INDIAN TRIBES OF CALIFORNIA

COMMITTEE ON INDIAN AFFAIRS,
HOUSE OF REPRESENTATIVES,
TUESDAY, MARCH 23, 1920.

The committee met at 10.30 o'clock a. m., Hon. Homer P. Snyder (chairman), presiding.

The CHAIRMAN. We will proceed with the hearing, gentlemen, on H. R. 17238. Mr. Baker, the introducer of the bill is here, and we will be glad to hear him, particularly with regard to the nature of the claims that it is desired to present in the bill.

STATEMENT OF HON. JOHN E. RAKER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA.

Mr. RAKER. Mr. Chairman, I would like to have the bill inserted in the record—printed as part of the record—and I ask also that the report of the Secretary of the Interior on the bill be inserted. It is short and to the point. It is favorable, and without reading it I ask that it go into the record.

Mr. CHAIRMAN. I prefer to have you read it, and without objection the bill and the report will go into the record.

(The papers referred to follow.)

A BILL Authorizing any tribes or bands of Indians of California to submit claims to the Court of Claims.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all claims of whatsoever nature which any tribe or bands of Indians of California may have against the United States may be submitted to the Court of Claims for determination of the amount, if any, due said tribes or bands from the United States for lands formerly occupied and claimed by them in the said State, which lands are alleged to have been taken from them without compensation; and jurisdiction is hereby conferred on the Court of Claims, with the right of either party to appeal to the Supreme Court of the United States, to hear and determine all legal and equitable claims, if any, of said tribes or bands against the United States, and to enter judgment thereon.

Sec. 2. That if any claim or claims be submitted to said court, they shall settle the rights therein, both legal and equitable, of each and all the parties thereto, notwithstanding lapse of time or statutes of limitation, and any payment which may have been made upon any claim so submitted shall not be pleaded as an estoppel, but may be pleaded as an offset in such suits or actions, and the United States shall be allowed credit for all sums heretofore paid or expended for the benefit of said tribes or any band thereof. The claims or claims of the said tribe or any band thereof may be presented separately or jointly by petition, subject, however, to amendment, said to be filed within five years after the passage of this act, and such action shall make the petitioner or petitioners party plaintiff or plaintiffs, and the United States shall be the party defendant, and any band or bands of said tribes the court may deem necessary to a final determination of said suits or suits may be joined therein as the court may order. Such petition, which shall be verified by the attorney or attorneys employed by the aforesaid tribes or bands of Indians of California, shall set forth all the facts on which the claims for recovery are based, and said petition shall be signed by the attorney or attorneys employed, and no other verification shall be necessary; official letters, papers, documents, and public records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said tribes or bands thereof to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys for said tribes or bands of Indians.
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Sec. 3. That upon the final determination of such suit, cause, or action, the Court of Claims shall decree such fees as it shall find reasonable to be paid to the attorney or attorneys employed therein by said tribes, subject to approval by the Secretary of the Interior and the Commissioner of Indian Affairs and under contracts entered into and approved as provided by existing law, and in no case shall the fees decreed by said court be more than 10 per centum of the amount of the judgment recovered by such cause, such fee to be paid from said judgment.

Department of the Interior.


My Dear Mr. Snyder: I am in receipt of your letter of February 23, 1920, referring for report a copy of H. R. 7828, authorizing any tribes or bands of Indians of California to submit claims to the Court of Claims.

The claims of these bands or tribes of Indians, as shown by the bill, is for compensation from the General Government for lands formerly occupied and used by them in California, which lands are alleged to have been taken from them without payment and disposed of as public domain.

As these Indians believe they have a moritorious claim against the United States and the said bill properly protects their interests and the interests of the Government as well, I recommend that it receive your favorable consideration.

Yours truly,

Alexander T. VogeIang.
Acting Secretary.

Hon. Hon. P. Snyder,
Chairman Committee on Indian Affairs, House of Representatives.

Mr. Raker. Mr. Chairman, the assistant commissioner, Mr. Meiritt is also present, and before we get through with the hearing I would like to have you hear Mr. Meiritt and also Dr. Wooster, of the department.

I want to say, also, that the committee may understand the situation fully, that we had the fullest cooperation and assistance in fact the real preparation of this bill has been by the department, for the purpose of drawing a proper bill, so that it would not take the extra time of the committee in going over its form, as well as to harmonize the general legislation, and as the report says, to protect the Indians and also the Government, so that the matter, if favorably acted upon by Congress, might be in such position that full, fair, and equitable trial might be had for the adjustment of these alleged rights.

This is rather an extensive question in a way, Mr. Chairman, and I am just a little bit hesitant as to the method although I have it all arranged in my mind—of presenting it to the committee. To my mind there seems to be but one point in the matter before the committee, and that is to present to them a prima facie case that will justify the passage of the act by the House, and then as to the many ramifications, and the real legal question involved up to the Court of Claims for their determination.

At this juncture I desire to say that some of these Indians have had some little provision, and it might trickle along for many years. It is sort of revolving, rotating, but this bill authorizes the deduction of any benefits they have received, and then authorizes the court, of course, to adjudicate their rights, and deduct any benefits they have received, so that whatever small amount has been authorized may be deducted.

The Chairman. Mr. Raker, I would like to know something about the magnitude of these bands, as to their numbers and names, and so forth.

Mr. Raker. I will get to that directly, Mr. Chairman. The Indian population in California to-day is stationary. There are about 20,000 in all, distributed throughout, say, 50 counties of the 5% of the State, and they are found in approximately 800 different bands or groups. I think that is a moderate estimate at that time. These bands are in the order of small villages and range in number from 15 to 60 persons. About 5,000 of these Indians are on small, inadequate, and undesirable reservations. The other 15,000 are known as nonreservation Indians.

The Indians of California up until now have been signally and pitifully overlooked, and left very largely to the mercy of the merciless elements. Now, the white settlers and the gold seekers, speaking with every respect to them, but they were ambitious and strong men, and when they found this wonderful territory up there i.e. proceeded to take possession—not only proceeded to take possession, but proceeded to take the government by removal to Oklahoma, where they were given reservations and educational opportunities. Right there I might interpolate it pays sometimes to fight. These same Indians were later given the privilege of returning to the Klamath Indian Agency in Oregon to share in the benefits of that reservation.

Under the Spanish and Mexican laws, which controlled prior to the cession of the territory to the United States, the Indians' right to occupancy was expressly recognized—that is in the old régime before the United States Government took over these territories. So far as these California Indians are concerned, our guaranty in the Treaty of Guadalupe Hidalgo which reserved for them their rights, in the land, and so forth, has proven to be a worthless scrap of paper.

The special agent of the Department of the Interior in his report of March 20, 1848, concerning this matter, said:

The treaty of Guadalupe Hidalgo, ceding California to the United States, guaranteed Mexican land titles in the ceded territory as they stood at the time of transfer. Under the Spanish and Mexican laws the Indians had certain rights to the lands held and used by them, which might be legally evicted from it. The act of Congress of Mar. 3, 1851, which provided for the settlement of titles to Spanish and Mexican grants imposed upon the commission appointed to make the settlement, the duty of first setting apart of Indians use all lands occupied by them. It may, therefore, be assumed that the Congress considered that the Indians had substantial rights. It was a duty of the commission to investigate and confirm the Indian's title wherever Indians occupied lands included within the limits of the Spanish and Mexican grants. Your special agent has found but two cases out of several hundred grants where this was done. Fauna and Santa Ynes, and in the latter case the terms of settlement were so uncertain that action is now pending as to the State's rights in regard to it. The new owners of the Spanish grants had to rely upon the Spanish law to substantiate the validity of their titles, but were prompt to appeal to the American law to evict the Indians, something they could not legally do under the terms of their grants.

Now, Mr. Chairman, I will insert in the record, and will read that particular part of it here:

Be it further enacted, that it shall be the duty of the commissioners herein provided for to ascertain and report to the Secretary of the Interior the tenure by which the mission lands are held, and those held by civilized Indians, and those who are engaged in agriculture or labor of any kind, and also those which are occupied and cultivated by Pueblos or Rancheros Indians.
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June 7, 1852: Read, and with the documents and treaties, referred to the Committee on Indian Affairs, and ordered to be printed in confidence for the use of the Senate.

January 18, 1866: Injunction of secrecy removed.

January 19, 1866: Ordered reprinted.

WASHINGTON, June 1, 1852.

To the Senate of the United States:

I communicate to the Senate herewith, for its constitutional action thereon, eighteen treaties negotiated with Indian tribes in California, as described in the accompanying letter of the Secretary of the Interior, dated the 25th ultimo, with a copy of the report of the Special Committee on Indian Affairs for the State of California, and other correspondence in relation thereto.

WILLIAM FILMORE.

DEPARTMENT OF THE INTERIOR.

May 25, 1852.

Sir: I have the honor to transmit herewith, sundry treaties negotiated with various Indians in California, together with a report from the Commissioner of Indian Affairs, containing a summary of documents relating to the subject.

It was my wish to bring these treaties to your notice as early as practicable, but most of them, it will be perceived, were not received until after the middle of February; and as they involved important principles and large expenditures of money, and as I learned that there was much opposition to them among the people of California, I did not feel justified in submitting them to you officially, until I could inform myself as to their merits, and be prepared to express myself with some degree of confidence as to the propriety of recommending their ratification or rejection. A slight examination of the treaties and accompanying documents will suffice to show that it is impossible to form such an opinion from the information now in possession of the department.

Hence it seemed to be proper, considering the importance of the subject, and the serious consequences likely to result from mistaken action, that the treaties should be submitted to some suitable agent of the government, with instructions to examine them thoroughly, and make full report upon the expediency of ratifying or rejecting them. This course, I was glad to believe, at the time, met the approval of a portion at least of the delegation in Congress from the State of California. The duty of making the desired examination and report devolved upon the Superintendent of Indian Affairs for California; but he has been prevented from attending to this and other important business of his office in the manner contemplated, in consequence of the unexpected delay in passing the deficiency bill, now before the Senate. He, however, made a report, predicated on his general knowledge of the Indians in California and of the country, in which he expresses himself decidedly in favor of the ratification of the treaties; and inasmuch as the department has no present means of obtaining further or more reliable information, and as one of the senators from the State more immediately interested has complained in his place, that the treaties have been improperly withheld from the Senate, I now submit them for your consideration, and respectfully recommend that they be communicated to the Senate, to be disposed of in such way as to best fit in its wisdom shall direct.

I am, sir, with much respect, your obedient servant,

ALEX. H. H. STUART.

Secretary.

P. S. The treaties herein referred to are particularly described in the annexed schedule.

To the PRESIDENT OF THE UNITED STATES.

SCHEDULE.

A. Treaty at Camp Belt, May 12, 1851, made and concluded by George W. Barbour and the chiefs and headmen of the Ts-ches, Cab-wa, Yoko-kol, Ts-lum-ne, We-chum-ne, Hol-o-nee, To-sau-ne, To-hur-mach, In-tim-peas, Cho-sau-ne, We-sil-ne, and Mo-tos-nees of California.

B. Treaty at Camp Kayena, May 20, 1851, made and concluded between George W. Barbour and the chiefs, captains, and headmen of the Ko-yas, Wa-sil-ne, Puk-tew, We-am-ne, We-am-ne, Na-sau-ne, and Ya-sil-ne of Indians in California.

C. Treaty at Camp Buttom, June 3, 1851, made and concluded between George W. Barbour and the chiefs, captains, and headmen of the Chum-ni-wa Shu-wa, Yo-lum-ne, and Co-yas-nee tribes of Indians in California.
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D. Treaty at Camp Forsyth, Smith, June 19, 1851, made and concluded between George W. Barbour and the chiefs, carving an addendum to the Compromise of the Canake, Texas, and the chiefs of the Oke-sto, Ne-ha-ka, Xa-tah, Toc-toc, and Ho-mi-nish tribes of Indians in California.


F. Treaty at Union City, July 18, 1851, made and concluded between O. M. Wenzencraft and the chiefs, headmen and captains of the Da-ka-pan, Ya-ma-do, Yo-bi-mi, and the Chumash and Ech-ewa tribes of Indians in California.


H. Treaty at Reading's Ranch, August 16, 1851, made and concluded between O. M. Wenzencraft, and the chiefs, captains, and headmen of the Nee-cal-as-ma, X-lau-ca, and No-mi-mo tribes of Indians in California.


J. Treaty at the fork of Cosumner river, September 16, 1851, made and concluded between O. M. Wenzencraft and the chief, captains, and headmen of the Co-lo, Ya-di, Lo-ei-mo, and Wo-pum-ni tribes of Indians in California.

K. Treaty at the village of Temecula, California, January 6, 1855, made and concluded between O. M. Wenzencraft and the chiefs, headmen and captains of the San Luis Rey, Nah-ke-sam, and the Co-lo-ka-wo tribes of Indians in California.

L. Treaty at the village of Santa Isabel, California, January 7, 1855, made and concluded between O. M. Wenzencraft and the chiefs, captains and headmen of the Mi-chup-ko, Aa-kun, Ko-lo-li-pu, Yei, Su-nue, Che-so, Bar-ti, Yat-tac, and So-ma-wo tribes of Indians in California.


P. Treaty at Camp Lu-pi-yu, August 20, 1851, made and concluded between Redick McKee, and the chiefs, captains, and headmen of the Ca-la-ni-pa, Ha-bi-te, Do-ke-ka-ba, Mo-je-kal-la-ke, Ma-sa-ta-a, and the Kam-sa-ko tribes of Indians in California.

Q. Treaty at Camp Fernando Felix, August 22, 1852, made and concluded between Redick McKee and the chiefs, captains, and headmen of the Si-ni-tla, Yu-ku, Ma-sa-ta-a, and Pomo tribes of Indians in California.

R. Treaty at Camp Klamath, October 6, 1851, made and concluded between Redick McKee and the chiefs, captains, and headmen of the Pot-luk, or lower Klamath, Pass-tick, or upper Klamath, and the To-e-pan, or Trinity river tribes of Indians in California.


DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS, May 14, 1892.

Sr: I have the honor to acknowledge the receipt of your letter of the 17th instant, requiring me to report any information in my possession in relation to the treaties negotiated with the Indians in California, transmitted to you on the 15th ultimo, whether it had not been received by their transmission; whether they embraced any new principle; whether, in my judgment, the public interests would be promoted or injured by their ratification, and any views which I may have entertained regarding the admission of representation in the government of the state.

In reply, I would most respectfully state, that the correspondence already sent to you, and the replies and extracts hereinof communications since received from the Secretary of the Interior and the Superintendent of Indian Affairs for that State, contain, it is believed, all the material information in relation to the treaties which has reached this office.

The dates at which the treaties were respectively received here are as follows:

1. Those negotiated by the board of commissioners were received February 18, 1852.
2. Those negotiated by Agent McKee were received on the same day.
3. Those negotiated by Agent Barbour were received February 18, 1852.
4. Those negotiated by Agent Wenzencraft were received on the 19th of September 22, November 3, 1851, and two on February 18, 1852. The one received July 9 was represented to me in a letter enclosing it as a copy, and it was not until recently that it was discovered that it was not dated.

The treaties were transmitted to you at an earlier day because it was desirable to consider them separately, and at an early date, it was believed, for the objections to be declared necessary to the department to judge correctly as to their merits and the action required in regard to their final disposition. It was known that the delegation in Congress from California was opposed to the treaties, and that there was violent opposition to them in the legislature of that State, where they were undergoing investigation.

The final action of that body on the subject has not yet been ascertained. Under these circumstances it seemed to be prudent to take full time for accuracy and deliberation, especially as there was, and is, in my judgment, good reason to apprehend that the hasty rejection of the treaties would be followed by a general Indian war in California, disastrous to the interests of that State and the country at large.

Some of the stipulations of these treaties are regarded as new, the most important of which is that providing for an entire relinquishment of title by some of the tribes, and the sum of $500,000 to be paid to several of them in settlement of the claims of a State on lands not previously owned by them. This provision, as far as I know, is without parallel in the relation of the Indian nations of this country.

No means proposed to pay it is wrong. On the contrary, I am inclined to consider it both a fraud and an injury in consequence of the impracticability of removing the Indians beyond the limits of the State, and of the expedients for which no equivalent can be obtained from their intercourse with the white population. Another peculiarity of these treaties is that they provide for no annuities to be paid in perpetuity or for a series of years, according to the payment of the treaty money which is in the usual practice hereafter. There appears a considerable necessity for future negotiations with these Indians. It is fortunate that a knowledge of the annuity system has not been introduced among them. It is a system fraught with evil, and when once adopted it is impossible to get rid of it.

The treaties also provide that all difficulties between different tribes or members of the same tribe shall be adjusted by the agency of the Government, and that controversies between Indians and whites shall be settled by the civil tribunals of the State.

Should these provisions be energetically and faithfully enforced, they would double a productive of the most salutary results.

There is another feature of these treaties that might be characterized as novel, but they are not of sufficient importance to require particular notice.

With respect to the question whether the public interest would be promoted or injured by the ratification of these treaties, I would respectfully refer to the accompanying communication from Superintendent Beale, whose views on this point appear to me to be reasonable and just. I entirely concur with him in opinion that a rejection of these treaties, if not accompanied with the adoption of precautionary measures against a general outbreak on the part of the Indians would be hazardous and unsafe.

The papers heretofore and now communicated, I believe, all the facts within my knowledge in which the existence of the treaty was to elucidate the merits of the treaties, and in considering this important and perplexing question it should not be forgotten that our Indian tribes in California, like everything else pertaining to that country, are in an extraordinary and anomalous condition.

Those entrusted with their management have had to contend with manifold embarrassments and difficulties. That they have made mistakes or fallen into errors is by no means a matter of surprise; it would be strange if they had not. Their conduct in some respects has been improper, I allude particularly to the efforts made for fulfilling treaties in advance of their ratification. In this they certainly acted without authority, but it is equally certain that they did not act without precedent.

How far precedents can be pressed, and the pressure of the circumstances by which they are surrounded should excuse their unauthorized proceedings it is difficult, without more
perfect information than I possess to determine, nor is it material to the present inquiry, as the merits of the treaties cannot be affected by the subsequent action of the agents by whom they were negotiated.

Very respectfully, your obedient servant,

A. H. R. Stewart

Secretary of the Interior.


WASHINGTON, D.C., May 11, 1882.

Sir: In compliance with your directions of yesterday to report to you at my earliest convenience my views as to the merits of the treaties recently negotiated with the Indians of California, and particularly as to the expediency of ratifying or rejecting them, I have the honor to submit the following statement:

While referring to my views as to the merits of the treaties generally, I state that I regard the general line of policy pursued by the commissioners and the agents of the United States have been proper and expedient under the circumstances. My own personal knowledge and experience in Indian affairs, and particularly in reference to the tribes within the State of California, inclines me to the opinion that to secure their peace and friendship without other course of policy, however studied or labored it may have been, could have no readily and effectually secured the objects in view. My experience in Indian affairs has also convinced me of the fact that those who best understand the Indian character are exceedingly cautious and deliberate in their negotiations with them, and that precipitate counsels are invariably the results of ignorance, and generally terminate derogatory to both parties. The Indian by nature is suspicious, and although easily governed when his confidence has been obtained, it becomes almost impossible with him after his suspicions have been aroused. A wise reference to these facts and considerations has doubtless influenced the Indian commissioners in their negotiations, and it is proper that they should be duly considered on the present occasion.

The system of reservations as adopted in these treaties, is but the natural result and consequence of the policy pursued through out, and may be stated to involve for them, and to some extent those already selected for them, so whether those already selected for them may be justly considered as suitable and appropriate. Humanity and justice alike urge acquiescence in the former, while the following considerations suggest to themselves in the attention in connection with the subject.

It is evident that it allowed to roam at pleasure, their early extinction is inevitable, and I am slow to believe that the Government, recognizing it does, its possession right to all the soil inhabited by them, would deny them the occupancy of a small portion of the vast country from which such extraordinary benefits are in progress of receipt. This impracticability of removing them east of the mountains, or so far north or south as to avoid the evils which their proximity to the whites may induce, is apparent from the following considerations.

Much has been said late in relation to an entire removal of the Indians to the eastward of the Sierra Nevada, and this fact is a painful proof of the insufficiency of those who advocate the practicability of the measure. When we consider that that which we possess of the eastern slopes of this range, it is difficult to imagine inhabitants of that region capable of obtaining a knowledge of the interior of Africa so extensive as to enable them to detect and avoid the evils which their proximity to the whites may induce, is apparent from the following considerations.

I regard the other provisions of the treaties, although they may be considered novel in their character, as both suited and appropriate to the wants and desires of the Indians. The surveys of the land for the purpose of the present and future, although limited, the comparative consideration given them for the extinguishment of their title to their lands, may justly count as trivial in amount, and especially so, if it is well understood that the lives above stated are stricken out of the accounts of the treaties stipulating broad stock, have been wisely inserted, with a view, doubtless, to possess them of the means of subsisting and sustaining themselves after the period for the payment of the land cessions shall have expired.

From the foregoing remarks you will perceive that my views of the merits of the treaties, as well as of the general policy pursued by the commissioners and agents in their execution, are favorable.

With regard to the expediency of ratifying or rejecting the treaties, I remark that in my opinion, it would be wise and judicious in the extreme to reject them, even though they were the most expedient and necessary hereafter, without prejudice to the wishes of the Indians for such an event, and the offering, at once, of some suitable and proper substitute. To reject them outright, without an effort to retain their confidence and friendship, as already secured, by inducements of an equally
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A treaty of peace and friendship was made and entered into at Camp Bell, on King's river, in the State of California, upon the thirteenth days of May, eighteen hundred and fifty-one, between George W. Barbour, one of the commissioners appointed by the President of the United States to make treaties with the various Indian tribes in the State of California, having full authority to do so, and the chief men of the following tribes of Indians, to wit: the Tachi, Chaw, Yor-kol, Tsh-lum-ne, Wic-chum-ne, Hol-cum-sa, To-ee-uche, Thaw-chee, In-im-peach, Chok-chum, We-mul-chum, and Mo-teo-lum, of the second part.

Article 1. The said tribes of Indians jointly and severally acknowledge themselves to be under the exclusive jurisdiction, control, and management of the government of the United States, and undertake and promise on their part to live on terms of peace and friendship with the Government of the United States and the citizens thereof, with each other, and with all Indian tribes.

Art. 2. It is agreed between the contracting parties, that for any wrong or injury done by either party to the person or property of the other, no personal or individual retaliation shall be attempted, but in all such cases the party aggrieved shall apply to the proper civil authorities for a redress of such wrong or injury, and to enable the civil authorities to effectually suppress crime and punish guilty offenders, the said tribes jointly and severally promise to aid and assist in bringing to justice any person or persons that may be found at any time among them, and who shall be charged with the commission of any crime or misdemeanor.

Art. 3. It is agreed between the parties that a district of country between the Caloam river and the four creeks, to be marked, to be known, and to be called, as follows, to wit: beginning at the point in the Caloam river where the southwestern line of the lands is apart for the Indians at the treaty made and concluded at Camp Barbour on the San Joaquim river, running thence down the middle of the Caloam river to the Tule or Talke river then thence along the same in the direction of and to the mouth of King's river thence up said river to the point where it may be below the said southwestern line of the lands set apart for the Indians at the treaty made at Camp Barbour on the San Joaquim river as above.
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(8) TREATY MADE AND CONCLUDED AT CAMP KEYS, ON THE CABRILmes RIVER, IN THE STATE OF CALIFORNIA, MAY 30, 1851, BETWEEN GEORGE W. BARBOUR, UNITED STATES COMMISSIONER, AND THE CHIEFS, CAPTAINS, AND HEAD MEN OF THE KO-TAXE, WO-LA-SI, ETC., ETC., TRIBES OF INDIANS.

A treaty of peace and friendship made and entered into at Camp Keys, on the Cabrillo River, in the State of California, on the thirtieth day of May, eighteen hundred and fifty-one, between George W. Barbour, one of the commissioners appointed by the President of the United States to make treaties with the various Indian tribes in the State of California, and having full authority to do so, of the first part and the chiefs, captains, and head men of the following tribes of Indians, to wit: Koyau-ta, Wo-las-i, Nu-chow-we, Wacka-she, Pat-wicks, Po-ken-wells, and Ya-wel-chiye, of the second part.

ARTICLE 1. The said tribes of Indians, jointly and severally acknowledge themselves to be under the exclusive jurisdiction, control, and management of the United States, and undertake, and promise on their part, to live in terms of peace and friendship with the government of the United States, and the citizens thereof, with each other, and with all Indian tribes.

Art. 2. It is agreed between the contracting parties, that for any wrong or injury done by individuals of either party, to the person or property of the other, no personal or individual retaliation shall be attempted, but in all such cases, the party aggrieved shall apply to the proper civil authorities for redress of such wrong or injury; and to enable the civil authorities more effectually to suppress crime, and punish guilty offenders, the said Indian tribes, jointly and severally, promise to aid and assist in bringing to justice any person or persons that may be found at any time among them, and who shall be charged with the commission of any crime or misdemeanor.

