

No. 37.

DEPARTMENT OF THE INTERIOR,  
*Office of Indian Affairs, April 26, 1864.*

SIR: I enclose for your information a copy of an act of Congress approved on the 8th instant, entitled "An act to provide for the better organization of Indian affairs in California."

In order to carry this act into effect, you have, at the instance of the congressional delegation from California, been appointed by the President, by and with the advice and consent of the Senate, superintendent of Indian affairs for said State.

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It has long been apparent to this department that the organization of the Indian service of California was very defective under the laws in existence prior to the passage of the act of the 8th instant, and it is to be hoped that this act, supported by the delegation from California, will result, as its title imports, in a "better organization." The immediate realization of this hope will, however, depend in a great measure upon the wisdom, prudence, and skill which, from representations made, will, I doubt not, be brought to bear by you in inaugurating the new policy; and in this view, it is proper that a few suggestions should be made based upon the past experience of this office.

You will observe that it is now proposed to establish not exceeding four reservations for the use of the Indians of California, from which all whites except government employes are to be excluded.

The proper location of these reservations will be among the first and most important duties arising under the new law; hence I am solicitous that you give this subject your immediate and careful attention, in order that the department may avail itself of your judgment in making the locations. There is no more fruitful source of difficulty than that occasioned by settlements of whites in the immediate vicinity of Indian reservations, and for this reason the law under consideration wisely provides that the new reservations shall be "as remote from white settlements as may be found practicable, having due regard to their adaptation to the purposes for which they are intended." I cannot too strongly urge the importance of this feature of the law. It will be difficult, and perhaps impossible, to find an isolated tract of country sufficient in area and well adapted to the purpose upon which settlements have not been made by whites; hence, it is further provided that the Secretary of the Interior may contract with such settlers, who may be lawfully upon the land selected, for the purchase of their improvements. The financial condition of the country imperatively enjoins upon all public officers the exercise of the most rigid economy, and for this reason the locations should be made so as to embrace the least possible number of improvements made by whites, that the liabilities arising under this feature of the law may not be unnecessarily large.

Another indispensable requisite to the success of the new policy is, that the

268 REPORT OF THE SECRETARY OF THE INTERIOR.

reservations shall be ample in extent, and shall contain a sufficient amount of arable and pasture land to enable the Indians to engage in agricultural and pastoral pursuits. You will observe, from a perusal of the law, that, to the extent of the number authorized, the present reservations may be retained, and may be enlarged to such an extent as may be necessary, in order to their complete adaptation to the purposes intended. I understand that at the Round Valley reservation there are arable lands lying adjacent and extending to the surrounding mountains, which are occupied by whites. It was to meet such a case as this that the provision just mentioned was incorporated in the law, so that in case that or other reservations similarly situated shall be retained, they may be enlarged so as to extend to the summits of the adjacent mountains, thereby precluding the possibility of whites establishing their settlements in the immediate vicinity. I do not wish to be understood as expressing an opinion in favor of Round valley, but simply mention that point to illustrate the object of the provision under consideration, and to express my views as to the kind or character of the boundaries which should be established for Indian reservations. Smith River reservation has also been represented as a very suitable point for a reservation, on account of its peculiar location and the facility with which natural boundaries for the same, of the kind indicated, may be established.

By the last section of the act all offices and employments connected with Indian affairs in California, not provided for by said act, are abolished. This will, of necessity, devolve upon you the duty of making such temporary appointments of special agents as may be indispensable to a proper regard for the wants of the superintendency and the public interests involved; such agents to act only until the reservations provided for can be selected and established. Owing to the great distance, and the length of time that must necessarily elapse in communications between you and this office, it is thought proper to request that you should name such number of persons as will be required for the several agencies hereafter to be established upon the reservations, and who, in your judgment, are qualified for the position of agent, by their prudence, wisdom, experience, and upright character. The names thus presented will be submitted to the congressional delegation from your State, and, if they concur in your recommendations, will be presented to the President with a request that they may be appointed. In selecting persons for recommendation, you will, of course, understand that you are not precluded from considering the claims of agents who were in office at the time the new law took effect, and if you believe them faithful their experience may be of use to you.

*In passing from the old to the new system, it is reasonable to anticipate that more or less confusion will arise; but it is hoped that prompt and prudent action will be taken by you to inaugurate the new system with the least possible delay. Your predecessors, or, rather, the late superintending agents, will be instructed to turn over to you all books, papers, records, and public property in their hands relating or belonging to the Indian department, and requested to give you such information as may be in their possession relative to the present condition and the immediate requirements of the Indian service in California.*

In conclusion, I desire to assure you of the hearty co-operation of this office in all your efforts which shall, in its judgment, appear for the welfare of the Indians committed to your charge, and trust that your accession to the office of superintendent of Indian affairs will prove the beginning of a reformation in the conduct and management of our Indian relations in the State of California which will be at once creditable to you and beneficial to the Indians and citizens of your State.

In order that you may be advised of the general scope of Indian affairs in your superintendency during the past few years, I have this day caused to be mailed to your address the annual reports of this office to the Secretary of the Interior for the years 1861, 1862, and 1863.

REPORT OF THE SECRETARY OF THE INTERIOR. 269

I shall be pleased if you will communicate freely with this office upon such subjects, pertaining to Indian matters in California, as from time to time may arise, in order that the department may, to the fullest extent, avail itself of your judgment, and that it may be made as thoroughly and minutely acquainted with their present and prospective conditions and requirements as may be found practicable. It is also desirable that, in submitting estimates for funds required for the use of the superintendency, you should specify with as much detail as practicable the objects for which the same are desired.

Very respectfully, &c.,

CHARLES E. MIX,  
*Acting Commissioner.*

AUSTIN WILEY, Esq.,  
*Sacramento, California.*