dreadful massacres and barbarities are not already sown.

"In introducing the proposed policy a considerable discretion should be allowed to the superintendent, as it will be impossible to decide at Washington upon minute details, and the military should be clothed with a suitable authority, to give effect to the plan.

"It is of manifest importance that there should be a harmony of action between the superintendent of Indian affairs and the military commander on this coast; and, if I am to be retained on duty here, I

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desire to express a wish that Mr. Beale may be continued in the superintendence of Indian affairs. He has a more extensive acquaintance with the Indians than any other man in the country, and brings to the performance of his duties an earnest zeal, a humane spirit, an untiring perseverance, and an honest independence."

In conclusion, I recommend—

1. For the immediate subsistence and support of the Indians, the sum of half a million of dollars.

2. For their permanent support and protection, military reserves, where a few soldiers can be stationed, and where they will support themselves by labor.

3. That all the officers employed in California, in the Indian service, shall reside on these reserves, or among the Indians. I have an abode between the Mariposas and the San Joaquin, about 300 miles from San Francisco.

4. That the Indian agencies shall be abolished, and six sub agents appointed, at about \$1,500 each, to reside with the Indians, and assist them in cultivation, as well as discharging other duties.

I remain, very respectfully, your obedient servant,

E. F. BEALE,

Superintendent of Indian Affairs, California.

WASHINGTON, *February 25, 1853.*