Art. 3. It is agreed between the parties that the following districts of country be set apart and forever held for the sole use and occupancy of said tribes of Indians, to the beginning on the Cabrillo River, where the northeastern line of the lands set apart for the Indians, at the treaty concluded at Camp Barbour, on the San Joaquin River, intersects said Cabrillo River, thence up the middle of the said river to the two principal or small lakes, on the head of said river, thence a straight line to the nearest point on King's river, thence down said river to where said northeastern line of the tribes of Indians, set apart for the Indians, at the treaty made and concluded at Camp Barbour, on King's river, intersects said San Joaquin River, thence up the middle of said river to the two principal or small lakes, on the head of said river, thence a straight line to the nearest point on King's river, thence down said river to where said northeastern line of the lands set apart for the Indians, at 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where said northeastern line of the lands set apart for the Indians, at the treaty made and concluded at Camp Barbour, on King's river, intersects said San Joaquin River, thence up the middle of said river to the two principal or small lakes, on the head of said river, thence a straight line to the nearest point on King's river, thence down said river to where said northeastern line of the lands set apart for the Indians, at the treaty made and concluded at Camp Barbour, on King's river, intersects said San Joaquin River, thence up the middle of said river to the two principal or small lakes, on the head of said river, thence a straight line to the nearest point on King's river, thence down said river to where said northeastern line of the lands set apart for the Indians, at the treaty made and concluded at Camp Barbour, on King's river, intersects said San Joaquin River, thence up the middle of said river to the two principal or small lakes, on the head of said river, thence a 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the two principal or small lakes, on the head of said river, thence a straight line to the nearest point on King's river, thence down said river to where said northeastern line of the lands set apart for the Indians, at the treaty made and concluded at Camp Barbour, on King's river, intersects said San Joaquin River, thence up the middle of said river to the two principal or small lakes, on the head of said river, thence a straight line to the nearest point on King's river, thence down said river to where said northeastern line of the lands set apart for the Indians, at the treaty made and concluded at Camp Barbour, on King's river, intersects said San Joaquin River, thence up the middle of said river to the two principal or small lakes, on the head of said river, thence a straight line to the nearest point on King's river, thence down said river to where said northeastern line of the lands set apart for the Indians, at the treaty made and concluded at Camp Barbour, on King's river, intersects said San Joaquin River, thence up the middle of said river to the two principal or small lakes, on the head of said river, thence a straight line to the nearest point on King's river, thence down said river to where said northeastern line of the lands set apart for the Indians, at the treaty made and concluded at Camp Barbour, on King's river, intersects said San Joaquin River, thence up the middle of said river to the two principal or small lakes, on the head of said river, thence a straight line to the nearest point on King's river, thence down said river to where said northeastern line of the lands set apart for the

Signed and sealed in duplicate, after being read and explained, in the presence of:

H. S. Burson, Interpreter.
N. H. McLellan, Secretary.
T. Moore, Second Lieutenant 4th Infantry.
E. O. J. Grover, Second Lieutenant 3rd Artillery.
INDIAN TRIBES OF CALIFORNIA.

(C). TREATY MADE AND CONCLUDED AT CAMP BURTON, ON PAINT CREEK, STATE OF CALIFORNIA, JULY 3, 1851, BETWEEN GEORGE W. BARBOUR, UNITED STATES COMMISSIONER, AND THE CHIEFS, CAPTAINS AND HEAD MEN OF THE CHU-NUTE, WO-WOL, &C., TRIBES OF INDIANS.

A treaty of peace and friendship, formed and concluded at Camp Burton, on Paint Creek, in the State of California, on the third day of June, eighteen and fifty, between George W. Barbour, one of the commissioners appointed and authorized by the President of the United States, to make treaties with the various Indian tribes in the State of California, and having full authority to act, of the first part, and the chiefs, captains, and head men of the following tribes of Indians, to wit: Chu-nute, Wo-wol, Yo-lum-ne, Co-yee-tie, of the second part.

ARTICLE 1. The said tribes of Indians jointly and severally acknowledge themselves to be under the exclusive jurisdiction, control and management of the government of the United States, and undertake and promise on their part, to live on terms of peace and friendship with the government of the United States and the citizens thereof, with each other, and with all Indian tribes at peace with the United States.

ART. 2. It is agreed between the contracting parties, that for any wrong or injury done by individuals or improperly done by the person or property of those of the other, no personal or individual retaliation shall be attempted, but in all such cases the party aggrieved shall apply to the proper civil authorities for a redress of such wrong or injury, and to enable the civil authorities more effectively to suppress crime and punish guilty offenders, the said Indian tribes jointly and severally promise to aid and assist in bringing to justice any person or persons that may be found at any time among them, and who shall be charged with the commission of any crime or misdemeanor.

ART. 3. It is agreed between the parties that the following districts of country be set apart and forever held for the sole use and occupancy of said tribes of Indians, to wit: The Ca-nud and Wo-wol tribes, all that district of country lying between the head of the Tulare or Tache lake and Kern or Buena Vista lake; to the Yo-lum-ne and Co-yee-tie tribes, all that district of country lying between the Tulare River and Paint Creek, and between the Emigrant road (being the same over which the military escort accompanying the said commissioner passed to this camp) and the Sierra Nevada, running the lines from the head of Tulare lake and Paint creek in the same general direction of said streams to the nearest points of the Sierra Nevada, reserving to the United States and to the State of California the right of way over said territories and the right to erect any military post or posts, houses for agents, officers, and others in the service or employment of the government in each of said territories. In consideration of the foregoing, the said tribes of Indians jointly and severally forever quit claims to the government of the United States to any and all lands to which they or either of them now or may ever have had any claim or title whatsoever.

ART. 4. In further consideration of the premises, and for the purpose of aiding in the subsistence of said tribes of Indians, for the period of two years from this date, it is agreed by the parties to the first part furnishes said tribes jointly (to be distributed in proper proportions among them) with two hundred beef cattle to average five hundred pounds each, for each year. It is further agreed that as soon after the notification of this treaty the President and Senate of the United States shall find it practicable and convenient, the said tribes shall be furnished jointly (to be distributed as aforesaid) and free of charge, with the following articles of property: to wit: thirty cows and two bulls, six large and six small ploughs, twelve sets of harness complete, twelve work mules or horses, twelve yokes of California oxen, fifty axes, one hundred hoes, fifty spades or shovels, fifty mattocks or picks, all necessary seeds for sowing and planting for one year, one thousand pounds of iron, two hundred pounds of steel, five hundred blankets, two years' of coarse pantaloons and two blanket shirts for each man and boy over fifteen years old, one thousand yards of hinsey cloth, same of cotton cloth, and the same of coarse calico, for clothing for the women and children; twenty-five pounds of thread, two thousand needles, two hundred thimbles, six dozen pieces of scissors, and six grindstones.

ART. 5. The United States agree further to furnish to each of said districts, a man skilled in the business of farming, to instruct said tribes and such others as may be placed under him, in the business of farming; one blacksmith; and one man skilled in working wood (wagon maker or rough carpenter); one supervisor and such assistants as may be necessary, all to live among, work for, and teach said tribes and such others as they may be required to work for and teach; said farmer, blacksmith, teacher, and assistants to be appointed and furnished by the government of the United States.

Signed and sealed in duplicate, after being read and explained, in the presence of

H. S. Burton, Interpreter,
K. W. Barbour, Secretary,
J. G. Keys, Captain first artillery,
J. H. Lemon, Driver, second battery,
J. H. Lemon, Driver, third battery.
INDIAN TRIBES OF CALIFORNIA.

sonal or individual retaliation shall be attempted, but in all such cases the party aggrieved shall apply to the proper civil authorities for a redress of such wrong or injury; and if the said civil authorities shall not give such protection as shall prevent such wrong or injury, the said Indian tribes jointly and severally promise to aid and assist in bringing to justice any person or persons that may be found at any time among them, who shall be charged with the commission of any crime or misdemeanor committed against any Indian or between individuals of other party, to the person or property of those of the other, or per-


blacksmith, worker in wood, and teach, to be supplied to said tribes and continued only so long as the President of the United States shall deem advisable; a school-house and out-buildings necessary for the persons mentioned in this article to be erected at the cost of the government of the United States.

This treaty being binding on the contracting parties when ratified and confirmed by the President and Senate of the United States of America.

An testimony whereof, the parties have hereto signed their names and affixed their seals, this the day and year first written.

G. W. BARBOUR. [seal.]

Chu-a-tae.

JUAN, his x mark, chief.
CALISTRO, his x mark.
GASPAR, his x mark.
NICOLAS, his x mark.

Ya-um-ne.

JOAQUIN, his x mark, chief.
JOSE MARIA, his x mark.
JUAN ANTONIO, his x mark.

Ya-ye.

JOSE ANTONIO, his x mark, chief.
JUAN MARIA, his x mark.
MANUEL, his x mark.

Wo-ool.

ANTONIO, his x mark, chief.
GACAPAR, his x mark.
ZA-OA-BLAH, his x mark.
CO-MI-TEES, his x mark, chief.

Signed and sealed in duplicate, after having been read and fully explained, in presence of:

H. S. Burton, Interpreter.
Kar Barbour, Secretary.
E. E. פרס, Captain 3rd artillery.
J. C. Freeman.
W. S. King, Assistant surgeon, U. S. Army.
I. H. Lendrum, Rear captain, U. S. Army.
J. Hamilton, Lieutenant 3rd artillery.


A treaty of peace and friendship made and entered into at Camp Perrifier F. Smith, at the Texan pass, in the State of California, on the tenth day of June, eighteen hundred and fifty-one, between George W. Barbour, one of the commissioners appointed by the President of the United States to make treaties with the various Indian tribes in the State of California, and having full authority to act, of the first part, and the chiefs, captains and head men of the following tribes of Indians, to wit: Castsie, Texan, Buesa, Serna-bac, Hola-chas-no, Soho-au, Toel-a, and Hol-mi-uh, of the second part.

Article 1. The said tribes of Indians jointly and severally acknowledge themselves to be under the exclusive jurisdiction, control and management of the government of the United States, and undertake and promise on their part, to live on terms of peace and friendship with the government of the United States and the citizens thereof, with each other, and with all Indian tribes at peace with the United States.

Art. 2. It is agreed between the contracting parties, that for any wrong or injury done individuals of either party, to the person or property of those of the other, au-
INDIAN TRIBES OF CALIFORNIA.

Article 1. The several tribes or bands above mentioned do acknowledge the United States to be the sole and absolute sovereign of all the soil and territory ceded to them by a treaty of peace made between them and the Republic of Mexico.

Art. 2. The said tribes or bands acknowledge themselves, jointly and severally, under the exclusive jurisdiction, authority, and protection of the United States, and hereby bind themselves hereafter to refrain from the commission of all acts of hostility and aggression towards the government or citizens thereof, and to live on terms of peace and friendship among themselves, and with all other Indian tribes which are now or may come under the protection of the United States.

Art. 3. Lest the peace and friendship hereby established between the United States and the said tribes be interrupted by the misconduct of individuals, it is expressly agreed that for injuries on either side private revenge or retaliation shall not take place, but instead thereof complain shall be made by the party aggrieved to the other through the Indian agent of the United States in their district, whose duty it shall be to investigate and, if practicable, to adjust the difficulty; or, in case of acts of violence being committed upon the person or property of a citizen of the United States by an Indian or Indians belonging to or harbored by either of said tribes, the parties aggrieved with the concurrence of the commission of the crime shall be promptly delivered up to the civil authorities of the State of California for trial, and in case the crime has been committed by a citizen or citizens of the United States upon the person or property of an Indian or Indians of either of said tribes, the agent shall take all proper measures to bring the offender or offenders to justice in the same way.

Art. 4. To promote the settlement and improvement of said tribes or bands, it is hereby stipulated and agreed that the following districts of country in the State of California shall be and is hereby set apart forever, for the sole use and occupancy of the aforesaid tribes, to wit: beginning at an acute bend of the river about half a mile distant from and above this place, running thence in a due line to the elbow of Touliumne, opposite the point fixed in the former treaty, and running down in a straight line eight miles on said river, from thence across the Stanislaus river on a line parallel with the first, thence up the middle of the said river to place of beginning, to have and to hold the said district of country for the sole use and occupancy of said Indian tribes forever. Provided, that there is reserved to the government of the United States the right of way over any portion of said territory, and the right to establish and maintain any military posts or posts, public buildings, school houses, houses for agents, teachers, and such others as may be deemed necessary for their use or the protection of the Indians. The said tribes or bands, and each of them, hereby engage that they will not disturb the peace or order of any other lands within the boundaries of the United States, nor ever disturb the people of the United States in the free use and enjoyment thereof. It is expressly understood and stipulated, that the right of way herebefore specified does not include the right of herbage free of toll on the rivers within or bounding said reservation to persons other than those in the service or employ of the United States; the latter, however, shall pass free of toll; the said ferries to be under the control of the agent for the use and benefit of said bands and tribes of Indians.

Art. 5. To aid the said tribes or bands in their subsistence while removing to and making their settlement upon the said reservation, the United States, in addition to the valuable presents made to them at this council, will furnish them, free of charge, with four hundred head of beef cattle to average each five hundred pounds, two hundred sacks flour of one hundred pounds each, and two hundred bushels of corn, within the term of two years from the date of this treaty.

Art. 6. As early as convenient after the ratification of this treaty by the President and Senate, in consideration of the premises, and with a sincere desire to encourage said tribes in acquiring the arts and habits of civilized life, the United States will also furnish them with the following articles, to be divided among them by the agent according to their respective numbers and wants: during the two years succeeding the said ratification, viz.: one pair strong pantaloons and one red flannel shirt for each man and boy; one miney gown for each woman and girl; one thousand yards calico, ten thousand yards broad sheetings, ten pounds Scotch thread, two cowhide saddles; one assessor's isosion, four dozen tumbrels, three thousand needles, one 21 Pr. M. blanket for each man and woman over fifteen years of age; one hundred and fifty miles corn, four yoke of work cattle with yokes and chains, four work mules and horses, ten ploughs, ten yoke oxen, ten sets harness for plough horses, seeds of all proper kinds for planting, thirty-five hundred feet of yams, ten maccs or pickles, ten peck sows, ten peck wheat, ten peck corn, ten peck oats, ten peck rye, ten peck beans, ten peck peas, ten peck squash, ten peck melons, ten peck cucumbers, ten peck potatoes, ten peck carrots, two garden plows, three plow shares, two scythes, three hoes, one team, a cart, ten peck corn, two peck potatoes, ten peck beans, ten peck peas, ten peck squash, ten peck melons, ten peck cucumbers, ten peck potatoes, ten peck carrots, and six grist stones. The stock enumerated above and the product thereof shall be marked or branded with such letters as will at all times designate the same to be the property of said tribe, and no part or portion
INDIAN TRIBES OF CALIFORNIA.

For and in behalf of the Chap-ak-sims.

PA-LIFPE, his x mark.  
NI-CO-LS, his x mark.

For and in behalf of the Saye-mas-nats.

YU-MIL-LU, his x mark.

Signed, sealed and delivered, after being fully explained, in presence of-

E. S. LOWEL, Seymury.

A. JOHNSON, Agent.

F. BELLINGER.

J. C. DAVIES.

S. D. Zetzt.

(P.) TREATY MADE AND CONCLUDED AT CAMP UNION, NEAR YUMA RIVER, JULY 14, 1880, BETWEEN O. M. WOGENCRAFT, UNITED STATES INDIAN AGENT, AND THE UPRIGHTS, CAPTAINS, AND HEAD MEN OF THE DAT-PAY, YA-MAD-O, WIC, TRIBES OF INDIANS.

A treaty of peace and friendship made and concluded at Camp Union, near the Yuma river, between the United States Indian Agent, O. M. Wogencraft, of the one part, and the chiefs, captains, and head men of the following tribes, viz.: Dat-pay, Ya-ma-do, Yal-e-mar, Wai-de-pa-san, Quo-po-ma, Mon-e-da, Wan-mack, Nen-shaw, Ben-pee, Ya-sum-na tribes of the other part.

ARTICLE I. The several tribes or bands above-mentioned do acknowledge the United States to be the sole and absolute sovereign of all the soil and territory ceded to them by a treaty of peace between them and the republic of Mexico.

ART. 2. The said tribes or bands acknowledge themselves jointly and severally under the exclusive jurisdiction, authority and protection of the United States, and that they bind themselves hereafter to refrain from the commission of all acts of hostility and aggression towards the government or citizens thereof, and to live in terms of peace and friendship among themselves and with all other Indians which are now or may hereafter be within the protection of the United States, and furthermore bind themselves to conform to, and be governed by the laws and regulations of the Indian bureau, and submit themselves to the control of the Congress of the United States.

ART. 3. To promote the settlement and improvement of said tribes or bands, it is hereby stipulated and agreed that the following district of country in the State of California, shall be, and is hereby set apart forever for the sole use and occupancy of the aforesaid tribes of Indians, to wit: commencing on Bear River, at the western line or boundary of Camp Far West; thence southeasterly a distance of ten miles, thence south to the course of the river, thence east to the west boundary of the United States, thence south to the line of the treaty of 1862 and the treaty of 1868, and thence to the place of beginning; to have and to hold the said said district of country for the sole use and occupancy of said Indian tribes forever. Provided, That there is reserved to the government of the United States the right to lay down a way over any portion of said territory, and the right to establish and maintain any military post or posts, public building schools, houses and other structures, and such others as they may deem necessary for their use or the protection of the Indians. The said tribes or bands, and each of them, hereby engage that they will not claim any other lands within the boundaries of the United States, nor ever disturb the peace of the people of the United States in the free use and enjoyment of the same.

ART. 4. To aid the said tribes or bands in their subsistence, while removing to their new home and making their settlement upon the said reservation, the United States, in addition to the five pounds of goods to be given them at this council, will furnish them, free of charge, with five hundred (500) head of beef cattle, to average in weight five hundred (500) pounds, two hundred (200) sacks of flour, one hundred (100) pounds each, within the terms of two years from the date of this treaty.

ART. 5. As soon as convenient, after the ratification of this treaty by the President and Senate, in consideration of the premises, and with a sincere desire to encourage said tribes in acquiring the arts and habits of civilized life, the United States will also establish the following schools, to be divided among them by the agents, according to their respective numbers and wants, during each of the two years succeeding the said ratification, viz.: one pair of strong pantaloons and one red flannel shirt for each man and boy, one Jesuit gown for each woman and girl, four thousand
INDIAN TRIBES OF CALIFORNIA.

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INDIAN TRIBES OF CALIFORNIA.

O. M. WOZENCRAFT, United States Indian Agent.

For and in behalf of the Davis, WEE-MAR, his mark. [SEAL.]

For and in behalf of the Wee-da, O-TA, his mark. [SEAL.]

For and in behalf of the Yee-mo-da, WO-MIR, his mark. [SEAL.]

For and in behalf of the A-MA-I-DA, his mark. [SEAL.]

For and in behalf of the M-A-R-ACE, his mark. [SEAL.]

For and in behalf of the WU-LE-M-HO, his mark. [SEAL.]

For and in behalf of the YU-ME-A, his mark. [SEAL.]

For and in behalf of the YU-SHIA, his mark. [SEAL.]

For and in behalf of the TIG-A, his mark. [SEAL.]

For and in behalf of the YO-MA, his mark. [SEAL.]

Signed, sealed, and delivered, after being fully explained, in presence of:

JOHN SICKMANN, Lieutenant post dragoons.

Commanding agent to Indian Commissioners.

A. T. SCOTT, Assistant Surgeon.

E. S. LOWLIM, Secretary, U. S. Indian Agency.

THE TRAVEL-MADE AND CONCLUDED AT BIDWELL'S RANCH, ON CHICO CREEK, AUGUST 1, 1881, BETWEEN O. M. WOZENCRAFT, UNITED STATES INDIAN AGENT, AND THE CHIEFS, HEAD MEN, AND HEAD WOMEN OF THE MI-CHOP-DA, EE-KUK, EK-KUN, EE-LOO-MA, TO-TO, SHE-MA, CHE-MA, BATH, YU-KIN, CIN-MAW, TRIBES OF INDIANS.

A treaty of peace and friendship made and concluded near Bidwell's Ranch, on Chico creek, between the United States Indian agent, O. M. Wozencraft, of the one part, and the chiefs, captives, and head men of the following tribes, viz.: Mi-chop-da, Ee-kuk, Ee-loo-ma, To-to, She-ma, Che-ma, Bath, Yu-kin, Cin-maw, tribes of the other part.

ARTICLE 1. The several tribes or bands above mentioned do acknowledge the United States to be the sole and absolute sovereign of all the soil and territory ceded to them by a previous treaty between them and the Republic of Mexico, and the right of the United States to the peaceful and quiet enjoyment of the same, and the right to make, by and with the advice and consent of the Senate, all laws, rules, and regulations necessary for the peace and security of the persons and property of the United States, and for the protection of the public property.

ARTICLE 2. In testimony whereof the parties have heretofore signed their names and affixed their seals this eighteenth day of July, one thousand eighteen hundred and fifty-one.

O. M. WOZENCRAFT,
United States Indian Agent.
For and in behalf of the Mi-chop-da.
LJU-CH-AY, his x mark. [SEAL]
For and in behalf of the Ee-kun.
MO-HA-YO, his x mark. [SEAL]
For and in behalf of the To-to-iu-te.
WIS-MUCK, his x mark. [SEAL]
For and in behalf of the To-to.
WE-NO-KE, his x mark. [SEAL]
For and in behalf of the Su-mas.
WA-TEL-LI, his x mark. [SEAL]
For and in behalf of the Cho-no.
YO-LO-SA, his x mark. [SEAL]
For and in behalf of the Bat-i.
YON-NI-CHI-NO, his x mark. [SEAL]
For and in behalf of the Yut-duc.
SO-ME-ELA, his x mark. [SEAL]
For and in behalf of the Sim-ee-te.
PO-MA-KO, his x mark. [SEAL]
Signed, sealed, and delivered, after being fully explained, in presence of—
EDW. B. FITZGERALD, Secretary major first draughts.
GEORGE STOEVER, lieutenant first draughts.
THOMAS WHITTY, second lieutenant second infantry.
J. BUDWEIL.

(IN.) TREATY MADE AND CONCLUDED AT READING'S RANCH, ON COTTON WOOD CREEK, STATE OF CALIFORNIA, AUGUST 10, 1851, BETWEEN O. M. WOZENCRAPT, UNITED STATES INDIAN AGENT, AND THE UNITED CAPTAINS AND HEAD MEN OF THE NOI-MA, ETC., TRIBES OF INDIANS.

A treaty of peace and friendship made and concluded at Reading's ranch, on Cotton Wood creek, California, between the United States Indian agent, O. M. Wozencraft, of the one part; and the chief, captains, and head men of the following tribes or bands, viz: Noi-ma, Koos-e, Yal-e-ca, No-e, Noi-me.

ARTICLE 1. The several bands or tribes above mentioned do acknowledge the United States to be the sole and absolute sovereign of all the territory ceded to them by the treaty of peace, made between them and the Republic of Mexico.

ARTICLE 2. The said tribes or bands acknowledge themselves, jointly and severally, under the exclusive jurisdiction, authority, and protection of the United States, and hereby bind themselves hereafter to refrain from the commission of all acts of hostility and aggression towards the government or citizens thereof, and to live on terms of peace and friendly intercourse with themselves, and with all other Indian tribes which are themselves to conform to, and be governed by the laws and regulations of the United States.

ARTICLE 3. To promote the settlement and improvement of the said territory, the Governor of the State of California shall hereby set apart for the sole use and occupancy of the above named tribes or bands, to wit: commencing at a point at the mouth of Arik creek, on the Sacramento river, running up the east branch of said river twenty-five miles, thence on a line due north to the Pitt fork of the said river, thence down said river to the place of beginning.

It is further understood and agreed upon by both parties, that the said town or town of Indians living upon the Shasta, Nevada, and Coast ranges, shall be included in the said reservation, and that said bands not come in, then the provisions, etc., as set apart in this treaty, to be reduced in a ratio commensurate with the number signing said treaty; provided, that there shall be reserved to the said tribes the right of way over any portion of said territory, and the right to establish any military post or posts, public buildings, schoolhouses, houses for agents, teachers, and such offices as they may deem necessary for their use or the protection of the Indians.

The said tribes or bands, and each of them, hereby covenants that they will never claim any other lands within the boundaries of the United States, nor ever disturb the people of the United States in the free use and enjoyment thereof.

ART. 4. To aid the said tribes or bands in their subsistence while removing to and making their settlement upon the said reservation, the United States, in addition to the few presents made them at this council, will furnish them, free of charge, with five hundred head of beef-cattle to average in weight five hundred pounds, and five hundred sacks of flour of one hundred pounds each, within the term of two years from the date of this treaty.

ART. 5. As early as convenient after the ratification of this treaty by the President and Senate, in consideration of the premises, and with a sincere desire to encourage said tribes in acquiring the arts and habits of civilized life, the United States will also furnish them with the following articles, to be divided among them by the agent according to their respective numbers and wants, during each of the two years succeeding the said ratification, viz: one pair strong pantaloons and one red flannel shirt, one pair overalls for each woman and girl, two thousand yards of calico and five hundred yards of brown sheet, twenty pounds of tobacco, two thousand pounds of flour, and ten pounds of salt; one pair of boots for each man; one bed blanket and one blanket for each woman and girl; one blanket for each man, woman over fifteen years of age; one thousand pounds iron, one hundred pounds steel, and in like manner in the first year for the permanent use of said tribes, and in their joint property, viz: seventy-five broad-musses and four stallions, three hundred mules and cattle, two oxen, twelve ploughs and hoes, fifty shovels and spades, two plows, fifty-five garden or corn hoes, twenty-five spades and four grindstones.

The stock enumerated above and the product thereof, and no part or portion thereof shall be killed, exchanged, sold, or otherwise parted with, without the consent and direction of the agent.

ART. 6. The United States will also employ and settle among said tribes, at and near their present settlements, one practical farmer, who shall superintend all agricultural operations, with two assistants, men of practical knowledge and habits; one blacksmith, one wheelwright, one carpenter, one blacksmith, one principal school teacher, and as many school teachers as the President may deem proper to instruct said tribes in reading, writing, etc., and in the domestic arts upon the manual labor system. All the above named workmen and teachers to be maintained and paid by the United States for the period of five years, and as long thereafter as the President may deem advisable.

The United States will also erect suitable school-houses, shops and dwellings for the accommodation of the school teachers and mechanics above mentioned, and for the protection of the public property.

In testimony whereof, the parties have hereunto signed their names and affixed their seals, this sixteenth day of August, one thousand eight hundred and fifty-one.

O. M. WOZENCRAFT, United States Indian agent.

For and in behalf of the Noi-ma.
OIB-NO, his x mark. [SEAL]

For and in behalf of the No-e.
CHIP-CHI, his x mark. [SEAL]
INDIAN TOWNS OF CALIFORNIA.

For and in behalf of the Y-lae-co.
C'IA-OO-SA, hie x mark. [ SEAL. ]

For and in behalf of the Yo-me.
CHIP-CHO-CHI-CAS, hie x mark. [ SEAL. ]

For and in behalf of the N-o-mee.
NEM-KO-DE, hie x mark. [ SEAL. ]

For and in behalf of the N-o-me.
NEM-KO-DE, hie x mark. [ SEAL. ]

Signed, sealed and delivered, after being fully explained, in the presence of—

J. McKnight, Secret major U. S. army,

ALEXANDER LOVE.

(1). TREATY MADE AND CONCLUDED AT CAMP COLUS, ON SACRAMENTO RIVER, CALIFORNIA, SEPTEMBER 8, 1851, BETWEEN O. M. WOZENCRAPT, UNITED STATES INDIAN AGENT, AND THE CHIEFS, CAPTAINS, AND HEAD MEN OF THE COLOS, WILLAYA, CHA, DUC-NY, CO-HE, TRIBES OF INDIANS.

A treaty of peace and friendship made and concluded at Camp Colus, on the Sacramento river, California, between the United States Indian Agent, O. M. Wozencraft, of the one part, and the chiefs, captains and head men of the following tribes or bands, viz: Colus, Willaya, Co-he, Cha, Duc-Ny, Co-He, TRIBES OF INDIANS.

ARTICLE I. The several tribes or bands above mentioned do acknowledge the United States to be the sole and absolute sovereign of all the soil and territory ceded to them by a treaty of peace made between them and the Republic of Mexico.

ART. 2. The said tribes or bands acknowledge themselves, jointly and severally, under the exclusive jurisdiction, authority, and protection of the United States, and hereby bind themselves henceforth to refrain from the commission of all acts of force and aggression toward the government or citizens thereof, and to live on terms of peace and friendship among themselves, and all other Indians which are now or may hereafter come under the protection of the United States.

ART. 3. To promote the settlement and improvement of said tribes or bands, it is hereby stipulated and agreed that the following districts of country in the State of California shall be set apart forever, for the use and occupancy of the aforesaid tribes or bands, to-wit: commencing on the east bank of the Sacramento river, at a point where the northern line of Sutter's claim is said to strike said river, running in said line in an easterly direction three miles; thence in a southeasterly direction fifteen miles to a point within three miles of the Sacramento river; from said point in a line due west to the Sacramento river, and from said point up said river to the point of beginning. It is furthermore understood and agreed upon by both parties that the tribes or bands of Indians residing upon the coast, on the Sacramento river from the mouth of Stone creek to the junction of Feather and Sacramento rivers, and on Feather river to the mouth of Yuba river, shall be included in the said reservation, and that the provisions herein contained as to any other lands within the boundaries of the United States, or ever disturb the people of the United States in the free use and enjoyment thereof.

ART. 4. To aid the said tribes or bands in their enumeration while removing to and making allotments upon the said reservation, the United States, in addition to the few presents made to them at this council, will furnish them free of charge, with two hundred and fifty (250) head of beef cattle to average in weight five hundred (500) pounds, seventy-five (75) sacks flour one hundred (100) pounds each, within the time of two years from the date of this treaty.

O. M. WOZENCRAFT,
United States Indian Agent.

For and in behalf of the Colus.
SCI-OAOG, his x mark. [ SEAL. ]

For and in behalf of the Willaya.
HO-OAOG, his x mark. [ SEAL. ]

For and in behalf of the Co-he.
LOUIS, his x mark. [ SEAL. ]

For and in behalf of the Cha.
HOO-KA-TO, his x mark. [ SEAL. ]

For and in behalf of the La-loke.
LA-LOKE, his x mark. [ SEAL. ]

For and in behalf of the Mi-ka-la.
MI-KA-GL, his x mark. [ SEAL. ]

For and in behalf of the Wi-te-bus.
WI-TE-BUS, his x mark. [ SEAL. ]

For and in behalf of the Co-ne.
CO-NE, his x mark. [ SEAL. ]

Signed, sealed and delivered, after being fully explained, in the presence of—

THOMAS WHITBY, Second Lieutenant 2d Infantry, Commanding escort.

O. M. WOZENCRAFT,
United States Indian Agent.

For and in behalf of the Colus.
SCI-OAOG, his x mark. [ SEAL. ]

For and in behalf of the Willaya.
HO-OAOG, his x mark. [ SEAL. ]

For and in behalf of the Co-he.
LOUIS, his x mark. [ SEAL. ]

For and in behalf of the Cha.
HOO-KA-TO, his x mark. [ SEAL. ]

For and in behalf of the La-loke.
LA-LOKE, his x mark. [ SEAL. ]

For and in behalf of the Mi-ka-la.
MI-KA-GL, his x mark. [ SEAL. ]

For and in behalf of the Wi-te-bus.
WI-TE-BUS, his x mark. [ SEAL. ]

For and in behalf of the Co-ne.
CO-NE, his x mark. [ SEAL. ]

Signed, sealed and delivered, after being fully explained, in the presence of—

THOMAS WHITBY, Second Lieutenant 2d infantry, Commanding escort.

O. M. WOZENCRAFT,
United States Indian Agent.
INDIAN TRIBES OF CALIFORNIA.

(J.) Treaty Made and Concluded at the Fork of the Cosumnes River, September 18, 1851, Between O. M. Wozencraft, United States Indian Agent, and the Chiefs, Captains, and Head Men of the Cui-ly, Yas-zi, Loc-lum-ne, and Wo-pum-nes. Article 1. The several tribes or bands above named do acknowledge the United States to be the sole and absolute sovereign of all the soil and territory ceded to them by a treaty of peace and friendship between them and the republic of Mexico.

Art. 2. The said tribes or bands acknowledge themselves jointly and severally under the exclusive jurisdiction, authority and protection of the United States, and hereby bind themselves hereafter to refrain from the commission of all acts of hostility and aggression towards the government or citizens thereof, and to live in terms of peace and friendship among themselves and with all other Indian tribes which may hereafter exist, and further to prevent all others from disrupting or interfering with the relations of the United States with said tribes or bands and to prevent all other Indians from coming among them.

Art. 3. To determine the settlement and improvement of said tribes or bands, it is hereby agreed and understood that the following district of country in the State of California shall be and is hereby set apart forever for the sole use and occupancy of the aforesaid tribes of Indians. viz., commencing at a point on the Cosumnes River, on the western side of the county, running south on and by said line to its terminus, running east on said line twenty-five miles, thence north to the middle fork of the Cosumnes River, down said stream to the place of beginning. To the said district of country is set apart.

Provided, That there is reserved to the government of the United States the right of way over any portion of said territory, and the right to establish and maintain any military or public roads, post or public buildings, school-houses, and such other structures as may be necessary for the protection of the United States, and further to prevent all others from disrupting or interfering with the people of the United States in the free use and enjoyment thereof.

Art. 4. To aid the said tribes or bands in their subsistence, while removing to and settling in the said reservation, the United States will furnish each of the several tribes or bands above named with fifteen hundred (1,500) pounds of wheat, one hundred (100) pounds of flour, and one hundred (100) pounds of beef each. The several nations above named do acknowledge the United States to be the sole and absolute sovereign of all the soil and territory ceded to them by a treaty of peace and friendship between them and the republic of Mexico.

Art. 5. As early as convenient after the ratification of this treaty by the President and Senate, in consideration of the premises, and with a sincere desire to encourage said tribes in the acquisition of the arts and habits of civilized life, the United States will also furnish them with the following articles, to be divided among them by the agent, according to their respective numbers and wants, during each of the two years succeeding the said ratification: viz., one pair of overalls, three pairs of overalls, one coat, and a half pair of blankets for each man and boy; one pair of pants for each woman and girl, four thousand yards of calico, and one thousand yards of broad cloth; forty pounds of coffee, two pairs of shoes, forty yards of broad cloth, and one pair of shoes; one pair of shoes and one half pair of blankets for each woman and man, and a portion of one hundred (100) years of age, four thousand pounds of iron and four hundred pounds of steel, and in like manner in the first year, for the said tribes, as their present condition, viz: seventy-five broom maces and three staves, three hundred milch cows and eighteen bulls, twelve yoke of oxen with yokes and chains, twelve work mules or horses, twenty-five silver dollars, two dollars in gold, two dimes, two half dollars, and two cents, two hundred pounds of flour, and one hundred (100) pounds of beef, and two hundred (200) pounds of fish. The several nations above named do acknowledge the United States to be the sole and absolute sovereign of all the soil and territory ceded to them by a treaty of peace and friendship between them and the republic of Mexico.

Art. 6. The United States will also employ and settle among said tribes, as near their towns or settlements, one practical farmer, who shall superintend all agricultural operations, with two assistants, men of practical knowledge, and two women, and in the cultivation of said lands. The principal school teacher, and as many assistant teachers as the President may deem proper to instruct said tribes in reading, writing, etc., and in the domestic arts, upon the manual labor system; all the above-named persons and schools, and the school purpose, and school purposes, as they may deem necessary for its uses or the protection of the Indians. The said
nations and their tribes, and each of them, hereby agree that they will never claim any other lands within the boundaries of the United States, nor ever disturb the people of the United States in the free use and enjoyment thereof.

Art. 2. To aid the said nations in their subsistence while removing to and making their settlement upon the said reservation, the United States will furnish them, free of all charge, with two thousand five hundred head of beef and cattle to average in weight five hundred pounds, three hundred and fifty sacks of flour of one hundred pounds each, within forty-five days from the date of this treaty.

Art. 3. As an equivalent for the satisfaction of this treaty by the President and Senate, in consideration of the premises, and with a sincere desire to encourage said nations in securing the civilized life, the United States will also furnish them with the following articles, to be divided among them by the agent according to their respective numbers and wants, during each of the two years preceding the said ratification, one pair of pantaloons and one red flannel shirt for each man and boy; one linen gown for each woman and girl; seven thousand yards calico, seventeen hundred yards of brown sheet, seventy pounds Scotch thread, four dozen pairs of scissors, fourteen dozen tumbles, five thousand needles, one half a point Mackinaw blanket for each man and woman over fifteen years of age, seven thousand pounds of iron and six thousand pounds of steel; and in like manner in the first year for the permanent use of said tribes, and as their joint property, viz.: one hundred and ninety deerskins, seventy and seven blankets, two hundred and thirty-six pounds of wrought iron, two hundred mules or horses, forty-two plows, one hundred and forty corn holes, one hundred and forty spades, and twenty grindstones. Of the stock enumerated above, and the product thereof, no part or portion shall be killed, exchanged, sold, or otherwise parted with, without the consent and direction of the agent.

Art. 6. The United States will also employ and settle among said nations, at or near their towns or settlements, one practical farmer, who shall superintend all agricultural operations, with two assistants, men of practical knowledge and abilities; one saddler, one blacksmith, one principal school teacher, and as many assistant teachers as the President may deem proper to instruct said nations in reading, writing, and arithmetic. The United States will also engage suitable school houses, and accommodations for the accommodation of the schoolmasters, mechanics, agriculturists and assistants above specified, and for the protection of the public property. In testimony whereof, the parties have heretofore signed their names and affixed their seals, this fifth day of January, in the year of our Lord one thousand and eighty and fifty-two.

O. M. WOZENCRAFT, [seal] United States Indian Agent.

For and in behalf of the San Luis Rey Indians.

FRANCISCO JAVIEL, [seal] of the San Luis Rey Indians, his x mark.

JOSÉ (Coos-po-am-ru-ta) of Pa-arn-xu, the country of Cabezon, his x mark.

JUAN, (Kah-wee-a) of Paun-xu, his x mark.

GINO, (Seh-tah-hee-put-ye) of Paun-xu, his x mark.

YALARIG, (Seh-tah-pee) of Paun-xu, his x mark.

TEODORO, (Choe-ni) of Jalpan, his x mark.

YGNACIO, (Choe-ni) of the people of Jalpan, his x mark.

JUAN BAUTISTA, (Seh-ta) of Paun-xu, his x mark.

ERONINUN, (Seh-yo) of Paun-xu, his x mark.

VICTORIANO, (Kwe-vi) of Paun-xu, his x mark.

For and in behalf of the people of Tse-wu.

JUAN ANTONIO, (Coos-po-am-ru-ta) of the people of Tse-wu, his x mark.

LEONARDO, (Parki) of the people of Tse-wu, his x mark.

For and in behalf of the people of To-wu.

JUAN ANTONIO, (Coos-po-am-ru-ta) of the people of Tse-wu, his x mark.

LEONARDO, (Parki) of the people of Tse-wu, his x mark.
of the same to the northwestern corner of the grant of the San Jose del Valle, thence following the boundaries thereof by south and east to the southeastern corner of it, thence on a right line to the south line of the grant, thence south and parallel to the line of the northwest corner of the said district of country for the sole use and occupation of the said Indians forever:

Provided, That there is reserved to the government of the United States the right of way over any portion of said territory, and the right to establish and maintain any military or postal roads, public buildings, schools, and religious and other institutions for Indians, and teachers, and such others as may deem necessary for the use or protection of the Indians.

The said nations and tribes and each of them, by right of said treaty, shall forever have the use and occupancy of the said lands, so long as the same may be occupied by them, and their successors in interest, respectively, and shall be subject to the laws of the United States.
INDIAN TRIBES OF CALIFORNIA.

For in behalf of the Co-go-mon.

MEN-O-LO, chief, his x mark. [SEAL]
MAN-LOO-LO, his x mark. [SEAL]
JO-SO, his x mark. [SEAL]
WAS-SAL-SAL-CO, his x mark. [SEAL]
JOSE VEN-TU-RA, his x mark. [SEAL]

For in behalf of the A-saw-a-sh.

CE-FR-ANG, chief, his x mark. [SEAL]
WOA-MAN-AKE, his x mark. [SEAL]
AT-CA-NA, his x mark. [SEAL]
AC-TON, his x mark. [SEAL]
HA-MA-CHA, his x mark. [SEAL]

For in behalf of the A-pang-a-se, or A-pang-a-se tribe.

SI-MA-CHA-MA-NO, chief, his x mark. [SEAL]
CO-MO-TO, his x mark. [SEAL]
PE-CHA, his x mark. [SEAL]
LO-PAL, his x mark. [SEAL]

For in behalf of the A-plahe tribe.

HAH-HAW, chief, his x mark. [SEAL]
OU-TE-XU, his x mark. [SEAL]
EN-PE-A, his x mark. [SEAL]
TA-SO-O, his x mark. [SEAL]
OU-MA, his x mark. [SEAL]

Signed, sealed, and delivered, after being fully explained, in presence of

John McKee, Secretary.

John Johnson, Agent.

H. H. Burton, Interpreter.

E. D. Keys, Captain third artillery, commanding escort.

E. H. Lendrum, First lieutenant 3d artillery.

H. A. Mixcomb, Lieutenant 3d artillery.

T. Moore, Lieutenant 2d infantry.

M. G. J. Gibson, Second lieutenant 3d artillery.

N. H. McClean, Second lieutenant 2d infantry.

John E. Durward, Agent.

T. B. Roach.

(N.) TREATY MADE AND CONCLUDED AT CAMP BARBOUR, ON THE SAN JOAQUIN RIVER, STATE OF CALIFORNIA, JAN. 29, 1851, BETWEEN REDICK MCKEE AND OTHERS, COMMISSIONERS ON THE PART OF THE UNITED STATES, AND THE CHIEFS, CAPTAINS AND HEAD MEN OF THE HOW-ECHEES, &c. &c., TRIBES OF INDIANS.

A treaty of peace and friendship made and concluded at Camp Barbour, on the San Joaquin river, California, between Redick McKee, George W. Barbour, and O. M. Wozencraft, commissioners thereto specially appointed, on the part of the United States, and the undersigned chiefs, captains and head men of the tribes of Indians now in council at this camp, known as the How-echees, Chooch-cha-ees, Chaw-chi-tees, Po-to-to-tees, Chee, and Neela, which five tribes are acknowledged as the principal chief and also the Po-to-to-tees, Chee, and Neela, which five tribes are acknowledged as their principal chief and also the Chaw-chi-tees, Po-to-to-tees, Chee, and Neela, which five tribes are acknowledged as their principal chief and also the Po-to-to-tees, Chee, and Neela, which five tribes are acknowledged as their principal chief.

N. 1. The said tribes or bands acknowledge themselves jointly and severally under the exclusive jurisdiction, authority and protection of the United States; and hereby bind themselves to refrain hereafter from the commission of all acts of hostility, or aggression towards the government or citizens thereof, and to live in terms of peace and friendship among themselves, and with all other Indian tribes which are now or hereafter come under the protection of the United States.

N. 2. Lest the peace and friendship hereby established between the United States and the said tribes should be interrupted by the misconduct of individuals, it is expressly agreed that, for injuries on either side, no private revenge or retaliation shall take place or be attempted; but instead thereof, complaints shall be made by
the party aggrieved to the other through the Indian agent of the United States in their district, whose duty it shall be to investigate the dispute, and, if practicable, or, in case of acts of violence being committed upon the person or property of a citizen of the United States by an Indian or Indians belonging to or harbored by either of said tribes or bands, the party or parties charged with the commission of the said offense, shall promptly be delivered up to the civil authorities of the State of California for trial; and in case the crime has been committed by a citizen or citizens of the United States upon the person of an Indian or Indians of either of said tribes, the agent shall take all proper measures to bring the offender or offenders to trial in the same way.

Art. 3. The said tribes or bands hereby jointly and severally relinquish, and forever quittance to the United States all the right, title, claim or interest of any kind of either of them of ever having had to lands or soil in California.

The said tribes or bands, in consideration of the benefits and improvements of the said lands, they are hereby stipulated and agreed that the following district of country in the State of California shall be, and is hereby, set apart forever for the sole use and occupancy of the aforesaid tribe or bands, to wit: - Beginning at the mouth of the Chohichewi river, near old Indian rancheria, known to the tribe, and immediately at the junction of the two main forks of said river, in the foothills running thence a straight line in a southerly direction to the top of the point of the Table mountain, on the San Joaquin river; thence up the San Joaquin above the said high hill or mountains, and on the river, in the valley in which the camp known as Camp Barbour is established, on the south side of the San Joaquin river, continuing thence on the top of said mountain a straight line in the same southerly direction to the eastern base of the mountain known as the Lone or Lost mountain, on the south side of King's river; thence running a straight line in the south direction to the mouth of the Cowper river, generally known as the first of the Four creeks, thence down the middle of said creek to a point fifteen miles in a straight line from where the first line strikes it, thence to the mouth of the Chonitchewi river to a point fifteen miles distant, on a straight line from the starting point, as above designated; the said line from the Cowper river to the above point to be so run as to cross King's, San Joaquin, and Fresno rivers at the distance of fifteen miles in a straight line from where the first line herein mentioned crosses one of said rivers, and a line of the last mentioned line starting from the point where the middle of said stream begins to the beginning: To have and to hold the said district of country for the sole use and occupancy of said Indian tribes forever.

Provided, That the United States shall have the right to govern the said territory, and to establish and maintain any military post or posts, public buildings, school houses, houses for agents, teachers, and such other buildings as may be necessary for their use, or the protection of the United States.

And provided further, That said tribes of Indians, or any portion of them, shall at all times have the privilege of the country east of the aforesaid district, and between the west line of the Cowper river, and the line of the Chonitchewi river; and to the west of the Sierra Nevada mountains, to hunt and to gather fruits, acorns, &c.; but in no event are they or any of them to remove or settle their families beyond the limits of the first designated district or boundary of land without the permission of the United States through their duly authorized agent; and also that the said tribes shall never sell or dispose of their right or claim to any part thereof, except to the United States, nor shall they ever lease to, or permit white men to settle, work, or trade upon any part thereof, without the written permission of the Indian agent of the United States for the district. And it is expressly understood that the lands or wild portion of the tribes when provided for, which are still out in the mountains, shall, when they come in, be included in the limits of their respective bands, and equal to the number of the said tribe that is in the land and provisions hereinbefore stipulated to be furnished for the whole reservation; and the tribes above named pledge themselves to use their influence and best exertions to bring in and settle the said land and provisions.
For and in behalf of the Noo-choo.

PAN-WACH-EE, his x mark.  
KETT-MA, his x mark.  
MUL-IC-EE, his x mark.  
TA-WACH, his x mark.  
INTER-MA, his x mark.  
WAL-LIN, his x mark.  

For and in behalf of the Pit-ca-choo.

TOM-QUITT, chief, his x mark.  
TA-WO-KAL, his x mark.  
TOO-TRO-MI, his x mark.  
CHO-LUL, his x mark.  
NE-SA-PLI, his x mark.  

For and in behalf of the Cu-sea.

DOMINGO-PEREZ, his x mark.  
TOM-MAS, his x mark.  
JOSE-ANTEO, his x mark.  

For and in behalf of the Boom-noo.

HAT-PO-LOO, his x mark.  
TAP-PA, his x mark.  
PO-SEA, his x mark.  

For and in behalf of the Tacktik-hee.

CHO-KETT, his x mark.  
PAI-LO-KOGESH, his x mark.  
HOW-LI-MIL, his x mark.  
SO-KUCH, his x mark.  

For and in behalf of Pea-koo.

KO-HEEEL, his x mark.  
KO-IKEE, his x mark.  
COP-PI, his x mark.  
INTER, his x mark.  

For and in behalf of the Wamok-et.

PAS-QUAL, chief, his x mark.  
WA-KEEEN, his x mark.  
JOSE ANTEO, his x mark.  
WA-TOO, his x mark.  
A-FOR-TRIA, his x mark.  
TO-NAI-CHEE, his x mark.  

For and in behalf of the Cho-poo-ma.

WAU-TOO-EE, his x mark.  
KO-LET-TEE, his x mark.  
TA-WEE-E, his x mark.  

For and in behalf of the Cho-i-koo.

KO-HEEEL, his x mark.  
GAU-TRIA-TEE, his x mark.  
WOH-TON, his x mark.  

For and in behalf of the Ne-to-noo.

PAS-QUAL, his x mark.  

For and in behalf of the Wamok-choo.

PAS-QUAL, his x mark.  

Signed, sealed and delivered, being fully explained, in presence of—

JOHN MEEK, Secretary.  

Interpreters:

ADAM JOHNSTON, Agent.  
E. D. KEYSER, Captain third artillery, commanding escort.  
I. M. LINDENBERG, First lieutenant 3d artillery.  
H. J. GIBSON, Second lieutenant 3d artillery.  
I. F. A. MARX.
INDIAN TRIBES OF CALIFORNIA.

For and in behalf of the Ho-la-she-bo tribe.

T-U-LIO, his x mark, chief.

REDICK MCKEE, [SEAL.]

United States Indian Agent.

INDIAN TRIBES OF CALIFORNIA.

For and in behalf of the Ho-la-she-bo tribe.

T-U-IJIO, his x mark, chief.

REDICK MCKEE, [SEAL.]

United States Indian Agent.

IN TESTIMONY WHEREOF, the parties have hereto signed their names and affixed their seals this twentieth day of August, anno Domini eighteen hundred and forty-one.

REDICK MCKEE, [SEAL.]

United States Indian Agent.

Article 1. The said tribes or bands acknowledge themselves jointly and severally under the exclusive jurisdiction, authority and protection of the United States, and
INDIAN TRIBES OF CALIFORNIA.

For and in behalf of the Yu-kis tribe.

KO-YO-TO-WAS-SA, his x mark.
CAL-WO-TA, his x mark.
KA-A-PAN, his x mark.
CHA-Q-LA, his x mark.
LA-WIN, his x mark.
KA-RA-DIM, his x mark.

For and in behalf of the Mau-u-to-ku-yu tribe.

CAL-PEL-LA, his x mark.
CAL-LAE-TEL-TEM, his x mark.
POI-DIM, his x mark.

For and in behalf of the Po-mo tribe.

CHI-BEM, his x mark.

Signed, sealed and delivered in the presence of the undersigned witnesses; the above-mentioned articles, and the several articles and stipulations of the treaty of Camp Lu-pi-yum, having been first fully explained.

JOHN MCKEE, Secretary.

GEORGE GIBBS, George WATSON, Interpreters.


JOHN S. GIFTIN, Assistant Surgeon U. S. army.

EDWARD C. KENNEDY.

WALTER McCOY.

JAMES A. CLARK.

SAMUEL WOODS.

GEORGE PARKER AMBROSE.

(Q.) TREATY MADE AND CONCLUDED AT CAMP KLAMATH, AT THE JUNCTION OF KLAMATH AND TRINITY RIVERS, STATE OF CALIFORNIA, ON SEPTEMBER 1, 1851, BETWEEN RICHARD McKEE, MECHANIC, INDIAN AGENT, ON THE PART OF THE UNITED STATES, AND THE CHEFTAINS, CAPTAINS AND HEAD MEN OF THE FAKEE OR LOWER KLAMATH, &c., TRIBES OF INDIANS.

A treaty of peace and friendship made and concluded at Camp Klamath, at the junction of the Klamath and Trinity rivers, between Richard McKee, one of the Indian agents appointed to make treaties with the various Indian tribes in California, on the part of the United States, and the chiefs, captains, and head men of the tribes or bands of Indians now in council at this camp, representing the Pok-hi or lower Klamath, the Pok-tick, and the Hoo-pah, or Trinity river Indians; containing also stipulations preliminary to future measures to be recommended for adoption, on the part of the United States.

ART. 1. The said tribes or bands acknowledge themselves, jointly and severally, under the exclusive jurisdiction, authority and protection of the United States; and hereby bind themselves to refrain hereafter from the commission of all acts of hostility or aggression towards the government or citizens thereof, and to live on terms of peace and friendship among themselves and with all other Indian tribes which are now or may hereafter come under the protection of the United States.

ART. 2. Lest the peace and friendship established between the United States and the said tribes should be interrupted by the misconduct of individuals, it is expressly agreed that, for injuries received on either side, no private revenge or retaliation shall take place or be attempted; but instead thereof, complaints shall be made by the party aggrieved to the other, through the Indian agent of the United States in their district, whose duty it shall be to investigate, and, if practicable, adjust the difficulty; or in case of acts of violence being committed upon the property or citizens of the United States by an Indian or Indians belonging to or harbored by either of said tribes or bands, the party or parties charged with the commission of the crime, shall be promptly delivered up, when demanded, to the civil authorities of the State of California for trial, and in case the crime has been committed by a citizen or citizens of the United States upon the person or property of an Indian or Indians of either of said tribes, the agent shall take all proper measures to bring the offender or offenders to trial in the same way.

ART. 4. It is hereby further agreed by the said Indians, that bands, that at the expiration of one year from the execution of this treaty, or at such time previously, or thereafter, as the United States shall require, they will remove with their families and property from the lands they now occupy on Russian river, to the Indian reservation on Clear lake, made and reserved by the treaty concluded at Camp Lu-pi-yum, on the 29th day of August, 1851, and there abide and remain; and it is stipulated and agreed on behalf of the United States, that the said government will deliver the necessary supplies of such articles as shall be used by the agents of the said tribes, and that the said tribes shall thereupon receive and enjoy all the advantages and rights secured by said treaty to Indians residing thereon; and for the maintenance and support of the Indians, until they maintain themselves: that is to say, during the present year 1851, the United States will furnish them with one hundred head of beef-cattle, and two hundred sacks of flour, equal to ten bushels, and 30 pounds of sugar, or 30 pounds of tea, or any other commodity of a similar value, necessary for their use after their said removal and settlement upon said reservation; and for their permanent use besides the provisions, clothing, &c., given them at this camp, such stock, farm implements, machinery, &c., as the Indian agent shall judge necessary for their comfort and convenience, and are such as the numbers may, when ascertained, entitle them to, upon a fair and just equality with the Indians now residing on Clear lake, as stipulated in the said treaty of Camp Lu-pi-yum; and it is expressly understood and agreed that the said tribes or bands are to observe, fulfil, and be governed by all and singular the requirements, stipulations and articles of the said treaty of Lu-pi-yum, as fully as if the same were incorporated and formally expressed in this treaty.

ART. 6. It is also agreed that until the United States shall have established a military post on said reservation, with a regular physician or surgeon attached thereto, the said Indians shall be employed as they may choose, at the United States, an experienced physician to reside on said reservation, attend to the sick among either whites or Indians, and especially to vaccinate the members of the said tribes, and when said military post shall be established, the services of the surgeon thereto attached shall be substituted for the agent for those of the physician first employed, allowing him therefore a reasonable compensation.

REDICK MCKEE, United States Indian Agent.

For and in behalf of the Sun-nell tribe.

CHAS-KAN, his x mark.
OUS-TIN, his x mark.
CAL-LA,YA, his x mark.
KA-WA-LOW, his x mark.
SA-XEM, his x mark.
RE-YO-HOM, his x mark.
KA-E-SU-A, his x mark.
YO-KI-AM, his x mark.

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INDIAN TRIBES OF CALIFORNIA

at the ferry of C. W. Durkee, in Klamath river, to enable them to rebuild the houses recently destroyed by the whites, with four dollars in cash, besides a stock of hard bread, and four bullocks, sixteen pairs heavy blankets, to be distributed among them by said Durkee, according to their respective losses.

Art. 6. These articles shall be binding upon the contracting parties when ratified by the President and Senate of the United States.

In testimony whereof the parties have hereunto signed their names and affixed their seals this sixth day of October, anno Domini 1853.

REDDICK McKEE,
United States Indian Agent for California.

For and in behalf of the Wash-shish tribu, living three miles below mouth of Trinity river.

For and in behalf of the Cap-lul tribe.

For and in behalf of the Mo-wa-ka.

For and in behalf of the Sur-a-goines.

For and in behalf of the Bluff creek.

For and in behalf of the Up-pa-goines, living near mouth of Bluff creek.

For and in behalf of the Up-pa-goinaes, living near "Ick Cap's" bar, in Klamath river.

For and in behalf of the Sa-rono tribe.

For and in behalf of the Chum-nut tribe, living ten miles below mouth of Salmon river.

For and in behalf of the Chum-nut tribe, living ten miles below mouth of Salmon river.

For and in behalf of the Coe-kum tribe.

For and in behalf of the Chee-nuk tribe.
Indian Tribes of California.

For and in behalf of the Hoo-pah or Trinity river Indians, residing in twelve rancherias or villages.

Principal chief, AT-BUK-KOS, his x mark.

Signed, sealed and delivered after being fully explained in presence of—

JOHN MCKEE, Secretary.

C. W. DUNKEE, Interpreter.


WALTER VAN DIJK.

WM. W. ELDRIDGE, Interpreter.

MORRIS S. THOMPSON.

WALTER MCDONALD.

A TREATY SUPPLEMENTARY TO THE FOREGOING TREATY.

The undersigned chiefs, captains and head men of the Shawa, Oppe-o, Ho-nuck and In-neck tribes or bands of Indians, residing at and near to the mouth of the Cor-tem or Salmon river, having had the terms and stipulations of the foregoing treaty, concluded at Durkee’s ferry on the 9th instant, fully explained to them by Redick McKe, Indian agent of the United States, having expressed an earnest desire to become parties to the said treaty in all its articles and stipulations, it is therefore agreed by and between the said agent and the said chiefs, &c., that the said bands be and become, as aforesaid, parties to the said treaty, &c., to form a band and hereunder sign and affix their seals at Camp Cor-tem near mouth of Salmon River, this tenth day of October, anno Domini, 1881.

REDICK MCKEE, United States Indian Agent.

For and in behalf of the Shawa band.

ESS-KISH-k-a, his x mark.

Signed, sealed and delivered after being fully explained in presence of—

JOHN MCKEE, Secretary.

C. W. DUNKEE, Interpreter.


WALTER MCDONALD.

INDIAN TRIBES OF CALIFORNIA.

A treaty of peace and friendship made and concluded at camp, in Scott’s valley, Shasta county, California, between Redick McKe, one of the Indian agents specially appointed to make treaties with the various Indian tribes in California, on the part of the United States, and the undersigned chiefs and head men now to council at this camp, representing the Upper Klamath, Shasta, and Scott’s river Indians, residing severally in twenty-four, nineteen, and seven rancherias or villages, and herein endorsed as the O-Dak-wah tribe or band, 1-chuck chief, from the Upper Klamath river; 1-ka叙 tribe or band, Tsaw-hor-tek-chief; Ko-se-tah tribe or band, Adaw-hawk chief; I-da-airi-wah-sa tribe or band, I-da-airi-wah-sa chief, from Shasta valley; W赠送-cho-cho tribe or band, Aiwa-cho-cho chief, Eda tribe or band, An-mah-ak-a chief, from Scott’s valley.

Article 1. The said tribes or bands acknowledge themselves jointly and severally for the executive jurisdiction, authority and protection of the United States, and hereby bind themselves to refrain henceforward from the commission of all acts of hostility or aggression towards the government or citizens thereof, to live on terms of peace and friendship among themselves and with all other Indian tribes which are now or may hereafter come under the protection of the United States.

Art. 2. To preserve the peace and friendship hereby established between the United States and the said tribes or bands, it is understood and agreed that for injuries received on either side, no private revenge or retaliation shall take place or be attempted; but in case of complaint shall be made by the party aggrieved to the agent or sub-agent of the United States for their district, who shall investigate the facts and render to the parties concerned, if practicable, just and adequate redress or compensation as the case may require.

The said tribes or bands are only to be held responsible for the acts of violence being committed upon the person or property of a citizen or citizens of the United States by an Indian or Indians belonging to or harbored by either of said tribes or bands, and in such case the said tribes or parties charged with the commission of the said violence shall be promptly delivered up when demanded of the tribes by the said agent or a duly authorized officer of the country, to be tried for the alleged offenses by the civil authorities of the State of California; and in case the crime has been committed by a citizen or citizens of the United States upon the person or property of an Indian or Indians of either of said tribes or bands, the agent shall take proper measures to bring the offender or offenders to trial in the same manner.

Art. 3. The said tribes or bands are to have the benefit of all the provisions and stipulations made hereunder contained, hereby jointly and severally agree, that all the advantages hereinafter mentioned shall be and are hereby stipulated and agreed that the following described tract or district of country shall be appropriated and set apart as an Indian reservation, and that the United States shall forever guaranty to the said tribes or bands and their successors, equally with other Indian tribes or bands and their successors, as the United States may hereafter remove from the waters of the Klamath or Trinity rivers or elsewhere in northern California, and settle thereon, to-wit: commencing at a point on the easterly side of Scott’s valley, about six miles above the cabin or improvement generally known as Watson, Gee & Company’s ranch, where two cedar trees stand upon the west side of a hill hill, and midway between the said cedars; thence running in a southerly direction across the said valley to a point projecting into the same, thence following the course of said creek parallel on the east side of said creek; thence northward to a creek or large brook entering the Klamath from the northward next above the one entering at Murray’s bar, and known as Indian creek; thence along said divide and across the Klamath river to the mouth of said creek; thence across the main fork of said creek to the forty-second parallel of north latitude; thence eastward along said parallel to a point due north of a point where the ridge dividing the waters of Scott’s river from the waters of Humbug creek terminates at or near the head of the Klamath; thence due south, crossing the Klamath river, to said point; thence following said divide and the dividing line between the waters of Scott’s river from the waters of Shasta river to a point in line with the place of beginning, and thence...
Indian Tribes of California.

As early as convenient after the ratification of this treaty by the President and Senate, and the settlement of said tribes or bands upon said reservation, the United States will furnish them with twenty-four brood mares and one stallion, thirty milk cows and one bull, fifty sheep, ten hogs (both sexes), four yoke of work cattle, with yokes, chains, &c., two breaking-ploughs, ten small ploughs, two ox yokes, one mule wagon, seeds of all proper kinds for sowing and planting, three work mules or horses with harness, one hundred heavy spades, twelve mattocks, four hundred garden or corn hoes, two hundred chopping axes, common size, with handles, two hundred chopping axes, small size, with handles, two hundred shearing-knives, two hundred sheep-dip, two hundred iron camp-kettles, second size, four hundred tin pans, two hundred large size, two hundred small size, one set of blacksmithing tools, one set of harnessing tools, one hundred three thousand pounds of iron, five hundred casks of tar, three hundred buckets of steel, assorted, fifty dozen pint tin cups, fifty dozen tin plates, fifty dozen iron-laced spoons, three United States flags. The stock enumerated above, and the product thereof, together with the farming utensils and mechanical tools to be as the joint property of said tribes or bands, the persons to be marked or branded with such letters or marks as will at all times designate the same to be their property, and no part or portion thereof shall be killed, or changed, sold, or otherwise parted with, without the assent and direction of the agent.

It is further agreed, that the United States will fence in with a good board or post and rail fence, preparatory to breaking up the soil for planting, one thousand acres of land; and if, by the year 1855, the said tribes or bands shall not be in a situation to provide themselves with food and clothing, and the agent for their district shall so recommend, the President, in his discretion, may order for their use, in the year 1854, a like or smaller quantity of the articles enumerated in article 7, to be provided for the years 1852 and 1853.

It is further understood and agreed that within the line of the reservation referred to and described in article 4, there shall be retained an area of one mile in width on the eastern and southern sides or lines thereof, whereon it shall not be lawful for either Indians or white men to settle or reside, or by pass over, through, or across the same, but shall then be exclusively within the jurisdiction of the United States.

The said tribes or bands hereby bind themselves to deliver up within sixty days from the date of the execution of this treaty, all horses, mules, and other property of the value of $200 or more, that may be in their possession, stolen from the whites; the claimants making proof of ownership before the agent or such person as he may designate to act in his absence, or before a magistrate or judge of the circuit court of the State of California; all such property claimed and not clearly identified, to be returned to the Indians.

In testimony whereof, the parties have hereunto signed their names and affixed their seals, this fourth day of November, anno Domini eighteen hundred and fifty-five.

REDIOR MCKEE. United States Indian Agent. [SEAL.]

For and in behalf of the O-de-i-lah tribe or band from the Upper Klamath river.

I-SHACK, his x mark. [SEAL.]
E-EM-NAS-OAT, his x mark. [SEAL.]
PL-O-KUKU, his x mark. [SEAL.]
SA-KAK-A-HA, his x mark. [SEAL.]

For and in behalf of the Iha-ruck tribe or band in Shasta county.

TJ-LY-HUT-SIKO, his x mark. [SEAL.]
CHE-NE-NI-TUK, his x mark. [SEAL.]

For and in behalf of the Ko-se-nah tribe or band in Shasta county.

ADA-WAR-HOW, his x mark. [SEAL.]
QUAP-SOW-AHA, his x mark. [SEAL.]

For and in behalf of the Ida-kaw-aka-ke tribe or band in Shasta county.

A-LAT-SE-WAK-A-HA, his x mark. [SEAL.]
IDA-KAR-I-WAK-A-HA, his x mark. [SEAL.]

For and in behalf of the Wat-en-ka-wa tribe or band in Scott's valley.

AR-RATS-A-OHO-I-A, his x mark. [SEAL.]

Accordingly, the said tribes or bands, the persons to be marked or branded with such letters or marks as will at all times designate the same to be their property, and no part or portion thereof shall be killed, or changed, sold, or otherwise parted with, without the assent and direction of the agent.
Indian Tribes of California.

Mr. Raker. Now this says here:

June 7, 1852. Read and, with the documents and treaties, referred to the Committee on Indian Affairs and ordered to be printed in evidence for the use of the Senate.

Then:

January 13, 1853. Injunction of secrecy removed.

The injunction of secrecy was removed then and not before, and the order was simply made like this, which applies to all of the treaties. I have the book here with the Senate order in it, but this applies to all of them:

Resolved That the Senate do not advise and consent to the ratification of the treaty of peace and friendship made at Camp Beth, on Kings River, in the State of California, on the 13th day of May, 1853, between George W. Barbour, one of the commissioners appointed by the President of the United States to make treaties with the various Indian tribes in the State of California, and having full authority to do so, of the first part; and the chief, captains, and head men of the following tribes of Indians, to wit—

Naming them.

Now, there was a similar order made in each of the cases, which is found on pages 417, 418, and 419 of the printed journal of executive proceedings of the United States Senate for July 8, 1852.

The Chairman. I would like to ask a question or two right here: During the last five years, have you attempted to bring about this same legislation?

Mr. Raker. In this way—

The Chairman (interposing). And have there been any hearings held on it?

Mr. Raker. No; except this: The Committee on Indian Affairs of the House has been very busy, and they took up some questions of appropriations. Small amounts, for the California Indians. We appeared before the Senate Committee last year and presented some evidence on the matter.

The Chairman. Was there a record made of that?

Mr. Raker. What was made of it was taken, but the Senate committee suggested, because of this matter, the Commissioner of Indian Affairs would proceed to make an examination of the condition of the California Indians, and also the Board of Indian Commissioners, and I understand that the board made their investi-
plied with by the Indians; the Government accepted the agreement and accepted the land and disposed of it, and the treaties were in possession of the executive department and could have been returned at any time and could have been approved at any time later if desired, but both parties proceeded as though the treaties were actually approved, but the Government never on its part, carried out the terms of the treaties.

Mr. Sinclair. The terms of the treaty were entered into and carried out by the Indians?

Mr. Raker. Absolutely. The Government took the land and used it; disposed of it. In 1851 and 1852 a duly authorized United States commission secured the signatures of about 400 California Indian chiefs, the heads of bands, to treaties. These chiefs solicited approximately 150 bands or tribes. There were 18 of these treaties, all similar in tenor, which we have presented in the record. The terms of the treaties were substantially as follows:

The Indians agreed:

(a) To cede their rights in lands to the United States Government.
(b) To keep the peace.
(c) To accept the sovereignty of the United States.
(d) To accept the certain reservations, 18 in number, aggregating about 7,600,000 acres described in said treaties by metes and bounds, worth at the Government price of $1.26 per acre about $9,500,000.

Now, it might be said that the session was turned over to the United States; the Indians kept the peace, they accepted the sovereignty of the United States, and the Government obtained the land.

The Government agreed to do as follows:

(a) To pay the Indians certain sums in goods amounting to about $1,800,000.
(b) To reserve in perpetuity for the Indians' use and enjoyment different reservations specified in said treaties.
(c) To provide school and other necessary buildings.
(d) To provide skilled instructors in farming, blacksmithing, and woodwork, supervisors and such assistants as should be found necessary. Said instruction to be continued for as long as might be found necessary by the President.

For, I suppose, a number of years practically nothing was done, and then within the last 10 years some provision has been made.

The Senate of the United States did not ratify these treaties, and the Government therefore quite properly considered them inoperative. The reasons why the Government did not ratify these treaties or settle with the Indians of California in some other suitable way for their rights to lands and other native opportunities is obscure.

These Indians have long been clamoring for an adjustment of their claims and for educational advantages and proper care for their indigent members.

The Annual Report of the Department of the Interior for 1901, page 346, records the following statement:

"We have not always been consistent in our treatment of these old-time leaders. Some chiefs in other tribes, who, through their hostile opposition to the peaceful development of the country, have been classed with the Indian chiefs, have been more favored with positions in the Government service and their subjugation cost large sums, have been greatly favored, some of them with salaries, while Boeskaalew, who, through his determined loyalty, doubtless helped to save the nation's wealth from the misadventures of Capt. Jack's rebellion in 1872 and 1873, are left to remain in poverty."

The majority of the Indians of California are in destitute circumstances and are without educational opportunities. We have the Greenville School, giving some consideration to the education of the

Indians; we have the Fort Bidwell School, giving some consideration at that point, and these particular matters will be presented as to the credit of the Government before we conclude.

Now, here is a remarkable statement:

Out of the 210,000 California Indians of 70 years ago there are left but a miserable remnant of 20,000. The 210,000 estimate is an extremely conservative one, compared with that of Stephen Powers, one of California's most reliable statisticians, who claimed that there were over 750,000 Indians in this State at the time of the coming of the white man to California. Let us, for the sake of our case, allow that there were only 210,000, and that to-day there are 20,000 Indians.

Mr. Hernandez. Where did they go?

Mr. Raker. They died; starved to death.

Mr. Hernandez. And moved away?

Mr. Raker. No; they practically, in many instances, starved to death. Smallpox and disease got amongst them and they were wiped out by whole villages.

The Chairman. At what period was this estimate of 210,000 made?

Mr. Raker. About 1850.

Mr. Cole. You say there were 700,000?

Mr. Raker. That was one man's estimate, but the most conservative estimate is about 210,000. I find that from various sources.

But now even this last winter in my own county in one little village I am advised by the newspapers that 75 Indians died from the flu, and the whole community was wiped out. This is but one illustration of what has been going on. Now, whether at this particular place that statement is true I am not prepared to say, only I have noticed it repeatedly in a dozen papers as the result of the flu in this one community.

Mr. Merriam. We have had that report investigated, Mr. Chairman, and found that it was very greatly exaggerated. There were only a very few Indians who died from influenza.

Mr. Raker. I am glad that you had that investigated and are able to report on the real question.

Confronted by these facts, we must acknowledge, astounding as it may appear, that at least 190,000 Indians, without regard to their birth rate, have died in California during so brief a period. This terrible and swift decrease of the Indian population is indisputably chargeable to three causes, principally—eruption, starvation, and disease.

Dr. Judson Lifschutz, of Mendocino County, Calif., who has been a practicing physician for 22 years, in an address at the conference of the Indian Board of Cooperation, held in San Francisco, August, 1915, said:

"I have lived for nine years as Government physician on a large reservation, and for seven years as superintendent of the county hospital and almshouse, and county health officer; having studied this question, I am not giving you condition, but with the exception of a few counties the indigent, sick, or aged Indians receive practically no care, either within the county or outside of reservations, he being a shuttlecock between State and National authority, each claiming that the responsibility rests on the other. In the county in which I reside, there are no Indians in the alms or county hospital, although there are many instances of pitiable poverty among the aged and cases of curable disease which are left to stand and starve in the street, or are left untreated. Children die of tuberculosis and bite and many become blind from trachoma and conjunctivitis. The aged, many of them, blind, sick, out a miserable existence, half clad and half starved, dependent upon the precarious help of their own poverty-stricken race or the intermittent assistance of charitable white people."
Dr. Litchfield further states with reference to Mendocino, Sonoma, Lake, and adjacent counties that "there is no Government physician outside the Round Valley Reservation, and he makes no visits outside of that reservation."

Now, Mr. Chairman, I do not know of any better presentation of this question to the committee than the report of Mr. C. E. Kelso, special agent for California Indians, dated March 13, 1920, wherein this matter has been gone into, and on pages 4, 5, and 6 of that report he recapitulates and sets up the condition of these Indians from the beginning, before the California settlement down to the present time, and I am wondering whether or not it would not be well to read it to the committee.

The CHAIRMAN. How long is it?
Mr. Raker. About two pages and a half. I would like to have the report inserted in the record.

The CHAIRMAN. Well, go ahead and read that part.

Mr. Raker. I will read this:

The treaty of Guadalupe Hidalgo, which ceded California to the United States, transferred the title of all lands in the ceded territory to the United States. The Spanish and Mexican law Indians had certain rights to the lands they occupied and could not be legally evicted from them.

You could really stop at that statement without going any further if it seems to me, on his record, to show primarily to the committee, that the Indians had the land. If that general statement is true and the Government did evict them the Government took the land, which is true.

It would seem that this right was an interest in land and one entitled to protection under the provisions of the treaty to Guadalupe Hidalgo.

The act of Congress which provided for the cession of the lands to Spanish and Mexican citizens was not an act of the committee appointed to make the settlement which, as is now known, was that Congress was not authorized to make the settlement but was authorized to make the settlement which is now known as the United States. The Spanish and Mexican law Indians had certain rights to the lands they occupied and could not be legally evicted from them.

You can not stop at that statement without going any further if it seems to me, that the Indians had the land. If that general statement is true and the Government did evict them the Government took the land, which is true.

The treaty of Guadalupe Hidalgo, which ceded California to the United States, transferred the title of all lands in the ceded territory to the United States. The Spanish and Mexican law Indians had certain rights to the lands they occupied and could not be legally evicted from them.

You could really stop at that statement without going any further if it seems to me, that the Indians had the land. If that general statement is true and the Government did evict them the Government took the land, which is true.

Sixteen treaties were negotiated in northern California and two in southern California. These treaties were all very similar in text. The Indians agreed to cede their lands to the United States and to keep the peace and to accept certain reservations described by metes and bounds in the treaties. The Government agreed to reserve for the Indians the lands described in the treaties and to pay a certain sum of money, payable in a great variety of things, such as provision, clothes, livestock, and miscellaneous goods. The value of the goods thus promised the Indians in California was about $1,500,000, and the land reserved was about 1,500,000 acres. In southern California, the goods promised were worth about $1,000,000, and the land reserved was about 2,000,000 acres.

At that time, in 1851, Indian treaties were submitted to the Senate for ratification. As California had gathered news of Indian influence from all over the land, the miners' protest against such intrusive-species and the Senate, rejected not only those treaties that affected the mining districts, but all the treaties. No effort seems to have been made to make new treaties or in any way to acquire the Indian title from that day to this, nor did the California Indians ever receive one cent for their rights in the lands which they have lost.

I stop there, and I think that is conceded to be the truth and the fact by everyone.

The CHAIRMAN. As I see the matter, the fact that the treaties were negotiated by the Indians were never ratified by the Senate.

Mr. Raker. That is true.

The CHAIRMAN. And therefore I suppose the Government has gone on the basis that they had no agreement with the Indians, and perhaps had nothing more than a moral obligation to look after their interests.

Mr. Raker. That is true, but for years nothing was done; the Indians were left alone to a great extent, and that is the general situation. The reservations can not be had for them; the land is disposed of, that in the reservation and that outside which they might have, and the least that the Government can do under this contract is to compensate the Indians; like any other individual, if you enter into a contract and take the benefits of the contract you take my land and keep it and all the benefit from it, then in a court of equity I am entitled to compensation.

The CHAIRMAN. But I do not understand that the Government took the land.

Mr. Raker. They took all of it.

The CHAIRMAN. Notwithstanding the fact that the treaties were not ratified?

Mr. Raker. And the Government took possession by virtue of opening up the land for settlement and permitting everybody to file on the land as mining claims, homestead, desert-land claims, timber claims, and whatever it might be.

The CHAIRMAN. Now you say there are about 20,000 of these Indians left, and there are 15,000 of them off reservations?

Mr. Raker. Yes, sir.

The CHAIRMAN. Now how many Indians will be involved in these claims?

Mr. Raker. I imagine about 20,000.

The CHAIRMAN. Will it not run back to the heirs of those who are dead?

Mr. Raker. Well, there is only this bunch left, and they will have to connect their heirship, whatever it might be. My theory of the matter is that the Government owns those Indians and should carry...
Mr. Raker. Well, offhand, I would not like to be specific, but from the records that have been procured with the names of the Indians in these treaties, the tribes, I think that this bill would only authorize those who were descendants, irrespective of where they live now, of the California Indians to participate in this legislation.

Mr. Rhoades. That is exactly what I asked the question, because offhand, I believe the first explanation given I would hold that that would give any Indian residing in the State of California the right to file a suit against the Government. So if it is the intention to confine this class of cases to the California Indians—that is, Indians of the tribe by that name—

Mr. Raker (interposing). There are none by that name. They are all different tribes.

Mr. Rhoades. Then it must be that which would apply to the Indians of all tribes and would give every Indian in the State of California the right to bring suit against the Government.

The Chairman. It says, "All bands of Indians in the State of California."

Mr. Hernandez. That is exactly what would happen.

Mr. Rhoades. It also says, "any bands or tribes."

Mr. Merritt. Mr. Chairman, if I make a statement in response to that? You will notice that the title of the bill reads: "Authorizing any tribes or bands of Indians of California to submit claims to the Court of Claims." It does not authorize the individual Indians, such as a Flathead Indian who may be residing in California, to submit his claim.

Mr. Rhoades. It says, "that all claims of whatsoever nature which any tribe or bands of Indians of California may have against the United States may be submitted to the Court of Claims for determination of the amount, if any, due said tribes or bands from the United States for lands formerly occupied and claimed by them in the said State."

Mr. Rhoades. That would shut out any individuals or bands having claims in other States.

Mr. Merritt. Yes, sir: I think the bill clearly limits it to tribes of bands of California Indians, and also refers to lands within the State of California.

Mr. Raker. Now in this connection a letter written March 28, 1906, by the Northern California Indian Association goes into the matter. They made an investigation and this shows the condition then.

The Chairman. I would like to know something about this association. What are they, who are they, and whom do they represent?

Mr. Raker. At that time they were such people as Mrs. David Statt Jordan, Dr. George C. Pardee, who afterwards became governor of the State, and Mrs. J. W. Dinmore.

The Chairman. That is enough. I just wanted to get the nature of the membership of the association.

Mr. Raker. They are a very high class of people who were only interested to see that proper consideration was given those Indians.
Of the 13,500 reservation Indians north of Tehachapi, about 2,500 are scattered in small bands of from two to four families: the great body of them, numbering about 10,000, are in all settlements of from 20 to 100 and more. In these they are in the lowest conditions of life, without any protection from the outside world, and living on or near the reservation. In most cases they are in the condition of serfs, and are subjected to the worst forms of oppression and neglect. They live in a state of constant misery, and their condition is one of utter degradation.
Mr. RAHER. Those figures were to be inserted?

The CHAIRMAN. We have a copy here. I would like, if I could, to give Mr. Meritt and Dr. Wooster here an opportunity to say something.

Mr. RAHER. I will be through in just a moment.

The CHAIRMAN. I would like to close at 12 o'clock to-day, and that would give them 30 minutes.

Mr. RAHER. May I ask, Mr. Chairman, what I have placed in the record, with what Mr. Meritt has, all of this data, I just want to recapture on this one matter.

I think dearly a prima facie case is made that there is a claim. The strength of it, the validity of it, what a court would hold, this committee will not pass upon, if there is a claim for these Indians and the Government took their land under an agreement and kept it and disposed of it, and the Indian agreed to certain things and made certain promises to carry them out, and they were all carried out; now, in a court of equity the Indian would certainly get relief. These Indians under every consideration should be given an opportunity to be heard.

Now, with that I ask that Mr. Meritt and the doctor be heard in relation to this matter.

STATEMENT OF MR. E. B. MERITT, ASSISTANT COMMISSIONER OF INDIAN AFFAIRS.

Mr. MERITT. Mr. Chairman, we have been very glad to cooperate with Rev. Mr. Collett and Judge RAHER in the preparation of this proposed legislation and we have been glad to submit to this committee a favorable report thereon. If this bill is enacted by Congress it will permit these California tribes or bands of Indians to go to the Court of Claims and have their alleged claims against the Government finally adjudicated.

We believe that the California Indians have not received a square deal from the Government. The representatives of the Government entered into 13 treaties or agreements with the California Indians, and those treaties were submitted to the Senate in good faith by the President, but for reasons best known at that time they were not ratified by the United States Senate.
between the United States Indian agent, O. M. Wozencraft, of the one part, and the chief, captains, and head men of the following tribes, viz: Mi-chop-la, Wa-kok, Ho-chu-te, To-so, Sii-nin, Che-wa, Tak-ata, Ru-te, Shin-

Resolved, That the Senate do not advise and consent to the ratification of the treaty of peace and friendship made and concluded at Reading's Ranch, on Cottonwood Creek, California, between the United States Indian agent, O. M. Wozencraft, of the one part, and the chiefs, captains, and head men of the following tribes or bands, viz, Noh-nah, Naa-ah, Yo-te-cc, No-nee, Cu-nee, of the other part.

Resolved, That the Senate do not advise and consent to the ratification of the treaty of peace and friendship made and concluded at Camp Colus, on the Sacramento River, California, between the United States Indian agent, O. M. Wozencraft, of the one part, and the chiefs, captains, and head men of the following tribes or bands, viz, Colus, Wil-lays, Co ha-na, Ta-tah, Chaa-doo-doo, Cham-ner-co, To-te, of the other parts.

Resolved, That the Senate do not advise and consent to the ratification of the treaty of peace and friendship made and concluded at the fork of Conapses River, between the United States Indian agent, O. M. Wozencraft, of the one part, and the chiefs, captains, and head men of the following tribes or bands, viz, Colus, Wil-lays, Co ha-na, Ta-tah, Chaa-doo-doo, Cham-ner-co, To-te, of the other parts.

Resolved, That the Senate do not advise and consent to the ratification of the treaty of peace and friendship made and concluded at the village of Temecula, California, between the United States Indian agent, O. M. Wozencraft, of the one part, and the captains and head men of the following nations, viz, The nation of San Louis Rey Indians, the Kah-te-a, and the tribe of Coos-coo-calas, of the other part.

Resolved, That the Senate do not advise and consent to the ratification of the treaty of peace and friendship made and concluded at the village of Santa Ysabel, California, between the United States Indian agent, O. M. Wozencraft, of the one part, and the captains and head men of the nation of Diegueno Indians, of the other part.

Resolved, That the Senate do not advise and consent to the ratification of the treaty made and concluded on the nineteenth day of March, in the year of our Lord nineteen hundred and ninety-eight, and fifty-one, at Camp Fremont, near the Little Mariposa River, in the State of California, between Redick McKee, George W. Barbour, and Oliver M. Wozencraft, commissioners appointed by the President of the United States, and the undersigned chief, captains, and head men of the forks of the Upper Klamath, Shasta, and Scott's River Indians, residing severally in twenty-four, nineteen, and seven rancheras or villages, and known as the Upper Klamath tribe of band, the Shasta chief, from the Upper Klamath River; the fork of the tribe of band, Teo-to-yoo-ta, chief: Ko-te-tah tribe or band, Ada-ma-ko-yick, chief, Te-ka-te-wa-ka tribe or band, Te-ka-te-wa-ka tribe or band, An-nick-a-kok, chief, from Scott's Valley, on the other part.

Ordered, That the Secretary lay the said resolutions, respectively, before the President of the United States.

Mr. Merritt. It is well known that at that time gold was discovered in California, and these lands suddenly became of considerable value and great pressure was brought to bear by the mining interests to prevent the ratification of these treaties.

We are very glad to cooperate in the preparation of this legislation, so that they might go to the Court of Claims and have their claims adjusted. We are not satisfied with the treatment that the California Indians have received in the past, in the remote past. During the last few years we have done everything that we could for these Indians with the appropriations available.

The CHAIRMAN. During the last 15 years, Mr. Meritt. During the last 15 years. And in order that the committee may have information as to the population during the last 15 years, I will ask permission to place the figures in the record at this point.

The CHAIRMAN. Without objection it is so ordered.

Mr. Merritt. The matter referred to follows:

Indian population of California.
Mr. MERITT. Congress has been making appropriations for the California Indian from time to time. These appropriations have consisted of two specific classes: First, the administrative appropriation which took care of our reservations in California, and in order that the committee may have information on this subject I will place in the record at this point a list of our reservations, and the population of Indians on those reservations.

(The matter referred to follows:)

<table>
<thead>
<tr>
<th>States, superintendences, and tribes.</th>
<th>Total population</th>
<th>Male</th>
<th>Female</th>
<th>Minors</th>
<th>Adults</th>
<th>Full blood</th>
<th>Mixed blood</th>
<th>Half or more</th>
<th>Half or less</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>3,928,218</td>
<td>1,194,800</td>
<td>50,721</td>
<td>87,266</td>
<td>2,840,674</td>
<td>1,775,795</td>
<td>1,064,879</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Bishop School                         | 1,418            | 452  | 403    | 53    | 933    | 515        | 418        |            |             |
| Madera                               | 576              | 203  | 103    | 43    | 335    | 267        | 113        |            |             |
| Pinto                                | 377              | 140  | 115    | 22    | 235    | 180        | 55         |            |             |
| Campo School                         | 229              | 115  | 64     | 35    | 164    | 98         | 112        | 3           |             |
| Mission Indians at Caliente          | 51               | 39   | 12     | 5     | 43     | 37         | 13         | 2           |             |
| Cupertino                            | 16               | 15   | 3      | 1     | 12     | 10         | 10         | 0           |             |
| Laguna                              | 14               | 12   | 2      | 3     | 10     | 7          | 3          | 0           |             |
| La Fonda                             | 12               | 5    | 0      | 7     | 6      | 4          | 2          | 0           |             |
| Mission Indians at Sacramento        | 47               | 21   | 19     | 1     | 23     | 16         | 7          | 0           |             |
| Mission Indians at Corona, Uke, and others | 1,587          | 630  | 357    | 197   | 948    | 527        | 421        | 148         | 7           |

Mr. MERITT. Congress has also been making appropriations for the purchase of lands for the California Indians covering a period of years. Several years ago we had employed as a representative of the Indian Bureau Mr. Kelsey, who made the report cited by Judge Raker. Mr. Kelsey spent considerable time in purchasing lands for California Indians out of appropriations made by Congress.

Mr. RODGERS. Have those Indians practically all been provided with homes?

Mr. MERITT. We have provided homes for approximately 5,000 Indians, and it is estimated that there are about 3,000 Indians who are at this time without lands; and in order that the committee may have full information on that subject I will place in the record at this point, if agreeable, the names of the bands of Indians for whom lands have been purchased, the number of Indians in those bands, and also the names of the acres that have been purchased for them.

(The matter referred to follows:)

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**INDIAN TRIBES OF CALIFORNIA.**
Mr. RHODES. About how many Indians would be entitled to participate under the benefits of this act if it should become a law?

Mr. MERRITT. Practically all of the Indians in California at this time, which would number between 15,000 and 20,000.

The CHAIRMAN. What do the Indians do for a living who have not got land?

Mr. MERRITT. They work on the fruit ranches in California and do various classes of work on the farms, ranches, and in the forests.

Mr. RHODES. Do you understand, then, that the lands that they have been deprived of have turned out to be rich mining claims—gold mining claims?

Mr. MERRITT. The lands that they were deprived of have proven to be not only valuable for mining purposes, but also for agricultural purposes.

Mr. RHODES. Does that signify, then, in the event this legislation should become effective that there would be a large sum of money due the Indians?

Mr. MERRITT. Undoubtedly the California Indians will win a judgment under this legislation if passed, and there will be a considerable amount of money awarded to them, because they relinquished, at the time these treaties were made, a large acreage of land, and the terms of these treaties were not carried out—at least not entirely—by the Federal Government.

Mr. RHODES. What was your estimate of the total of those lands, including the rich gold mining properties of California, a very fabulous sum might be found for those Indians.

Mr. MERRITT. Of course I judge that the award made by the court would be on the basis of the value of the land at the time the treaties were entered into, and that it would not affect the title to the lands at this time. I do not believe that anyone would attempt to disturb the titles to lands in California, but simply to get for the Indians the reasonable value of the lands at the time the treaties were made, so that the understanding of the Government with the California Indians would be carried out.

Mr. RHODES. I am sure that the title could not be affected under the provisions of this act, but I am not so sure what rule would be applied in determining the amount of money that might be due the Indians.

The CHAIRMAN. Is there any rule of the Supreme Court in regard to that which has already been established?

Mr. MERRITT. I know of no special rule on the subject, but I believe the court would hold that the value of the land at the time the treaties were entered into would be the basis of reaching a judgment.

Mr. RHODES. Now, before you leave that, Mr. Merriam, you stated, this bill and the purpose of it, and the jurisdiction under the bill could not under any circumstances even put a cloud upon or affect the title to the land in any way, shape, or form.

Mr. MERRITT. No, sir; and we would not be in favor of legislation that would place a cloud upon the title to lands in California.

The CHAIRMAN. But as Mr. Rhodes has suggested, there could easily be worked up a claim for a fabulous amount of money, if these lands turned out to be gold mines and things of that sort, it might be well to limit that.

Mr. MERRITT. Mr. Chairman, in addition to placing in the record a list of the agencies in California and the amount of land that had been purchased for the California Indians, I would like to place in the record a list of the schools that we are now maintaining in California for the California Indians. I would like to say that in addition to the schools in these places we are cooperating with the State in educating Indians in some of the California Indian children who are held by the State courts to be a citizen of the State, and we are working to get the State courts to transfer the care of these Indians to the Department of Interior in the way that is done in other States.
INDIAN TRIBES OF CALIFORNIA.

Statement showing the amounts appropriated and expended from appropriations for California Indians since July 1, 1852—Continued.

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount appropriated</th>
<th>Amount expended</th>
<th>Purpose for which appropriated</th>
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<tbody>
<tr>
<td>1852</td>
<td>5,000.00</td>
<td>5,000.00</td>
<td>Support, etc., Mission Indians</td>
</tr>
<tr>
<td>1853</td>
<td>5,000.00</td>
<td>5,000.00</td>
<td>Support, etc., Mission Indians</td>
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<tr>
<td>1854</td>
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</tr>
<tr>
<td>1855</td>
<td>5,000.00</td>
<td>5,000.00</td>
<td>Support, etc., Mission Indians</td>
</tr>
</tbody>
</table>

The CHAIRMAN. Does the bureau request that this legislation be put in at this time?

Mr. MERRITT. Yes, sir; we feel that the California Indians have not been treated fairly by the Government; that they have a just claim against the Government; that they ought to have the opportunity to go to the Court of Claims to have that claim tried, without the understanding that if either side is not satisfied with the judgment of the Court of Claims they may appeal to the Supreme Court.

The CHAIRMAN. Would the bureau and all parties concerned be willing to have written in this bill, on page 2, line 7, after the word "paid" the words "including gratuities".

Mr. MERRITT. We think that that language should go into the bill. It is already covered in the next line, line 9—"and the United States, etc., included shall be allowed for all sums heretofore paid or expended for the benefit of said tribe or any band thereof." But in order to make it perfectly clear the language you suggest, Mr. Chairman, should go into the bill.
I might say that we discussed this California situation somewhat extensively in the hearings before the Senate Indian Committee in February, 1919, and the statements of Judge Raker, Rev. Mr. Collett—

The CHAIRMAN. (interposing). Do I understand Judge Raker to agree to that language?

Mr. RAKER. I thought it was in substance in the bill, Mr. Chairman. The CHAIRMAN. Well, if it is in there in substance, then it would not do any harm to have it in specifically.

Mr. RAKER. As to what Mr. Meritt says I think it will be the proper thing to include it.

The CHAIRMAN. If the bill gets on the calendar, I think that will help it.

Mr. RAKER. I think under all the circumstances, to make it specific so that no one could raise any question as to the words, you had better put in "gratuities."

Mr. MERITT. I agree with Judge Raker on that.

Mr. RHODES. I would like to ask Mr. Meritt a question or two.

Mr. CHAIRMAN.

On page 2, section 2, in alluding to the character of suits, it provides that "both legal and equitable, of each and all the parties thereto, notwithstanding lapse of time or statutes of limitation." Now to what particular statutes of limitation is the reference here; statutes of limitation with regard to land titles, or statutes of limitation with regard to the right of the Indians to recover a sum of money against the Government?

Mr. MERITT. The right of the Indian to recover the money; that is, the wording is to place it on an equitable basis so that the Indians will have a right to bring in their claim. And I will note that the Government will have the same right to offset any such claims.

Mr. RHODES. I ask that question in order to be assured that the statutes of limitations here referred to have no reference to land titles; in order that it may be consistent with the object and purposes of the act to settle a claim which in no way would affect land titles, but would deal with money consideration only.

Mr. MERITT. This bill will not attack land titles in California and it is not intended that it shall do so.

The CHAIRMAN. It seems to the chairman of this committee that there is certainly some justice in this proposition. The lands evidently were taken away from the Indians, and some of them have received no compensation whatever. Agreements were entered into between the Government agencies and the Indians that have not been carried out, so far as this testimony goes, in any way by the Government, and the only reason that I can think of for not carrying them out was the fact that the treaties were not ratified, and probably if the Government agencies went on the theory that there was no necessity for it so long as they were not ordered by law; but that ought not to affect the right of the Indians to get at least the value of the land at the time it was taken away from them, and this looks like a pretty fair clear case and I can't see right now any reason why they should not have the opportunity to demonstrate that.

Mr. RAKER. Every investigation made, Mr. Chairman, by all of the Indian organizations in California, came to the same conclusion that Mr.

Mr. MERITT has just stated to the committee and as stated in that letter from Mr. Kelsey, that these agreements were entered into; the Indians complied with all their part and the Government did not comply with its part. It took the land but gave them nothing.

The CHAIRMAN. Now we will let Dr. Wooster have a few minutes.

Mr. W. M. WOOSTER. If it please the committee, Mr. Meritt has so thoroughly covered the situation that there is nothing that I can add.

The CHAIRMAN. That is perfectly agreeable to the committee.

Mr. RAKER. And, Dr. Collett, from your examination that will be about the same as Dr. Wooster's, will it not?

STATEMENT OF REV. FREDERICK G. COLLETT, EXECUTIVE REPRESENTATIVE OF THE INDIAN BOARD OF COOPERATION (INC.), OF CALIFORNIA AND ADJACENT STATES.

Mr. COLLETT. I shall not attempt to make a statement on this subject, because it has been very thoroughly covered. There are, however, two items in this connection which should be called to your attention. They both bear directly upon the matter before your committee.

The first is a letter to the Secretary of the Interior under date of December 10, 1919, by the special committee of the Indian Board of Cooperation. The communication deals specifically with the California Indian problem and bears the signatures of some of our most representative Californians, including the signatures of the presidents of each of the universities and colleges in California. As a member of that committee, the letter may appear as my statement.

The second item, also important in this connection, is that of a report by the Board of Indian Commissioners. Mr. McDowell, the member of that commission who made the investigation and prepared the report, is present, and I am sure will be glad to explain the maps and other illustrations which make very clear the situation relative to the 18 treaties. The report is especially worthy of your attention at this time.

The CHAIRMAN. Is it the desire to have the report of the Indian Commissioners printed in this report?

Mr. RAKER. I am going to ask Mr. Meritt if that was printed in pamphlet form by the department.

Mr. MERITT. No, sir; the Indian Bureau is also making an investigation of the entire California situation at this time, and we expect to have a very complete report covering all phases of the California situation, to be presented to Congress at the next session, and we would like to have at that time both the report of the Indian Bureau and the report of the Board of Indian Commissioners printed, so that it might be seen by Congress. Of course, we have no objection to the matter if the report here.

The CHAIRMAN. Now, since you are making that exhaustive investigation, do you desire that this legislation should proceed ahead of that?

Mr. MERITT. That report will not affect this legislation; it will only enable us to present to Congress what things we should do administratively for the California Indians at this time. It will not affect the claims of the California Indians; therefore Congress can act at this
INDIAN TRIBES OF CALIFORNIA.

may be allowed. The evidence is clear that the United States Congress, notwithstanding its good intentions to recall justly with these Indians, has, unsurprisingly, failed. Solaris, as these Indians concerned, our guarantee in the treaty of Guadalupe Hidalgo to preserve their interests and rights to their land, etc., has proven to be a worthless 'piece of paper.'

The report of a special agent of the Department of the Interior, 1906, concerning the Indians of that tribe, states that it should be noted that this case is what may be called 'a daily occurring fact.' The treaty failed and had given special attention to delving into records pertaining to land titles. The report in part states:

'The treaty of Guadalupe Hidalgo, ceding California to the United States, guaranteed the ownership of lands in the ceded territory as they stood at the time of transfer. Under Spanish and Mexican law the Indians had certain rights to the land they owned and a certain complex legal system derived from it. The case of Comanche drainage provided for the settlement of titles to Spanish and Mexican grants upon the commission appointed to initiate the settlement, the duty of first settling apart for the benefit of the Indians. It was considered that the Indians had substantial rights. It was a duty of the commission to investigate and confirm the Indian title over Mexican lands included in the grants of Spanish and Mexican tribes and had made two cases out of several hundred grants where this was done. Paua and Santa Ynez, and in the latter case the terms of settlement were so uncertain that action is now pending in the State courts in regard to it. The new owners of the Spanish grants had to rely upon the Spanish law to substantiate the validity of their titles, but were promptly to appeal to the American law to eject the Indians, something they could not legally do under the terms of their grants.'

The cases discovered during this century, England, France, Spain, and Portugal, each claiming sovereignty of the soil by right of priority of discovery, all recognized the Indians' right to occupancy as a right.

Dr. Walker, in his American Law, on this subject, said, "they have a qualified right of occupancy which can only be extinguished by treaty, and upon fair compensation; under the Indian Act they are entitled to be protected in their occupancy; they are entitled to the laws of the United States, and the earliest records of the Supreme Court of the United States, in the case of the removal of the Cherokee from Georgia, we find the following sentence: 'The Indians are now acknowledged to have unquestionable rights to their lands, and it is the duty of Congress to ascertain and protect them.'" Under Spanish and Mexican laws as well, those that controlled prior to the cession of the territory of Mexico to the United States, the Indians' right of occupancy was still recognized.

In this connection it is worthy of special note, that in 1851-52 a duly authorized United States commission secured the signatures of about 400 California Indians and bands of Indians and treaty. These chiefs represented approximately 160 bands or tribes. There were 18 of these treaties, all similar in form. The terms of the treaties were substantially as follows:

1. A Federal commission to make a thorough survey of the entire Indian situation and to supervise congressional undertakings in California relative thereto.
2. Appropriations: (a) for the expense of a Federal investigation and supervision of California Indian matters, (b) for the purchase of adequate and permanent allotments with improvements thereon for the homeless Indians; (c) for school buildings and equipment for Indian children in districts where their numbers and necessity demand it; (d) for a treasurer to be paid to the treasurer of school districts in California, where Indian children may be admitted, providing, funds for proper equipment are available; (e) for the purpose of aiding county superintendents in caring for sick, aged, and otherwise dependent Indians; (f) for the reimbursement of California Indians to buy farming implements and other necessities for the purpose of making the best use of their land and to the essential house furnishings.
3. Another appointment of a Federal agent to assist California Indians in gaining public school advantages, county and State aid for orphans and proper care for sick and aged Indians.
4. A more consistent practice of the pursued governmental policies, regarding the education of Indian children in public schools and of other matters pertaining to Indian betters, and also a more definite and authoritative undersigning and cooperation with the Indian tribes concerning the care of sick and indigent Indians and the education of Indian children.

FEDERAL COMMISSION OF INVESTIGATION AND SUPERVISION.

The need of a Federal commission, who shall be well acquainted with the problems that are peculiar to California and the Indian tribes, that are also among the most urgent; to make a thorough survey of all Indian matters in California and to supervise Federal undertakings related thereto, is pressing and conspicuous. This is evidenced by every State and Federal record concerned and by all testimony that has been or
Federal statute prohibiting the Indians to their homestead until the passage of the Indian allotment act in 1887, have placed insurmountable difficulties in their way of progress, and development of the useful citizens they might have been. The land set aside for them by its superficies of 40 and 160 acres of the awakening caused by Helen Hunt Jackson's "Cerish of Dinner" and "Ranoom," and by the eviction of the Indians from Warner's Ranch in San Diego County, has made more chronic the almost hopelessness and despair of the Indians and their friends for a just settlement.

It is fully recognized, however, that Congress was filled with the most laudable endeavor to provide homes for the Indians, by their action in authorizing a special appropriation for this purpose as California in 1920 and the following year, making an appropriation for that purpose of $100,000. Yet, through the incompetency and carelessness of its duly appointed agents, special and otherwise, the intent of Congress, in a large measure, has been defeated and the evil condition of many of the Indians has been aggravated and increased by what was designed to be for their permanent benefit.

According to the official records in the premises after the special Government agent, who with full knowledge of the provisions of the treaty of Guadalupe Hidalgo, the treaties negotiated by the Senate's commission in 1850-53, the treaty on the coast signed by Helen Hunt Jackson and others, are the act that the Indian situation of California, recommended, after investigation of conditions among these Indians throughout the State, that $100,000 would be ample to settle justly with them. In pursuance thereon, strange as it may appear, Congress on June 21, 1920 (34 Stat. 575) appropriated $100,000 for the purchase of land for the homesteads Indians in California. On April 30, 1920 (35 Stat. 70) Congress appropriated an additional $50,000. It was at that time so closely and definitely understood by Congress and its committees that this amount would be sufficient to complete the work, that the phraseology employed in Congress in this act was to the effect that it was enough, and that this sum be so expended as to make unnecessary any further provision.

The Office of Indian Affairs for eight years or more for the purchase of land in California for homestead Indians repeatedly claimed during the last year of his service that land had been bought by him for all of the Indians in California. The Indians were told there were "only a few deals left to be closed" and that there was no longer be in the service, as it was possible for some regular employees, charged with other responsibilities, "to close these deals."

It is also authorized to states to Congress (February 1914, House hearings, p. 74) that there were 1,300 Indians without land, and that the appropriation still needed was $50,000. On this presentation an appropriation of $10,000 was made, leaving it to the Senate to estimate, a balance of $40,000 needed.

The same year a member of the Board of Indian Commissioners stated that, in his opinion, after a recent cursory investigation, $30,000 would be an ample appropriation, and to purchase the same amount of the land settlement of these Indians it is estimated.

In the House hearings under date of December 26 and 6, 1916, page 126, the following appears: "It is believed that with great care it will be possible to complete this work for a total of $25,000. However, these figures, as recorded in the same paragraph, 2,532 Indians to be provided for, while in the House's hearings, p. 198, the same authority claims that there were 3,000 and 4,000 without land. The number of Indians seems to have been established to 4,000, as shown by the records.

Since these latter estimates as to the necessary funds required for a just settlement, Congress has appropriated:

<table>
<thead>
<tr>
<th>Date</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mar. 4, 1916</td>
<td>$30,000</td>
</tr>
<tr>
<td>Mar. 13, 1916</td>
<td>$50,000</td>
</tr>
<tr>
<td>Mar. 2, 1917</td>
<td>$39,000</td>
</tr>
<tr>
<td>May 25, 1918</td>
<td>$30,000</td>
</tr>
</tbody>
</table>

Total: $189,000

In spite of the fact that, since the hearings on the Indian appropriation bill for the year ending June 30, 1916, $90,000 (not including the $30,000 given by Congress in June 1914) and $90,000 were available, the Senate hearings report February 1914 that the Office of Indian Affairs still has about 4,000 Indians yet to be provided with land. Now, then, since it has taken more than 12 years to provide land for 4,662 Indians, and how much time and how much money will be required to provide for the remaining 4,000 under the same incompetent management?

With such numerous discrepancies in evidence and with such flagrant wrong havings in the treatment of the Indians of this State, and with such an obvious injustice to the Indians of simple justice to the Indians and of economic importance to the Government that a Federal
INDIAN TRIBES OF CALIFORNIA.

INDIAN TRIBES OF CALIFORNIA.

INDIAN TRIBES OF CALIFORNIA.

Indians - educational difficulties, but they merely make clear that there are three approaches to the solution of this school question.

Where Indians are not already enrolled in the public school and live near enough to attend, arrangements may be made with the local school authorities for their education.

1. By admitting them to the school with the whites; 2. if necessary, on a separate plan, but with the guarantee of local conditions, a "separate school" may be established; 3. if necessary, in a new school district may be formed.

The newly formed district the State of California and the State of California will be the center of the district.

To each newly formed district the State of California and the State of California will pay $100 for the maintenance of the school for the first year, and the State will pay $500 annually for "teachers' benefits." The State will pay $100 for the maintenance of the school in the second year, and $300 additional per capita, and $500 for the school for the ensuing years. There is also $100 to $200 annually for each public-school district, and $100 to $200 annually for each "separate school." To provide adequately for the education of Indian children in districts where there are not enough pupils in one school house, have not previously been admitted to establish schools for Indian children.

Whenever it becomes necessary to organize a "new school district," it is also necessary to provide a new school building. Under the laws of California, the only way of providing a new school building is by the levy of a special tax within the district of the school. Where new districts are formed for Indians it is usually by the inhabitants of the area the tax is necessary, in order to avoid serious objections from their white neighbors, to be willing to tax for the purpose of establishing schools for Indian children.

The Indian schools in the Indian districts are wholly in favor of the appropriation by the Federal Government for the erection and equipment of these school buildings. First, the Federal Government is prepared to pay for the maintenance of the Indian schools, because of its failure to effect a just settlement with them; secondly, the revenue derived from the sale of the public domain is appropriated for the benefit of Indian tribes.

School buildings and equipment. The day has gone by, if there ever was one, when it was wise to teach Indians away on a reservation and subject them to the demoralizing and deleterious influences of a white life. The education of the Indian child apart from, and in a different way from all other children is not in the best interest of his development and progress.

In the case of a school for the education of Indian children under the public-school system of California, do not the Indian schools seem to have been recognized by the Office of Indian Affairs in the appropriation to the Indian school and as a separate appropriation to the Indian school. Because of that fact and because the appropriation is an important one and can not be handled jointly with the appropriation to the Indian school, it is necessary for us to deal specifically with it.

The Indian population in California is stationary, about 20,000 in all, distributed throughout the State in about 45 counties. In approximately 500 schools, which is about five per cent of them, in each of the counties, there are less than 3,000 in school, chiefly from the State and the Federal Governments, it is necessary for us to deal specifically with it.

The schools of California would seem to indicate to the casual reader, without a knowledge of their workability, that in these laws we had a panacea for all our
INDIAN TRIBES OF CALIFORNIA.

Dr. Judson Litchfield, of Mendocino County, Calif., who has been a practicing physician for 25 years, in an address at the conference of the Indian Board of Cooperation, held in San Francisco, August, 1915, said:

"I have lived for nine years as Government physician on a large reservation, and for many years as a county health officer, and I have been a practicing physician in this State outside of reservations. I hold the conviction that the responsibility rests on the State, and on the Federal Government, and on the Indian people, and on the county health officer, having studied this question, are not giving opinions secondhand. With the exception of a few counties, the indigent, sick, or aged Indian receiving medical relief in this State outside of reservations, and in this State, is in the hands of the county health officer, each claiming that the responsibility rests on the State. In the county in which I reside, there are no Indians in the almshouse or county hospital, although there are many instances of pitiable poverty among the aged, and cases of curable diseases which go untreated. Children die of tuberculous and other diseases, and many become blinded from trachoma and conjunctivitis. The aged, many of them, are pitiable objects, as they are nearly blind and handicapped, dependent upon the precarious help of their own poverty-stricken relatives, or the intermittent assistance of charitable white people.

Our problem is one of elasticity with a mission to Mendocino, Sonoma, Lake, and adjacent counties, that: "There is no Government physician outside the Round Valley Reservation, and we have no visits outside of that reservation.

Commissioners of the Office of Indian Affairs, in a report (1914, pp. 33-34) concerning the seriousness of tuberculosis and trachoma, said in part:

"This is the scourge of the Indian race, and with a full appreciation of the seriousness of the conditions presented, an earnest effort is being made to successfully combat the disease. The progress of the work has been hampered, however, mainly by insufficient funds. I am fully aware of the fact that to perpetuate the Indian race, the eradication of tuberculosis must be stayed. To do this, it is essential that better sanitary conditions be instituted in the homes of the Indians, and that cleanliness, better ventilation, and sufficient and nourishing food not only be insisted upon but provided. In the absence of any effort to combat the failures to recognize infant and old age, and all other diseases, the cost of combating the disease increases rapidly when it is once introduced. The increase of trachoma is alarming.

According to the United States statistics for California for the year ending June 30, 1913, (p. 632) of the Commissioner of Indian Affairs that the number of Indians aged or suffering from tuberculosis was extended, and 562, or 0.19 per cent of that number, were found to have trachoma or tuberculosis; whereas, in the commissioner's report of 1912, page 135, 3,890 Indians were extended, of which 2,176, or 0.55 per cent, were said to be suffering from tuberculosis. With this percentage suffering from these two contagious diseases alone, it is evident that there is a larger percentage, ever increasing, who need medical aid.

The official record of the Office of Indian Affairs shows that large sums are paid for hospital, medical, and charitable aid, for medicines, salaries, etc. It should be noted, however, that the majority of the Indians of this State, about three-fourth, do not live on reservations, and that the work done by the public school authorities is done for reservation Indians and those living in scattered bands throughout the State. The schools are usually left without any care whatever. The Indians are not able to pay hospital and doctor fees, which, in the case of a doctor when he is called to an Indian home, ranges from $10 to $25 or more, and, in the case of a county hospital, the remoteness and inaccessibility of the Indian reservations in the State, lead to the use of the public health service, or, in the other hand, as to the Government provision in a case of emergency, "the inadequacy of such service is plain," to quote the report of the commissioner, 1812 (p. 30), "when a patient has frequently had to drive a day or more to and on a day or more back, to reach one family.

In like manner, in the school question, we believe that the Indians should be provided for, rather than with special care. This can be done by Congress appropriating a fund with which to provide additional rooms and equipment in county hospitals, where necessary, and by reimbursing the supervisors to the amount of 50 per cent of the cost of repair and increased equipment for Indian reservations, or in counties, for Indians receiving care in county hospitals.

This method accords with the best of the Federal Government in cooperating with the public school authorities in the education of Indian children, by the payment of a tuition fees for children on the reservations, which have been employed by the State of California in providing aid for orphans and half-castes under the widow's pension act.

The cost of care of the indigent, sick, and aged in a county institution for the relief of the poor has been much increased in recent years. The cost for the year ending June 30, 1919, of care of the indigent, sick, and aged in the county wardships of the county of Mendocino was $12,750, or $4.67 per capita, which is far in excess of the cost of care in the county institutions for the relief of the poor. This increase in cost is due largely to the increased care and comfort that is rendered to the sick indigent and aged, and which is an evidence of the need of care for these classes of people.
The Indians could receive medical aid, which would otherwise go unaided, to prevent infections and contagious diseases not only among themselves but throughout the community.

The national fund could be safeguarded by a contract similar to the Indian contract by requiring the supervisor to render the service and then to proceed, upon a proper showing of services rendered, and by requiring them to bear 50 per cent of the expense. The fund money paid into the national fund would be used in accordance with the State law requirement, by which the supervisors must keep all cases monthly to consider all matters pertaining to the county.

Indians not on a reservation have frequently been denied assistance from existing reimbursement fund, because they were nonreservation Indians. We would, therefore, urge that this matter be given serious consideration and that the Indian appropriation bill be made to provide adequately for them.

III. AGENT TO ASSIST INDIANS.

The Indians as a rule have not the knowledge of our laws, nor our methods of securing aid for their sick and otherwise needy, nor the initiative in many instances to make the necessary and proper application for the aid and privileges that are entitled to. It would, therefore, be highly in the interest of humanitarian assistance and justice important to the Government in developing Indian citizenship and independence, to place a Federal agent in each county who is thoroughly familiar with California problems and the laws that are applicable to the care and education of Indians. To be charged with the task of making a thorough study of Indian conditions throughout the State, county by county, and, at all times, with the county and State executives specifically concerned, who shall use all available means to provide the Indians with school privileges and the necessary care for their indigent sick and aged, under State supervision assisted by Federal funds.

IV. CONSISTENCY IN GOVERNMENTAL POLICY AND INTELLIGENT COOPERATION BETWEEN THE STATE, COUNTY, AND FEDERAL OFFICIALS.

Much confusion has arisen on account of the failure of the Government representatives to act consistently in accordance with the declared governmental policies and intelligently cooperate with the State officials. For instance, it is sometimes contended that it is the policy of the Office of Indian Affairs to cooperate heartily with the county and State officials. In some instances agents deal with the trustees of school districts, the only legal authorized persons with whom to enter into contracts, and transact matters pertaining to their district, while other agents are knowingly allowed to proceed in a contrary manner, and it is not only unreasonably disregarded and illegal, but is considered the function of county superintendents of schools and which is provided for in the State relief law.
INDIAN TRIBES OF CALIFORNIA.


We, the undersigned, are deeply interested in the foregoing statement by the agent of the Commission, and that investigation be made of the situation set forth therein: that suitable remedial legislation be enacted and adequate appropriations be provided.

Ray Lyman Wilbur, president Stanford University; David Starr Jordan, president emeritus Stanford University; David P. Barrows, president University of California; Aurelia Henry Reicher; president University of Southern California; James A. Blaisdell, president Pomona College; Silas Evans, president Occidental College; Tully C. Knoles, president College of Pacific; police commissioner, secretary of the board of regents and land agent, University of California.

The CHIEF CHAIRMAN. Now before we decide concerning that report, since Mr. McDowell is here, perhaps we had better hear him a few minutes with regard to the report and get your personal idea, which undoubtedly would be the idea of the commission, with regard to what ought to be done in this case.

STATEMENT BY MR. MALCOLM MCDOWELL, REPRESENTING THE BOARD OF INDIAN COMMISSIONERS.

Mr. McDowell. This report was made really for the Senate committee and at the time there was no thought of ever using it in connection with the jurisdictional bill. I did not know that the thing was going to be brought up here at all, but, in making the report, I went back into the history of the situation, Judge Raker and Mr. Meritt have told you all about that. They did not bring out this fact, though, and I think some have a little bearing—I will show you the map in a minute and you can see very clearly how the matter stands.

Mr. Royce, for the Bureau of Ethnology, went very closely into the history of all sessions made by the Indians to the United States Government. It is a wonderful book and if you do not have it, you had better get it and look at it, because it studies every cession of every treaty, of every agreement entered into up to quite recently. It is really a remarkable book. I took that book and had these maps made. They are very crude maps, simply drawn with colored pencils. Those large splotches there (indicating on map) are the areas which were occupied in 1851 by the Indian bands and tribes. The little areas in here (indicating) are the diminished reserves, which the treaties gave to the Indians, and in which the Government said they would hold the land for the benefit of the Indians forever.

Now, in addition to that, as Mr. Meritt and Judge Raker told you, the Government promised to give the Indians a great deal of goods and to maintain schools and furnish them blackboards and farm implements and teachers. Mind you, this was all Indian land through here. Indians of this area is a group, maybe ten or a dozen or fifteen groups. They all lived in that area. There were more different kinds of Indians in California than there are to-day in any other part of the country. Scientists will tell you that about one-third of all the Indian tribes, all the Indian tongues, are represented in California. This little green patch here (indicating), shows that particular tribe...
Mr. Raker. But these treaties, when it is finally summed up, amounted to about 7,000,000 acres.

Mr. McDowell. This other map shows in detail the patches of land that were reserved for the Indians. The little red spots are what the Indians have to-day.

The CHAIRMAN. What are the other spots?

Mr. Sinclair. Those represent the cessions, do they not?

Mr. McDowell. No; these represent the cessions [indicating]. These little spots here represent the restricted areas which the treaties gave the Indians; the red spots indicate the land as it is to-day.

The CHAIRMAN. Referring to map No. 2, what do those colored spots represent?

Mr. McDowell. Those colored spots represent the restricted reservations which were described in the 18 unratiﬁed treaties and which the United States Government told these Indians, "If you will give up all the rest of the State, we will give you these lands and hold it for you forever."

Mr. Raker. Which amounted to about 7,500,000 acres?

Mr. McDowell. Yes, sir. Now, the Indians have gotten back from the Government Hoopa Valley, Round Valley, Tule River, these 29 missions down here, and these little spots around here—some of those Government-owned rancheries. They are not all shown. You will notice you have got only two in your county on the map, but you have got half a dozen. Judge Raker.

I wish to say that the Piute Reservation over here, 75,000 acres, was turned over to the Indians as a reservation out of the public domain a few years ago. When was that? Mr. Merritt?

Mr. Merritt. By Executive orders of March 11, 1912; May 9, 1912, September 7, 1912; September 16, 1912, February 14, 1913; and July 22, 1915.

Mr. McDowell. I have seen three men who have been up there, and they tell me that that land is simply uninhabitable. You can't get anything on it; yet all that ﬁgure in with the number of acres of land which the Indians have. That is the situation to-day.

You ask how the Indians are living; what are they doing? The Indians of California are what you call laboring men. They go out to work on farms, on ranches, in the mines, and on the railroads. They are good, hard-working men, all of them.

Mr. McDowell. I think it is mischievous. I think the California Indians have been treated outrageously.

The CHAIRMAN. I am not speaking about the treatment; I am trying to ﬁnd out what the conditions of the Indians is to-day, as to their living facilities and their condition as a people.

Mr. McDowell. The Indians outside of the little rancheries which the Government has bought, almost all of the Indians are landless and homeless. They squat on the white man's land. Some of them, of course, build little homes there, and the ranch men permit them to stay on because they thus get labor handy. Some bands have located on ranches for generations; so long that they are called by the name of the ranch man.

The CHAIRMAN. Now, it is claimed that there are about 15,000 of these Indians on the reservations. You say that they are laborers and workmen. Now, what percentage of them, about what percentage of the adult Indians actually work, and about what is the average number of days per annum that they work and about what wages do they get?

Mr. McDowell. Practically all of the Indians work. They have to, because they can not live without working. I except, of course, the old and the sick and the feeble. They are taken care of in one way or another by their people, a few by the people in the neighborhood; some by the Government, and some of them in times past have starved. There is no question about that.

You ask the days they work. They begin to work in the beginning of the spring growing season. They go into the hop ﬁelds, they go into the vineyards, they go into the ranches. They work all through during March, April, May, June, July, August, September, October, and November, when they get through with the grapes. Of course, the farther south they go, the greater number of working-days in the year they have. In the winter time, up north, a few of them go into the mines, some of them are working 350 days a year on the railroads and in the mines or around the mines. Very few of them go underground. But you might say they work through the growing season.

The CHAIRMAN. Do they get regular wages that white men get?

Mr. McDowell. They do not.

The CHAIRMAN. Why do they not, and about what is the per cent of white men's wages?

Mr. McDowell. For years and years they have been the cheap labor of California. There are exceptions, of course. I know Indians that are getting $9 a day, Mr. Chairman, but I don't know exactly how much they are getting as a class. I can say that the average would run, when they are working, about $3 or $4 a day during the season. But they have a great fault up there, a serious economic handicap, which is that the storekeepers carry them over the winter, and, of course, they are in debt all of the time to the storekeepers. The storekeepers are unfair; they do not charge them excessive interest; they do not charge them excessive rates, and the Indians...
have no complaint to make about that at all, but they are always in debt.

The CHAIRMAN. Now, from the statement and the illustration you have just given us here, I don't see that those Indians up there are any different from the same number of people that would be located anywhere else.

Mr. McDowell. They are in one sense of the word. In one sense of the word they are different from the common ordinary run of laboring white men.

The CHAIRMAN. They are working out their economic conditions under the best circumstances that they can find?

Mr. McDowell. That is perfectly true.

The CHAIRMAN. Then so far as their starving to death is concerned, the per cent that is starving perhaps is not any greater than it would be in any other community where the opportunities for work were not any greater than they are there.

Mr. McDowell. Possibly.

Mr. Rhodes. You mean to say that they are actually starving to death?

Mr. McDowell. There have been some cases of that.

Mr. Rhodes. I did not know that there was anybody starving to death in this country.

Mr. McDowell. There have been cases right up there. Mr. Rakel, who just left, told me that he had heard that some of the Indians up there had starved to death. They are the old people that go out away off from everyone else; who live off from the reservations.

Mr. Rhodes. Well, the number of people who are starving to death, I assume, is very small.

Mr. McDowell. It is very small; yes, sir; and it is the old people.

The CHAIRMAN. There is about the same per cent that there would be in any other community or State where the conditions of living are about equal to what they are out there.

Mr. Rhodes. But I did not know that people were starving to death anywhere in the United States.

The CHAIRMAN. There may be a case here and there. Frequently we read in papers about some fellow who took himself off somewhere and wouldn't do anything and finally they found him starved to death.

Mr. Rhodes. I observe you say the wages received by Indian labor are not as high as the wages received by white labor. Is that due to the inefficiency of the Indian?

Mr. McDowell. Largely so. That is to say—of course it goes without saying that the Indian as yet has not reached the point where he can put in so many hours continuous labor as a white man, but I am comparing them with the Asiatic labor there.

The CHAIRMAN. I would like to ask you one more question. Down to 20 years ago, since 1854, very little was done for these Indians?

Mr. McDowell. Hardly anything.

The CHAIRMAN. And they were thrown upon their own resources?

Mr. McDowell. Yes, sir.

The CHAIRMAN. Now, comparing them with Indians that have been taken care of by the bureau since 1854, you being familiar with all the Indians, practically, in the country, what would you say the individual condition of the California Indian belonging to these bands is as compared with those that have been taken care of during all these years?

Mr. McDowell. I have seen some California Indians up in the Greenville district that are very much superior to any Indians I have seen anywhere else.

The CHAIRMAN. I want to ask you as to your general observation taking Indians generally in that section of the country, the number involved there, and comparing them with a similar situation somewhere else where the Indians have had the care of the bureau and the Government at all times, what is the comparative condition?

Mr. McDowell. Well, the Indians in California, of course, as you know, are self-supporting and they have been self-supporting for years, and naturally a man who is supporting himself is brighter and smarter and works harder than the man who is taken care of at times. That goes without saying.

The CHAIRMAN. Then I draw from that answer that it is your understanding that the Indians that have not been coddled and cared for by the bureau during all those years are in a better state to take care of themselves than those that have been?

Mr. McDowell. I think so.

The CHAIRMAN. I am very glad to get that statement from you, because you are one who is an authority upon Indian affairs.

Mr. McDowell. You take a reservation where they have—you understand, of course, that the Indian bureau does not ration these Indians; it does not give out food and clothing to Indians the way they did in the old days when the Indians were practically prisoners of war. They do not do that any more. The bureau takes care of some old Indians and sick Indians and some helpless Indians who can not work, so they ought to take care of them. But we will take the Round Valley Indians, for example.

Now, there is a good comparison. There is a case right in one agency, the Round Valley Indians in Mendocino County, in northwestern California. In a year or so from now the Government will give them their patents in fee, and they are citizens. I believe; and I think it is next year when it happens. Those Round Valley Indians within that valley have got beautiful farms and they have not worked them very well. They do not stand very well with their neighbors up there. They rent some of the farms themselves. They take life pretty easy. Some of them go out when they have to have a few dollars and work in the vineyards and the hop fields and the prune orchards of that neighborhood. Now, under the Round Valley jurisdiction there are a number of rancherias around Ukiah. Those Indians have had this one thing given them by the Government, which lifts them right out of the dirt, and that was the Government gave those Indians the assurance of permanent occupancy from which they could not be kicked, and that is all the Government did for them. The Indians had to go out and hustle. The Indians had to go out and work. Before the Government did that, before the Indian Bureau did that, those Indians were the scum of the earth. They lied, they stole, they got drunk, they laid around, they were indolent, they could not be depended upon for work, but when the Government and the California people got together and gave that land to the Indians, just so that they could go and build little homes on it, those Indians began to come right up, and to-day you can go
Mr. RHODES. I want that in there because we will have a hard enough time getting this hearing through the House, anyway.

The paper referred to follows:

REPORT ON CALIFORNIA NONRESERVATION INDIANS, BY MALCOLM MCDOWELL, MEMBER OF INDIAN COMMISSIONERS, DECEMBER 31, 1919.

DEAR MR. SECRETARY: Concerning the "landless" Indians of California, I have the honor to report as follows:

During the discussion of the California treaty of the Indian bill for 1920, last February, in the Senate Committee on Indian Affairs, the suggestion was made that the Bureau of Indian Affairs Commissioners and the Commissioner of Indian Affairs detail representatives to make a survey of the conditions and needs of the nonreservation Indians of the State with the purpose of securing certain information touching such Indians. Accessible to that suggestion Commissioner Sellars detailed Mr. Oscar M. Lips, supervisor of education, and Dr. Lawrence Michael, a special supervisor of the Indian Service, and the board sent me to conduct the requested investigation.

The particular items which were under consideration by the Senate Committee at the time the suggestion referred to was made related to appropriations for the relief and care of nonreservation Indians in California; for the purchase of lands and for the construction of public school buildings for such Indians, and for the expenses of a special commission to be appointed to investigate the conditions of the Indians with a view of determining required appropriations and the adoption of a policy for the administration of their affairs and the betterment of their condition.

Pursuant to my instructions I spent seven weeks, from September 26 to November 16 last, in 14 counties of California, conducting an investigation of the nonreservation Indians. I went to Reno, Nev., to confer with Col. L. A. Durkee, special agent in charge of thousands of nonreservation Indians in Nevada and California, and to see the colony of landless Pintos and Washoes recently established by the Indian Service between Reno and Sparks.

What I saw, heard, and learned in the progress of this survey leads me to venture the following suggestions for congressional and departmental activities in behalf of the nonreservation Indians of California:

1. The adoption of a California Indian policy, with appropriate legislation, to make it effective, predicated upon the acknowledgment of a legal debt due the Indians because they were dispossessed of their lands without due process of law and without compensation, and based upon the principle of exact justice and not upon sentiments of pity or charity.

2. This policy to center upon education for the children, permanent home sites for nonreservation Indians and adequate provision for the decent care of their aged, disabled, delinquent, and helpless.

3. The adoption for California Indians, with any necessary modifications to meet local conditions, of the successful colony system established by the Indian Service in Nevada for landless Pintos and Washoes.

The cooperation of the State of California to be secured, if possible, in all activities touching these Indians, but if the State and local authorities do not care to acknowledge any obligations in these matters then the Government to proceed alone until such time as public sentiment in the State toward the Indians may change to a more sympathetic state of mind.

Soon after arriving in California I met Mr. Lips and Dr. Michael at Ukiah, where we went some time in conference and I was much impressed with their comprehensive and suggestive, but tentative, report which I read to the Senate Committee. Then they were directed to make a thorough survey and study of the homeless nonreservation California Indians and their needs in every county of the State and were required to secure specific information as follows:

1. The names of all homeless, nonreservation Indians; age, marital condition, family localities, tribe of Indian blood, and number of children of school age in each family.

2. The land situation near each group of Indians; general character of soil, etc., and approximate selling price.

3. The attitude of the white people of the neighborhood of each group of Indians; especially whether Indian children are admitted to white schools, whether any effort is made by State or county school authorities to get such children into white schools.
4. The opinion of the special investigators and reasons thereof, as to the wisdom of providing for the 1921-22 school year a school in each locality where a sufficient number of Indians is located to warrant the establishment of a school, and if such a school were established, the number of teachers and the necessary equipment for the school. 

5. The general condition of the schools at each locality, including the number of students enrolled, the number of teachers employed, the condition of the school buildings and equipment, and the progress being made in the education of the students.

6. A summary of the results of the survey giving the number of reservations, the number of Indians living on each reservation, and the number of children attending school in each locality.

7. The recommendations of the special investigators as to the most effective method of administering the schools and the necessary legislation that should be enacted by the State to provide for the education of the Indian children.

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12. The recommendations of the special investigators as to the most effective method of administering the schools and the necessary legislation that should be enacted by the State to provide for the education of the Indian children.

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19. The recommendations of the special investigators as to the most effective method of administering the schools and the necessary legislation that should be enacted by the State to provide for the education of the Indian children.

20. The recommendations of the special investigators as to the most effective method of administering the schools and the necessary legislation that should be enacted by the State to provide for the education of the Indian children.
for national forests and national parks is enormous. And nearly all of such lands only a little more than half a century ago was used and occupied by Indians whose possessory rights were recognized by the United States Government.

It is worthy of note that the Indian reservations in California as in other States, have been set apart for the Indians and are now held, in trust, for them by the United States, are the Hoopa Valley and Round Valley reservations in the northwestern part of the State. These reservations were established for the purpose of containing unsavable Indians who, driven by the cruelties and aggressions of the white intruders, dared to fight and so-to-day own land. The Government practically never the States made with the Indians who resided on them.

On the other hand, Indians who peacefully and in a spirit of good faith, they themselves and as their descendants still believe, quietly moved into the restricted areas, carrying out their treaty stipulations and obligations, have been forced from their own home lands, knoed out, pillar to post, and scattered apart until to-day most of the names of tribes and villages are lost. These are the lapsed or nonreservation Indians of California, made so apparently because they did not fight the great white people who had taken their lands from them.

In addition to the restricted areas which the treaty commissioners set apart for permanent home lands for the Indians they were promised, in the unregulated treaties, horse, mule, plow, clothing, and other goods which it has been estimated, had a value at the time of $1,800,000, and also, they were promised white farmers, blacksmiths, carpenters, and others to teach them useful handicrafts; also school teachers "to live among and work for and teach half-breed and such other as they may be required to work for and teach" so long as the President of the United States shall deem it advisable. The eighteen treaties were substantially alike in form, provision, and stipulations, so much so that the reading of one will acquaint you with the character of all and, therefore, I respectfully refer you to the copy of one of the treaties which is appended to this report as an exhibit.

The average of the land holdings of the California Indians is but 82 acres. There are no "treaty" reservations in the State. All land occupied by reservation Indians and Indians under Federal supervision, who live in the public or on the Indian reservations, are held in the public domain by acts of Congress, by Executive order, or from congressional appropriations. About 7,000 allotments of over 100 acres each, have been made nonreservation Indians, which is equivalent to 1,937,118 acres, the per capita acreage 32. If there is included in the Indian land acreage the public domain allotments of the land bought for reservation Indians since 1900, the per capita acreage will be about 50.

The 1919 report of the Commissioner of Indian Affairs gives 16,215 as the Indian population of the State and a total area of reservations of 3,17, 118 acres, making the per capita acreage 31. If there is included in the Indian land acreage the public domain allotments, and the land bought for reservation Indians since 1900, the per capita acreage will be about 50.

Included in the 3,17, 118 acres of California Indian lands is the Paiute reservation in Inyo and Mono counties which was established by Executive order in 1912. I was told by several Indian Service men, who had been on this desert reservation, that no Indians lived on it because it was uninhabitable—there is no water there and no ground to get water.

The small per capita acreage of Indian land in California seems to shrink even smaller dimensions when compared with the per capita holds of Indians in other Pacific Coast and the Mountain States. The Commission of Indian Affairs in its 1919 report of the Commission of Indian Affairs and shown the number of Indians in each of the selected States, areas of Indian land under Federal supervision (exclusive of public domain allotments), and the per capita acreage:

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<td>1,500</td>
<td>3,17,118</td>
<td>32</td>
</tr>
</tbody>
</table>

Before concluding this effort to justify the proposition that the United States not only is morally, but is also legally required to right the wrongs of nonreservation Indians of California but also in their behalf, I would like to call your attention to this point, viz: The nonreservation Indians were the early settlers, in all respect, that the two moats of the Indians who, later, became reservation Indians and who were given more than half a million acres of land. If the reservation Indians were entitled to land then the nonreservation Indians had identical rights.

The Government did not carry out a part of the unratified treaty agreements, the Indians. Because it did so does it follow, then, that the other Indians thereby lost their rights? Of course it is clearly understood that it is now too late, as a matter of fact, it is impossible and unavailing, to even approximate an estimate of the land holdings carried in the unratified treaties. To do so would be to make landed proprietors of a large number of incompetents—an absurdity on the face of it. The Government, I believe, has shown that it has spent large sums of money in California and accomplished much good results for the Indians but the great bulk of the undertakings and most of the activities, were for the reservation administration, for the operation and maintenance of three nonreservation schools and for the benefit of reservation Indians. The nonreservation Indians, having identified themselves, have been treated as creditors of the United States, have had comparatively little done for them.

And I am not forgetting that since 1900 something like 8,000 acres of land, costing around $161,000, have been bought for California Indians and that a considerable sum of money has been spent by the Indian Service to relieve distress among them. But, apparently, there has been no thought of recognizing the just claims of the nonreservation Indians by the Government and of the obligations imposed on the Government by those claims and no systematic administrative methods employed to meet such obligations. Rather, it would seem we have been trying to get past a bad job by feeling sorry for what had happened and congratulating ourselves that landless Indians were made through no fault of ours.

The problem presented by a few thousand Indians—the precise number is unknown—will not call for any radical departure from Indian Office administrative methods nor for any startling appropriations. It might, however, be necessary to provide in the future place in California an Indian service which is charged with the duty of buying land, aiding superintendents and agents to increase public school attendance and care for the disabled and destitute Indians, and then laboring after the interests of the nonreservation Indians.

The home life of these Indians must be considered in any scheme to secure ample school facilities and permanent home sites. Education for the children and permanent home sites for their families go together. Most of the nonreservation Indians live in bands or communities convenient to work, water and wood, although, in many places, it is necessary to go considerable distances for wood and water. A large number of Indians, however, live in isolated localities, which are likely in the future.
The salmon are running those in the North work in the salmon fisheries and canneries. During the harvest time many Indians are found in the factories where vegetables, fruits, oil, etc., are canned.

A large number of them find employment in sawmills, on the surface of mines, in logging camps, on railroads, and public roads. During the winter months many of them are in demand, and many of them are shepherds for white men. They herd cattle, milk cows, and do general farm labor. The women who live near cities and towns go out as domestics and laundresses.

I have said they migrate to the places where they find work. This is not the fact, for during the summer season they take their families with them to the fields, the orchards, and are there for 3 or 4 months at a time. The Indian villages are deserted by all, save of the old, who stay at home as caretakers.

Indian labor generally is preferred by white employers of the State. The Indians are employed as laborers, waiters, and drivers, and in every position where their labor is of value. They are not found in the employ of the State, except in their social gatherings, feasts, and religious occasions. They are not employed in the employ of the State, except in their social gatherings, feasts, and religious occasions. They are not employed in the employ of the State, except in their social gatherings, feasts, and religious occasions.

The exact number of Indians in California is not known. Estimates range from 15,000 to 25,000. The reports of superintendents of Indian Affairs in the State, which are contained in the 1910 report of the Commissioner of Indian Affairs, give a total Indian population of 15,210, of which 5,243 are not enumerated as of 1920. From what I have seen and heard in this survey, I am of the opinion that this estimate of 15,210 is most conservative.

Every superintendent and agent in California told me that he did not know how many reservation Indians were in the district under his supervision, and that he was constantly meeting Indians who he had never heard of before. It is the fact that the number of Indians in California is not known. Estimates range from 15,000 to 25,000. The reports of superintendents of Indian Affairs in the State, which are contained in the 1910 report of the Commissioner of Indian Affairs, give a total Indian population of 15,210, of which 5,243 are not enumerated as of 1920. From what I have seen and heard in this survey, I am of the opinion that this estimate of 15,210 is most conservative.

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In 1912, the superintendents of California reservations and agencies reported only 316 Indians attending public schools; in 1915 this number jumped to 1,160, increased to 1,761 in 1877, to 1,850 in 1878, and to 2,109 in 1899, an increase of over 700 per cent in four years.

Under the school law of California every child, whether white or Indian, is entitled to a public school education and parents or guardians are compelled under the law to send their children to school. The chief objection to this is the law's disregard of the economic condition of the child, which compels its parents to most of the families, to the fields, orchards, and other places where the parents labor. Thus missing the school child good part of the year, and because the child can not progress in his class fast enough to keep pace with the white children. It also pointed out that it is most difficult for a teacher to teach both white and Indian children in the same class in the elementary courses and that, as a matter of fact, the average teacher of Indian and white children discriminates in favor of the whites.

I was told by several county superintendents that it was becoming more and more difficult to secure competent teachers for public schools attended by both Indian and white children and that in some cases the teachers of such classes demand higher pay. At this writing the number of children of school age of nonreservation Indians is not very accurately known. In the commissioner's 1919 report the total number of Indian children attending public schools was given as 3,700, of whom 682 or 18 per cent were of the school age, but the figures include an estimated number of Indian children of an estimated 5,000 "scattered" Indians, so that the total of school children can not be are the known and estimated attendance. The public school attendance is given in the report as 1,160, of which 1,471 are credited to the Greenville Agency alone, where all the children are of the nonreservation class.

Of the $100,000 allotted by the Indian Office to public school tuition out of the general appropriation for Indian school support, for 1919, a total of $6,131.27 was expended by the Indian Office for public school tuition in California, in the following localities: Hoopa Valley, none; Round Valley, $78.85; Fort Bidwell, $74.48; Greenville, $359.92; Diabakis, $423.00; Bishop, $483.30; Tule River, none; Campo, none; Male, $331.00; Yuma, 290; Pala, $783.80; Soba, none; Reno, Calif., $3,787.30; total, $6,131.27. At 18 cents a day, the common Government rate of pay for public-school tuition, the amount would call for 46,954 school days, or for 40,450 school days for the nonreservation Indians, a number of 400 children, but it is known that many more than 400 children are "paid" scholars. A large number of nonreservation Indian children are attending the public schools in California on the same footing as white children, without payment of tuition by the Government. I was unable to secure any figures at all from the office of the superintendent of public instruction of the number of Indian children attending the public schools, and I found that not one county supervisor was being based on the total number of white children, while others claimed that the Indians are good scholars. Apparently there is but little racial prejudice against Indian children attending school with white children, but objections in some places are due to the influence of the school board. In some cases the children are taken out of schools and transferred to other schools in order to have them placed in classes with white children. The Indians may bring trachoma, tuberculosis, and even social diseases to school with them.

The abstract of the reports has been prepared and is to be included in this report as an exhibit to which your attention is respectfully directed.

Permanent homes sites for landless Indians, grouped in colonies on tracts of land in the vicinity of mining camps, lumbering camps, and other places of labor, are being established. The Government will aid landless Indians in obtaining homes sites by offering them the use of land for a short time, usually two years, and then, by purchasing the land, they are assured of a permanent home. It is believed that this system will go a long way toward solving the problem of Indian poverty and unemployment. Bearing in mind that each Indian must be a good scholar, be able to understand and to work on the land, for which purpose the Government will give the necessary instruction, it is believed that these small communities will be self-sustaining and that the Indians may bring trachoma, tuberculosis, and other diseases to school with them.
rany construction: that it is the nature of the Indians to live in bands or communities; that they are all the same, and bring their work home to their homes. The Government has not the slightest assurance of home site permanence, the colony system presents the most practical, the most economical, and the most promising way to help the people toward civilization of these Indians.

The Government-owned colony or rancheria is not a novelty. A large number of landless Indians have been living, and prospering, in such communities for years in California. But the untrained success of the two colonies established near Reno, Nev., and near Yreka, Calif., has won the confidence of the Indian Office. The Indians are not better cared for, not better provided for, than they were before, but the Government is providing for them.

About two and a half years ago I visited the western part of Nevada, inquiring into the conditions of the Indians. I found that many of them living under the influence of the Indian office, and that they were a contented people.

The rancheria at Reno, in the town of Reno, is one of the best examples of Government aid to the Indians. It is on land that was patented to the Government, and the Government is providing for the Indians.

When I first saw this rancheria it was an idyllic scene. The entire cost of this project was $3,000, and this was all that was necessary to make the rancheria a success. The land was purchased for $3,000, and this was all that was necessary to make the rancheria a success. The Government has invested $3,000 in this rancheria, and the Indians have invested $3,000 in this rancheria.

The Government has invested $3,000 in this rancheria, and the Indians have invested $3,000 in this rancheria. The Government has invested $3,000 in this rancheria, and the Indians have invested $3,000 in this rancheria. The Government has invested $3,000 in this rancheria, and the Indians have invested $3,000 in this rancheria. The Government has invested $3,000 in this rancheria, and the Indians have invested $3,000 in this rancheria. The Government has invested $3,000 in this rancheria, and the Indians have invested $3,000 in this rancheria.
same size and character as those appropriated for the landless Indians of northern California and the allotments so surrendered to be added to the forest reserve."

Mr. Kelsey's recommendation that a commission be appointed to buy the lands not adopted by the State, and that the Commission should be directed to purchase land for the landless Indians and for the Mission Indians. Something over 60 parcels of land were bought by him and, from subsequent appropriation, by other Indian Service agents. The following is a list of such purchases:

<table>
<thead>
<tr>
<th>Band</th>
<th>County</th>
<th>Number of Indians</th>
<th>Acres</th>
<th>Amount</th>
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<tr>
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<td>Upper Lake</td>
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<td>Middletown</td>
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<td>do.</td>
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<td>6.00</td>
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<td>San Diego</td>
<td>do.</td>
<td>233.00</td>
<td>6.00</td>
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</tbody>
</table>

No reservation Indians are citizens of California so declared to be in a decision of the Supreme Court of the State, handed down March 3, 1917, in the case of Ethan Anderson, an Indian of Scott Valley, Lake County, against Shafter Matthews, county clerk of Lake County. The court held that a nonreservation Indian of California, even though he might be a ward of the Government, was a citizen of the State. This decision, while it gives the Indians the right to vote—a few of them have taken advantage of the right to elect the sick, aged, and helpless in a peculiar situation—developed a wide difference of opinion in the matter of caring for them.

It is held, by some authorities, that the Indians, being wards of the Government, should be taken care of by the Government. That the Indians, being citizens, should be cared for by the Government, is, by the definition, that so far as the Indians are the wards of the State and the citizens of the State they should be taken care of by both Government and State. And the popathology is to be that the Government and State should cooperate in the care of the sick, indigent, old, and helpless Indians. The difficulty in this proposition is cooperation between the Government and the local authorities, how can it be expected that there would be no trouble if the county authorities were clearly recognized in their responsibility in the matter. In some counties Indians are admitted to the county hospitals, poorhouses, and other institutions; in others they are not.

The Indian Office seems to have taken the view that since the Supreme Court of the State has definitely decided that the nonreservation Indians are citizens of California they should be recognized as citizens by county authorities and admitted to county institutions for the care of the sick, old, destitute, and helpless. The Indian Office would pay the expenses of care for the sick, indigent, and helpless. The Indian Office may be right, but what if a sick, indigent Indian is refused medical and hospital attention by the county and the Indian Office refuses to pay the expenses? In the county will not do its part and the Indian dies during the debate? This might happen, and probably will happen, unless a practical arrangement for active cooperation is effected between the Government and the county.

In this connection, I respectfully direct your attention to ... I have written a number of letters to the Secretary of the Interior, and have done so with regard to the care of needy Indians, and I have been informed by them that their observations have been abstracted and are attached here as an exhibit. It will be noted that the health officials are about evenly divided between those who think that the Government should take care of the Indians and those who are in favor of Government and county cooperation.

It is evident that the white people of California are beginning to take a decided interest in the care of the Indian neighbors: evidence of a change in the attitude of the Indians is found all over the State. Women's clubs, social service organizations, churches, associations formed for the purpose of helping the Indians, and men and women working on their own initiative, are in the field, and the Indian, if he is to be helped, must have a short time, the Indian Office will have the active and effective cooperation of the best people of California in any efforts to advance the welfare of all Indians, reservation and nonreservation, in the State.

Faithfully yours,

MALCOLM MCDOWELL, Member, Board of Indian Commissioners.

The honorable the Secretary of the Interior.

TREATY MADE AND CONCLUDED AT CAMP BELT, ON KINGS RIVER, IN THE STATE OF CALIFORNIA, MAY 13, 1831, BETWEEN GEORGE W. BARBOUR, COMMISSIONER ON THE PART OF THE UNITED STATES, AND THE GROSSE, CAPITANS, AND HEAD MEN OF THE TAHACHA, CAR-WAL, ETC., TRIBES OF INDIANS.

A treaty of peace and friendship made and entered into at Camp Belt, on Kings River, in the State of California, on the 13th day of May, 1831, between George W. Barbour, one of the commissioners appointed by the President of the State to make treaty with the various Indian tribes of California, and having authority to do so, of the first part, and the TAHACHA, the CAR-WAL, the YOKOSUKA, the WILLAMETTE, and the others, the second part.
INDIAN TRIBES OF CALIFORNIA.

In testimony whereof, the contracting parties have hereto signed their names and affixed their seals this 5th day of May, Anno Domini 1851.

G. W. Buburau, Taches: Quintin, chief; Jose Antonio, Sunit, Elabor, Gregorio, Notonitas: Manuel, chief; Santiago, Joan, Estanislao, Juan. We-mil-ches: Juliano, chief; Jose Martin, Pedro, Jose Antonio Nicolas; Cho-shu-teen, Valiente, chief; Jose, Ebon, Francisco, Santrino, Intimpesches: Antonio, chief; Sisto, Tche-ste-maches: Sylvester, chief; Cervantes, chief; Tche-maches, Castro, chief; Haimhe, chief; Antonio, Holubias: Esbal, Manuel, Ignacio, Chito, To-hun-mes: To-bil-la, Joaquino, Cal-wain, Francisco, Bautista, Rafael. Yo-kola: Echa, Juan Ramon, Jose Maria.

Signed and sealed in duplicate, after being read and explained, in the presence of H. S. Burton, Interpreter; N. H. McLellan, Secretary; W. S. King, assistant surgeon, United States Army, second lieutenant, Second Infantry; H. G. Gibbon, second lieutenant, Third Artillery.

QUESTIONNAIRE TO COUNTY SUPERINTENDENTS OF SCHOOLS IN CALIFORNIA:

Desiring to learn the sentiment of county superintendents of schools in California toward the Indians of that State letters of inquiry were sent to a number of them who were requested to answer the following questions:

How many Indian, children, school age, in your county? Do they attend public schools with white children? If so, how many attend schools: what grades do they teach; what kind of scholars are they; name tribes, if possible: does the United States Government help your county by paying for Indian tuition; what is your candid opinion of Indian children as scholars?

How many Indian children do not attend school, why? Is it really the wish of the parents to keep them from school? Is it because they are too young; or is it because the schools are too far from their homes; or are they too poor to send them to school? Is it because the time is too critical—too much work to be done? I would like to know the general sentiment of your county in regard to Indian education. I desire to have your candor views on this question. Should the State of California take full care of the Indians in it or should the full responsibility be carried by the Federal Government or should State and Government cooperate in caring for the Indians who do not live on government reservations?

Replies were received from a number. Following is a synopsis of the answers to the queries submitted and of observations made by the superintendents on the California Indian problem.

Roy Ford, superintendent of schools, Mendocino County:

"About two or three hundred children of school age in Mendocino County and about 70 attend school with white children. The Government pays tuition or they are not excellent scholars. They are slow to learn and lazy about their work. Seldom go beyond the sixth grade. Principally because their parents take them out to work on the farm and also because they are backward. They have not the interest in schools which white children have and this is due to their inheriting a sluggish mind and the low standards of education and immorality held by the Indians of Mendocino County. I do not think it would be possible for the Mendocino County to attend any Indian school. I should judge there are between 1,000 and 2,000 Indians in this county."

I think that the Federal Government should have complete control and full control of the Indians and should provide all money to pay for their tuition. States that have Indian children like California can not take care of the education of their white children. Most of the Indian schools are very small schools which necessitate paying a great number of teachers, making the cost of education very large compared with the population or value of the assessable property. All money for educating Indians should be provided by the Federal Government."

Kate E. Horn, superintendent of schools, Stilley County:

"Number of Indian children of school age in Siskiyou County unknown, but they attend public schools with white children. If they do not reach the eighth grade, they are of very good scholars and many finish the elementary schools."

"The State and Federal Government should cooperate in the education of Indian children."

Mrs. Pearl Rutherford, superintendent of schools, Butte County:

"About 25 children of school age in this county and they attend public schools with white children; are supposed to finish the eighth grade. They are below the average of white children as scholars and belong to the Digger Tribe. The Government pays tuition, as the children can not group the work of the higher grades and
Lucy M. Young, superintendent of schools, Trinity County:

"About 110 children of school age in Trinity County and about 36 attend public schools. Most of them reach the eighth grade and are average scholars. They are..."
INDIAN TRIBES OF CALIFORNIA.

113.

His women should be protected from the lower class of the white race. They should be taught to care properly for their homes and their children.

In an effort to learn the attitude of county officials in California toward the Indians of that State, a letter was sent to each of a number of county physicians and health officers who were requested to answer the following questions:

Are Indians admitted to your county hospital, poorhouse, or other county institutions if they, are not in the county?

If not, is it because (a) of racial prejudice, (b) Indians are not taxpayers, or (c) what?

What are the general health conditions and among the Indians in your county, particularly as to tuberculosis and trichina?

How many Indians, exclusive of those on reservations, are in your county?

Is there any organized social service effort being made in your community in behalf of Indians?

May you give your candid views on this query: Should the State of California take all the care of the Indians in it or should the full responsibility be carried by the Federal Government, or should State and Federal Government cooperate in caring for the Indians who do not live on reservations?

Replies were received from a number. Following is a synopsis of the answers to the queries submitted and of observations made by the officials on the California Indian Problem.

Dr. C. A. Curl, county physician, Trinity County:

Indian are admitted to Trinity County Hospital, poorhouse, and other county institutions, very little tuberculosis or trichina among the Indians; about seventy-five reservation Indians in the county, many of whom are indigent from age.

No organized social service efforts to help Indians.

"In addition to the questions I have answered, I would like to give my views on the Indian question. I served about five years as a physician in the Indian Service and think that in that time I saw many of the injustices the Indians had to bear. Their best lands were taken from them, and, in most instances, they were confined on reservations, even if they had a better place. I have seen the best of workers.

"I think that if the Indian is educated and trained, he can be the best of workers. Being Indians and heretofore doing menial labor has made it doubly hard for them to get ahead in the world and have anything laid away for their old age, and now that they are old they must depend on the very small stipend allowed by the county. This county allows them $2 a month, when they are in an actual starving condition, and if they are thought to be dying the supervisors will send the county physician to see them. They would be admitted to the county hospital or poorhouse, but the whites do not like them and do not make it a pleasant place for them to stay.

"The question of the duty of the Federal Government is a large one and should take into consideration the psychology of the Indian as well as the expense to the taxpayer. We have taken from them most all they had, and, for several generations to come, we have a duty to care for such of them as are old and helpless. I wonder how many Indians are glad to get rid of the old and during my service with the Government I have had the younger ones come to my office and ask for poison to put the helpless ones out of the way. I know positively that many of the helpless ones actually starved when it was not necessary, and sometimes when it was not necessary. I have heard old, sick Indians get little if any care from their relatives. I know of one case in this county, last year, when an old man was allowed to die out in the rain because it was too much trouble for the others to go out after him.

"In my opinion Indians are glad to get rid of the old and during my service with the Government I have had the younger ones come to my office and ask for poison to put the helpless ones out of the way. I know positively that many of the helpless ones actually starved when it was not necessary, and sometimes when it was not necessary. I have heard old, sick Indians get little if any care from their relatives. I know of one case in this county, last year, when an old man was allowed to die out in the rain because it was too much trouble for the others to go out after him.

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"I think the Indian is a valuable citizen and should be treated as such. The Indian is a valuable citizen and should be treated as such."
or by the Federal Government. I think it entirely unnecessary, in fact, will say it is a mistake, for the Committee to deal differently with those not on the reservations than those that are there on the

To abstract the above opinion, I would say from an economic point of view, quick dispatch of business and results for the better service to the Indian who are certainly entitled to much care when the State and Government that

Preferably let each State handle its own Indian question: they are better qualified to attend to them more economically, quicker, and secure better and more satisfactory

Do away with the field matron and have an Indian agent for each county, he to be elected by county vote and not to be appointed by commissioners or board of super-

virtual let him have a small office for fee; an Indian political pull, and get down to business for the benefit of the Indians and welfare of the taxpayer.

Let those who will not live on reservations care for themselves except in rare

exceptional cases.

The county physicians look after them as they are present in our county hospital.

As for their education, the State is doing that at present.

Under present methods the Indian question is entirely too expensive for the results obtained.

Training the above will meet with your approval, and if there is any other point that I should mention you on the subject let me know.

Dr. Sherman T White, superintendent Shasta County Hospital:

Indians are admitted to county hospital and other institutions; tuberculosis is quite prevalent; trachoma not much, other health conditions as good as their white

neighbors; about 1,100 to 1,500 nonreservation Indians in Shasta County; no organ-

ized social service efforts to help Indians. Both Federal Government and State

should care for Indians.

Shasta County has no Indian reservation and all live either on their own lands or rented places. We admit Indians to our county hospital the same as we do white people.

The general health of our Indians is quite good, more tuberculosis than trachoma; 1,500 Indians in our county, and in my opinion both Federal Government and State

should care for these Indians and as soon as possible make citizens of them. To do this the physicians be furnished by the Federal Government and that

a field matron or matrons be furnished, instructing them in other ways of living

with more sanitary surroundings than they have, show them in their own homes

the way to live, to keep house, and to keep their health. In case of illness furnish them with nurses or nurses, physicians, and field matrons, their property interests

should be cared for by the Federal Government.

The county should give them their education, grammar, and high schools; and

in case any of them should be too sick to be cared for at home the county should

admit such to the county hospital.

It should be expressed upon the Indian that as soon as he is able and fit to care

for himself he will be made a citizen of the United States of America. This education can be done in from 15 to 25 years with the Indians we have in our county. The

nurses and field matrons should constantly and continually impress Indians that they

will soon be expected to care for themselves, and that the Government will not aid

them any longer.

Dr. E. M. Fina Del Norte County, physician:

"Indians are admitted to county hospital, poorhouse, and other county institutions; but county usually gives them an allowance and they stay elsewhere; tuberculosis is

more prevalent among Indians than among others; trachoma is confined to Indians; no organized social service efforts in behalf of the Indians.

I think the Federal Government best to take care of work among the Indians, but

the Government is more familiar by past experience and could improve on past experience.

Dr. William L. Good, Tuolumne County, physician:

"Indians are admitted to county hospital and other institutions; tuberculosis common;

trachoma rare; no organized social service efforts being made in the community in behalf of the Indians.

Neither the State nor Government should take full care of nonreservation Indians.

If the State Norfolk Government should take care of them in the area.

If he does not, he should take care of himself, as they do in Tuolumne County.

Dr. O. T. Schulze, health officer, Napa County:

"If Indians are residents of the county they are admitted to county hospital and

other health conditions are good; organized social service efforts in behalf of the Indians.

"There is no Indian problem in this county. The few Indians in the county are well and contented and have no health problems, the Indian clinics are well attended.

Dr. G. S. Scott, Mariposa County, physician:

"Indians are admitted to county hospital and other institutions; health conditions are good; no organized social service efforts in behalf of the Indians.

"There are no more than 25 or 30 (excluding in Yosemite) pure-blood Indians in the county, but there are several half-breeds; there few social service efforts being made in behalf of the Indians. There is no social service cooperation with the Indians that I have any knowledge of.

Dr. L. L. Thompson, Butte County health officer:

"Indians are admitted to county hospital and other institutions; tuberculosis and

trachoma are almost unknown among the Indians here; organized social service efforts are being made for Indians in the vicinity of Chico.

I believe State and Federal Government should share this burden on the taxpayers.

Dr. G. W. Desoteler, Calusa County, physician:

"Indians are admitted to county hospital and other institutions; health conditions good; there are organized social service efforts for the Indians.

The Indians in the county do work on the farms. These unable to work have been cared for by the county. If there is any change, I think the Federal Government

would take better care of them.

Dr. O. A. Eckhardt, Sierra County, physician:

"Indians are admitted to county hospital and other institutions; health condi-

tions very good except tuberculosis is quite prevalent; no organized social service efforts are being made for the Indians.

The Indians in this county are very poor. About 25 Indians are working in the eastern part of the county (Sierra Valley) and get $1.50 a week; most of them go to Reno, Nev., in the winter; no organized social service efforts are made in behalf of the Indians.

"The Federal Government should take care of the Indians.

Dr. S. H. Reynolds, El Dorado County, physician:

"Indians are admitted to county hospital and other institutions; health condi-

tions are very good; there are more or less tuberculosis and trachoma; no organized social service efforts in behalf of the Indians.

I believe the Federal Government should take full responsibility for the care of

the Indians.

Dr. E. J. Lawson, Plumas County, physician:

"Indians are admitted to county hospital and other institutions; tuberculosis and

trachoma are quite common; no organized social service efforts in behalf of the

Indians.

California Indians should be cared for by both State and Government.

Dr. Ernest E. Thompson, Tehama County, physician:

"Indians are admitted to county hospital and other institutions; very little tuber-

culosis among Indians and there are 60 officers in the State, no organized social service efforts in behalf of the Indians.

"The State and Government should cooperate in the care of the Indians.

Dr. F. O. Fryer, Sonoma County, physician:

"Indians are admitted to county hospital and other institutions; has no intimate

knowledge of health conditions but thinks there is considerable tuberculosis

and little trachoma; there is no organized social service efforts made in behalf of the

Indians.

Dr. J. L. Butin, Madera County, physician:

"Indians are admitted to county hospital and poorhouse; some Indians have land

and personal property and pay taxes; some have tuberculosis; very little organized social service efforts are being made in behalf of Indians and not along lines to give

best results.

I believe the Government would get best results in the care of Indians. If proper

ly promoted, I am sure much improvement could be made.

Dr. W. J. Blevins, Yolo County, physician:

"Indians are admitted to county hospital and poorhouse; general health conditions are good; tuberculosis common; social service efforts are being made in behalf of the Indians.

Our Indians are all able to work and there is plenty of work for them. They

earn good wages and do not need any assistance from the State and Government. The

Indian does not live on charity from the State or Government, he only encou-

rages them to idle away their time. We are glad to have their service, and pay them for

it, and the county will take care of anyone who is sick and without funds.

Dr. L. M. F. E. Elsmere, Department of California, 66th Congress, 2nd Session, March 23, 1920.
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INDIAN TRIBES OF CALIFORNIA.


REPORT OF THE SPECIAL AGENT FOR CALIFORNIA INDIANS TO THE COMMISSIONER OF INDIAN AFFAIRS.

March 21, 1920.

HON. COMMISSIONER OF INDIAN AFFAIRS,

Washingt, D. C.

Sir: In the matter of the condition of the California Indians, I have the honor to report as follows: The act of Congress approved June 30, 1905, contained the following provision: "That the Secretary of the Interior is hereby authorized to investigate, through an inspector or otherwise, existing conditions of the California Indians, and to report to Congress thereon, and to make any plan to improve the same not in conformity with the foregoing provision was duly appointed to make the investigation. The letter of instructions was received on the 8th day of August, 1905.

Pursuant to the instructions the undersigned has been instructed to make the investigation. The work necessary to secure complete and accurate data has proved to be much greater than was anticipated, and has required the services of your special agent, as well as that of the whole time on December, 19. The undersigned received further instructions to investigate conditions pertaining to the several California reservations, a duty which was duly performed. As there are marked differences in the situation there and in northern California, the northern and southern fields will be taken up separately in the order of official instructions.

Your special agent has visited and personally inspected almost every Indian settlement between the Oregon line and the Mexican border, and has used every effort to make his inquiry complete and exhaustive. California has 57 counties, 50 of which have Indian settlements. It has required a little more than 12,000 miles of travel to visit these settlements, and in most of them, where not near railroad lines, it proved impossible to hurry the inquiry beyond the speed of a horse.

The act of Congress which provides for this investigation requires a report at the present session. This allows less than three days per county, and some of the counties have hundreds of Indians. It is therefore to be regretted that time was not available to make a full and complete report, as appears the best way to insure complete accuracy. Your special agent has made a careful and thorough investigation of the matter, and has embodied his report in an official document which he believes to be as complete as possible under the circumstances.

Dr. Hart Merriam, of the Biological Survey, whose opportunities for examination have been exceptional, estimates 100,000. Every locality has its tale of hundreds of Indians 50 or even 20 years ago, when their land was Indian owned and the Missionary, or for exaggeration, your special agent is inclined to believe Dr. Merriam's estimate well founded. A decrease in the Indian population of 64 per cent in a single century, from three-quarters of a million to 200,000, is not an unusual record in the history of the world, and would seem to be a fact in which we cannot take pride nor escape responsibility.

In order to understand the present state of affairs, it is necessary to go back into the history of the Indian in this territory, to the days when he was living in a state of nature. The Indians of California were attracted by the fertile and attractive land to us to-day, and it was equally attractive to our aboriginal predecessors. The food supply was abundant and the population probably larger than all the rest of the United States combined. It is evident to the Indian that 1849, when the Spanish and Mexican Indians were taken in the first year, there were 200,000 Indians living in the state. The Government's failure to protect the Indians, something they could not legally do under the terms of their grants.

It is needless to say that the Indians were evicted, the most recent instance being Warner's Ranch. The whites of the California Indians, however, were not affected by Spanish grants, nor did they come under Spanish or Mexican influence, and their undoing began with the great gold excitement of 1849. When the United States came into full legal ownership of California in 1848, the Spanish or Mexican laws relating to Indians were not adopted, as has been erroneously stated. The policy of the United States adopted toward its new Indian wards in all the ceded territories, as far as California was concerned, was to give the Indians their land and to let them alone.

Our Government has never acknowledged that the Indians owned their lands in fee simple, and in view of the Indian idea of land ownership, this is correct. But the United States has been in California for a portion of the land, and there is compelling evidence that the Indians have a right to occupy the land, which right is termed the Indian right of occupancy, a right which can be canceled only by mutual agreement. All Indian lands in the United States are held by the Government of the United States, and acquired only by payment therefor. Even the lands ceded by the Sioux after the great outbreak were paid for. The Indian right of occupancy is a right recognized in the United States, a right which can be canceled only by mutual agreement. The Government's conclusion which made treaties with nearly all the Indian tribes in the State. Sixteen treaties were negotiated in northern California and two in southern California. These treaties were very similar in text. The Indians agreed to take up their homes to United States and to keep the peace, and to accept certain reservations described by metes and bounds in the treaties. The Government agreed to reserve forever for Indian use the lands described in the treaties, and to pay a just price for the lands.

The value of the goods thus promised the Indians in northern California was about $1,500,000, and the land reserved was about 5,000,000 acres, worth at the Gover-
The Indians had no conception of private ownership of domestic animals or of private ownership of food and did not realize at first that different rules prevailed among the whites. In time the Indians learned to let the white man's livestock roam on their lands, because they were earning less than the farmers began to understand the comparatively harmless character of the California Indian.

The modus operandi of these affairs was very much the same. The Indian camp would be taken, the women and children were rounded up, usually not more than 50 were ever taken at once, while a number of raiders were reported to make several raids of this kind, a large number of the white people who made the attacks were driven back by the Indians, and there is a story of a company of California Indians who were kept in check by the white people so that they could not get into the town. They were reported to have been so organized that they could act as a kind of a personal, or a group, of Indians that lived in the same community, and if they had been driven back by the white people, they might have been in the same condition as the Indians who were reported to have been carried away by the Indians.

I am not aware that the Indian raids were ever organized in the same way the Indians were in the United States, for the purpose of carrying away the women and children. But I am aware that there are records of White soldiers in the United States who were driven back by the Indians, and the Indians in California were also driven back by the Indians. The Indians in California were reported to have been driven back by the Indians in the United States.

The State of California has an excellent law against selling liquor to Indians, which law is enforced in some counties and disregarded in others. It is to be regretted that the recent decision of the Supreme Court of the United States has removed protection from the Indians in California.

In 1849, the great gold rush began. Within a year or two a considerable portion of the State was overrun by probably 100,000 miners. They were mostly men of the strongest and most vigorous type, well armed and always on the alert. They inherited the prejudices and the stories of 200 years of border warfare with the Indians. A large number of the Argonauts had come overland and had had desperate conflicts with the Indians of the plains. It may also be said that under the circumstances it is not strange that one of the most shaming chapters of American history ensued. Among the Argonauts there were some who were more desperate characters, who would not heed that a large number of the Indians in California were driven back by the Indians.
the most potent factor has been, in the opinion of your special agent, the gradual and sure aggression on the part of the whites, the progressive absorptions of the Indian's every means of existence. Perhaps this requires some explanation. In aboriginal days the California Indians were more nearly sedentary than any other Indians of the United States, except those of the Pueblo Indians. Each tribe was restricted with narrow limits. Usually each land had a strip of territory reaching from the mountain tops down to some fish-bearing stream or the ocean, and they seldom or never went beyond them. Games was always held their limits. For this reason they were few, as they had no firearms, and were restricted to what they could kill by means of bows and arrows and pittas. Fish formed a much greater share of their diet, and all the California tribes were large fish-eaters. Hundreds of these cases have been proved and the Indians have been dealt with, fish supply. The Indians also made a large use of edible roots. Grass seeds and larvae and pupae of some insects, and also grashoppers were often on the bill of fare, and the antelope were also restricted, as in every other from the premises. The largest single item in their menu was composed of acorns and other nuts. The Indians grinds the acorns, beach out the bitter principle, and make various forms of mush and bread, both nutritious and palatable. Acorns and walnuts were in various places not having them thus the number of cultivation of the land can be averaged about as follows: Acorns and other nuts 55 per cent, fish 25 per cent, game 15 per cent, roots, etc., 30 per cent, and grass seed and miscellaneous 5 per cent. Of course the proportions vary in different parts of the State, and the figures given are only approximate.

The first effect of the occupation of the land by the miners was the muddying of the streams by the mining operations and the killing or frightening away of the game, thus cutting off the Indians' fish and game supply. The mining population soon numbered, and about the only land suitable was that where the edible roots grew. The stock industry followed very soon, and even the oak trees were fenced in and forbidden to the Indians. As the acorns were needed for hogs. Later the area of wheat came and arable lands passed into private ownership. The Indians were thus reduced from a state of comparative comfort to one of destitution. Very few wealthy families would not rent the land to a farmer for a large fee, sometimes the higher of their purchase. They should be content. It was little or nothing available to take the place of the what the Indians had lost. Very generally people in these days wanted Indian labor on any terms, and there was very little work to be done at the time which an Indian labor force could not handle. As a result, they were frequently forced to do what they could to get along. Generally speaking, the California Indians have been not far from the line of extinction ever since, and law have been able to rise above their environment.

At this crucial time, which the Government had rejected or the vested interests to have been given in any form, however modified. Why the Government ever made any effort to secure the Indian right of occupancy has not been stated. It is suspected that interested parties had more influence at Washington than they did in the Indian Bureau. It is true that the laws that allot the land, either kind of land, to the Indians, and several small reservations were set aside by Executive order. Some of these were decided to be within the limits of Spanish grants and thus not available for Indian allotments. Others were occupied by whites and the Government had to have the reservations canceled. One or two were abolished by act of Congress, apparently because they contained timber which was desired by lumber companies. Only four reservations were not canceled.

The Rupa Reservation and the Klamath strip became Indian land as a result of an expensive Indian war fought out by encroachments on the land. The Round Valley Reservation was contested for by the Indians as a settlement of their land claim, but was never enough to be called a war. These two reservations have a total population of about 1,500 Indians. The Tule River Reserve and the reserve near Jackson, formed sub-sequently for the benefit of the Indians. The Indians of the northwestern part of the State have kept the peace and killed nobody have received nothing but wars of eviction.

At first, and before the country was thickly settled, if a landowner objected to the presence of the Indian, he could move to some adjacent land. As the population increased, however, it became more difficult to find land in the greater part of the State was practically all taken up. Then as the lands became more valuable there was less tolerance of Indian occupancy. Had it been possible for the Government to live up to its own land law, much of the trouble which has occurred would have been avoided. In many instances the Indians arranged with some white friend to take up the land, upon the promise that the Indian should remain there as long as he wished. This promise was usually kept by the white man as long as he lived. When
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The efforts of claim jumpers and timber syndicates to get hold of timber. All sorts of schemes have been devised, with as yet no very great success. The allotment act itself gives the Indians the right to select the lands they desire, and the Indians have the right to select the lands they desire. 

The time has gone by when either the desert allottees or the mountain allottees can succeed in the forests from the public domain. Hence the Government recommends in favor of the mountain allottees similar to that proposed for the mountain allottees. The Indian has the right to select the lands he desires. 

There is a great deal of misunderstanding over the small allotments. The Government would recommend the allotments in question for the small allotments. Land can be had in the mountain valleys much cheaper than in most of California. It would also require a material application of water, and which can be easily exacted from the Government, though probably not to exceed $1,000. Of the mountain allotments referred to, about one third are within the limits of the forest reserves, and none of the others are more than 3 or 4 miles from the reserve boundaries. All of these lie in the territory between the Diamond Mountain and the Plumas Forest Reserve, which should, apparently, be included in these reserves. There would therefore seem to be no reason why all the allotments over which so much controversy has arisen should not be put into the forest reserves and the Indians given something in exchange which they can use, or at least live upon more than three months in the year.

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and were off in the central valleys and along the southwest flanks of the Sierras. The Indians, for the most part settled in little villages called 'California rancherias.' These little settlements contain all the way from 30 souls up to 350, the usual size being about 100. In some cases an entire tribe of a single or several counties for the supply of labor for Indians was sufficient in all localities and well distributed among the year, the problem would be light, but in many localities the labor is not to be had in sufficient amounts, and the Indians thus suffer great straits in endeavoring to keep alive.

Your special agent estimates that 1,700 families with nearly 3,000 souls are dangerously near the famine line. This does not mean that they are all suffering from want of food or clothing this winter, but that the same is being taken from them by the whites and from the government as an agent of the United States. The California Indians are suffering from disease, and during such a season when the people and children die. The healthy and able-bodied may continue to work a period of starvation, but in the weakly and underfed the diseases take them. Among the children in the settlement North of Tehachapi there are hardly any of the old people left, and the proportion of children is small, although births are numerous. The people are willing to work, and I am sure they wish their children to suffer. Other Indians do, but theirs do not, and it is a striking fact that the less work there is for an Indian in a locality, the more firmly convinced he is of his white neighbors that he can get along without any well regulated Indian could desire.

The storekeepers, however, generally know better, and quite a number have told me that in employing them it was necessary to feed them up for two or three days before he was able to work satisfactorily. While the Indians were more or less weak from lack of sufficient food. The Indians are not competent for all kinds of work and usually restricted to the roughest labor. The need of industrial instruction is great, and the promises of the Government are not sufficiently carried out to make ordinary business a sound occupation. It is common for the Indians to make a profit by working.

Your special agent reports that in the past there were 25 or 30 places as proper locations for Indian schools and partly due to the fact that the Indians are subject to eviction at any time or being bared from place to place. It can hardly be claimed that the nonreservation Indians are working as is the case in many parts of the United States. The Indians, for the most part, are not at their best and are working very hard to improve their condition or to teach them any kind of work. The Government has a right to do what it pleases with the Indians as long as it does not infringe upon the rights of others. The reservation Indians are all fairly well cared for. Your special agent would therefore recommend an increase in the number of field matrons and agricultural instructors. It will, if desired, submit reports hereafter, specifying locations and giving more details than seem proper in this reply.

The Indians have all the work they can do. In many localities they have a very curious nasal prejudice, different from that against Asians, similar to that of the Japanese.

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In other places there is very little work of any kind to be had, and the Indians often have to go 30 or 100 miles away to find work. Then he can work but a short time, picking fruit or doing other odd jobs. The work they get in the cities is not satisfactory.

In making the family census of the Indians of northern California, a very punishing query arises: What is the number of the half-breeds or mixed bloods? The number recorded by the census is much fewer than had been expected. It has been found impossible to classify them strictly according to blood. With those who have been classified as half-breed, those who are full blooded, and those who are of mixed blood, those who are of mixed blood, and some who are half white and half Indian, the majority of the mixed bloods never knew their white ancestors and have grown up in the Indian camps. They are more interested in the Indians than in the white people. They consider themselves Indians, and it is difficult to deal with them upon any other basis. About two-thirds of the half-breed men marry full-blooded Indian women and 20 per cent of the half-blooded women marry Indian men. There is little difference between the two groups. The children are taught to Indian to all intents and purposes, and are so recorded in the census. A considerable number of half-breeds intermarry among themselves. They form a clear apart, just as the Indians do in the Southern States. The mixed bloods, the descendants of the white men who married the Indians, are not usually enumerated at all.

The responsibility of the National Government for the present condition of the nonreservation Indians of California seems clear. Had the Government given the Indians the same treatment as it did other Indians in the United States their condition today would be very different. Those Indians of California who have received land, if not increasing in numbers, are at least not decreasing very fast. Most of the nonreservation Indians are about stationary in numbers. The death rate is much lower than the birth rate, and the population is increasing. The Bureau of Indian Affairs has increased as closely as your special agent can estimate by about 1,100 in the last three years, most of the decrease being in the Indian camps. It should be remembered that the Government, as it has in the past, is to give all Indians living in the United States equal rights and opportunities to all Indians in the United States. The Government is bound to do this and it cannot be changed.

No amount of money can repay these Indians for the years of misery, despair, and death which the Government policy has inflicted upon them. The Government should not be expected to give the Indians any land that is not already committed to other uses. The Indians of California have not had a "square deal," and it is not too late to do justice. The Indian lands cannot be placed in status quo ante, but they can be given what is sometimes expressed as a "white man's chance." It ought to be possible to put an end to the periodical wiping out of the Indian children. It seems that we are under the necessity of civilizing the Indian whether we like it or not, or whether the Indian wants to be civilized or not, and we are therefore under obligation to make at least a decent effort to accomplish the task without injury to the Indian.

Your special agent is inclined to object strongly to anything in the nature of reservation at all. The day has gone by in California when any attempt to separate the Indians from the other people. The Indians, for the most part, are not at their best and are working very hard to improve their condition or to teach them any kind of work. The Government has a right to do what it pleases with the Indians as long as it does not infringe upon the rights of others. The reservation Indians are all fairly well cared for. Your special agent would therefore recommend an increase in the number of field matrons and agricultural instructors. It will, if desired, submit reports hereafter, specifying locations and giving more details than seem proper in this reply. The Indians have all the work they can do. In many localities they have a very curious nasal prejudice, different from that against Asians, similar to that of the Japanese.
of a sufficient sum for the purchase of land in the immediate localities where the Indians live, to be allotted or assigned to them in small tracts under such rules as the Secretary of the Interior may prescribe. The land so allotted or assigned shall be held as a trust by the Government for the owners thereof, and all rules and regulations of the Government shall apply to the management of the work. Hence it is not necessary that the entire appropriation shall be available the first year.

It seems to be the belief of many persons that there has existed in California a considerable body of "citizen" Indians. This is an illusion. Until allotment times there were never any citizen Indians in California. There are none now except of comparatively recent date. The Indian left in Cali.

There are now, however, some real citizen Indians in California. As the present time about 1,300 Indians are, or by virtue of the present law would be, if they could pass the educational qualifications imposed by the constitution of California. Comparatively few of them have yet voted, and those few are usually educated mixed bloods. The 1,300 may be said to represent an Indian population of about 12,000. If this may be fairly contended for. It is to be understood that for these citizen Indians no relief is asked and in the opinion of your special agent none is needed other than some readjustment of allotments mentioned hereafter in this report.

SOUTHERN CALIFORNIA.

Although the troubles of the Indians of southern California arise from the same initial wrong as those of the northern part of the State, yet, the Government has here attempted to repair the wrong, and has assigned more or less barren reservations to substantially all the Indians in the southern section of the State. This action came late, however, and there was very little land of any worth in this domain which could be given to the Indians. The unsatisfactory conditions on some of the reservations arise from the character of the reservation, and therefore require separate treatment. The Indian tribes of southern California.

Your special agent has visited nearly all of the reservations in southern California, and has had a bird's-eye view of some of the others, and has made a careful investigation of the situation there. These reservations which seem to require attention will be considered in order:

CAMPO.

Camp has occupied a considerable place in the public mind for the past 18 months by reason of reports current as to conditions there. It is to be regretted that the sensational press has exploited the matter in such a way as to give the idea that all Indians in southern California were in the last stages of starvation. The situation at Campo was bad enough without exaggeration. There is no question as to the extremity to which the Indians of the Campo Reservation were reduced. Your special agent has no doubt as to the fact that the Indians there were so reduced and that only the timely relief saved them, or most of them from death by starvation.

There are five reservations usually known as the Campo Reservations, as follows: Campo proper, area 240 acres, population 25, elevation about 2,300 feet; Manzanita, area 640 acres, population 59, elevation 2,300 feet; La Posta, area 288 acres, population 19, elevation about 2,300 feet; Cuyapine, area 358 acres, population 44, elevation about 3,800 feet; and Laguna, area 570 acres, population 5, elevation about 4,500 feet. The areas given are their areas on paper. Most of the land is the most barren description. The actual area of arable land is as follows: Campo, 40 acres; Manzanita, 35 acres; La Posta, 30 acres; Cuyapine, 30 acres, Laguna, 3 acres.

There are about 20 of these Indians not living on any reservation. The conditions are, scanty, and, there is no water for irrigation or any other use. The conditions are such that the entire five reservations would not support more than one or two white families, and yet 40 Indians are expected to make their living there. The surrounding country for 30 miles in every direction is thinly settled, and mostly a cattle country where there is very little work for Indians outside of the reservations.

Now, Indians require some means of making a living the same as anyone else. To place Indians upon a reservation where they can not make a living, either by working for themselves or for others, is to invite exactly what occurred at Campo, starvation. The immediate cause of the hard times at Campo was a succession of three or four bad years when crops failed.
The Pachanga reservation is one of the poorest in southern California. On paper it has 3,960 acres, which looks big. Actually, there is less than 800 acres that can be plowed, and this is so dry and sandy that the grain crop, about all that can be raised, is very scanty and often a failure. There is no water supply even for domestic purposes. On the river that runs along the reservation there is a well, but the water is not usable in the summer months. Water is shipped in at a high cost, or months during the rainy season. The cost of the water is about $2 per thousand gallons.

The Pachanga Indians really ought to have some land that is good enough for gardens. The current would not be great, probably less than $2,000. I would therefore recommend the purchase of such land.

SAN PASCUAL

The maps show Indian reservations named San Pascual, but actually there is no such reservation. A reservation was selected for these Indians comprising certain descriptions of land in township 12 south, range 1 west, in San Diego County. By some inexcusable error, the land was actually reserved in township 11 south, range 1 west. None of the San Pascual Indians ever lived on the land actually reserved, as that was considered to be Shoshonean territory, and the San Pascual are Yuma. Both pieces of land are barren and of little value. The Indians actually occupied the land in question. In the maps which have passed all the land is intended for reservation, with the result that it has been taken up by white men. This has been a serious matter.

The result is that the San Pascual Indians have no reservation, and all through errors not of their own making. I would, therefore, recommend an appropriation to buy a small tract of land for the San Pascual Indians.

LOG COYOTES

Los Coyotes is a large reservation on paper, being nearly a township of land. It is quite elevated, being from 4,000 up to 6,000 feet. The reservation is near the mountain tops, and the agricultural land is confined to narrow strips in the San Ysidro and San Vicente Canyons, about 275 acres. A large part of this is owned by one white homesteader who has been in occupation before the reservation. There are also two valleys or hollows in the mountains which have some feed for cattle, and are also patented land. The Indians say that the Government promised them to buy these valleys. Whether such a promise is true or not is not known. It is a fact that the Government did buy out one white homesteader in the San Ysidro Canyon. These Indians are the only ones I have found in California who are in good standing with the sheriff. They have been accustomed to the white people and do not know that they are under any sort of obligation. This seems to be true of the San Pablo Indians, who have not purchased and have given away upon a mortgage. The Government should therefore recommend an appropriations to buy this land.

SAN MANUEL

This reservation of 8,500 acres is about the most absolutely worthless that I have seen anywhere in California, being steep, barren dry hills, and yet it immediately adjoins one of the most fertile piece of land in Southern California. The Indians should have a much better reservation.

The little reservation of Panaa has the use of a fine stream of water from the Panaa Creek, but the stream is apt to be very scanty in summer, when it is mostly needed. The Indians have been told that the supply is much needed. The Indians have been told that the supply is much needed. The Government has promised to act on the reservation matter as soon as the Indian can supply the water.
INDIAN TRIBES OF CALIFORNIA.

On the Cahullia reservation a storage reservoir and irrigation system is about half completed. It is estimated that $1,000 will complete it. Without the irrigation system, the land is very little, as most of the reservation is mountains and contains very little agricultural land, and that little needs water to produce anything.

The Morongo reservation, near Banning, has quite an area of arable land, but the land is desert and without water will raise nothing. There is also a fair water supply if it were developed and brought to the land. The water comes from two cienegas, or springs, which are upon the mountains and not upon the reservation as at present used. It is likely the flow from these cienegas could be increased. The water brought from this, the upper one, has sufficient fall to pump water from the lower cienega into the basin for irrigation. The water supply could thus be largely increased and the area of land cultivated, if believed, could be more than doubled. I recommend an appropriation for this improvement.

DESSERT RESERVATIONS.

Or the Colorado Desert are several small reservations known as Torres Martinez, Alamo Bonito, San Augustine, Agua Dulce, 29 Palms, and Cabazon, the latter being near Indio.

On two-thirds of the volume of water which has been obtained by the Government from which is used by the Indians for irrigation, they make good use of the same. The water has been used by the Indians for irrigation. They make good use of the water. I would recommend the building of the water supply. The cost is from $300 to $500 per well, and the benefit is great. With the water the Indians are self-sustaining, and without it they are perpetually dependent on famine. I recommend an appropriation for this purpose.

At the Palms Springs reservation, sometimes called Agua Caliente No. 2, there is a small stream of water, the right to which is claimed by outside parties. It would seem that the Indians have the right to this water, and if the water is used by the Indians to irrigate their land, it would be a great advantage to them. I recommend an appropriation to determine the water rights or buy out the co-tenants, as may be found the more advisable.

RINCON.

The Rincon reservation, 14 miles from Pala, has 400 or 500 acres of arable land, more than there is water to irrigate. A ditch has recently been constructed taking water from the San Luis Rey River and expected to irrigate about 300 acres. A syndicate is making preparations to build a large dam across the San Luis Rey River a few miles above the Rincon for a storage reservoir and power plant. Steps should be taken to protect the land rights to their water. It is believed that if the water is properly used, the matter can be amicably arranged without in any manner embarrassing the great enterprise.

BOUNDRY.

One of the most troublesome questions in regard to southern California reservations arises from the lozenge with which the reservation boundaries are laid down. From every reservation comes a complaint as to the boundaries which surround the boundaries of Indian reservations. One reservation line is said to have been moved in over 1,100 feet. Another is said to have been moved over onto the reservation three separate times. It seems as if each successive owner of the land adjoining a reservation is unable to resist the temptation to grab a little Indian land, and they seem to work this kind of a grant with impunity. The fact that some of the California counties plays to the land of this class of land grabbers. If a man steals 300 it is a pecuniary offense. If he steals 30,000 worth of Indian land he gets the land as a reward for his service. Encroachment upon Indian lands is likely to continue until a legal penalty is established. The boundaries of an Indian reservation except in conjunction with a duly appointed officer of the Government. There is one thing which, in the opinion of your special agent, should be done, and at once, a commission of competent surveyors should establish the boundaries of every California reservation. The Government could sell the land, but the boundaries must be so drawn as to endure for all time. Pense then necessary. Your special agent would earnestly recommend an appropriation to determine and mark the various reservation boundaries.

RECOMMENDATIONS COMMON TO BOTH NORTHERN AND SOUTHERN CALIFORNIA.

That further legislation be passed for the protection of the land and water rights of Indian allottees; that provision be made for an increase in the number of field marines and industrial instructors; that the number of day schools be increased; that additional reservation lands be added to the existing reservations; and that the boundaries of the various reservations be defined and marked.

Respectfully submitted.

C.E. KEELER,
Special Agent for California Indians.