

No. 24.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, June 26, 1866.

SIR: I have the honor to acknowledge the receipt of your letter of the 8th ultimo in relation to Indian reservations in California. Before proceeding to answer specifically the inquiries contained in your letter, I think it proper, in order that you may have a correct understanding of the whole matter, to give a brief history in reference to the establishment of reservations for Indian purposes in that State. The information in possession of this office, received from time to time from the superintendents and agents in California, is not as specific as could be desired, being general and diffuse in its character, but from it I am able to give the following:

Commencing in 1853, (for it is not thought to be necessary to go back of that date for the purpose in view,) I find that on the 13th of April of that year, Edward F. Beale, superintendent of Indian affairs for California, was instructed by Hon. R. McClelland, then Secretary of the Interior, to proceed to carry out the provisions of the act of Congress approved March 3, 1853, (Statutes at Large, vol. 10, page 233,) which provided for five military reservations for Indian purposes, not to exceed 25,000 acres each, and appropriated \$250,000 for the purpose of subsisting and removing the Indians to such reservations, and for their protection. In August, of the same year, Superintendent Beale reported great difficulty in the way on account of the conflict with Spanish grants and pre-emption claims in localities that were desirable for reservation purposes. On the 23d of August, 1854, he reports that one reservation had been established at Tejon pass, to which about 700 Indians had been removed. Passing over a period of some two years, during which time various reports were received in reference to Indian affairs in California, general in their character, on the 4th of September, 1856, Superintendent Henley, the successor of Superintendent Beale, reports that four permanent reservations had been established, viz: the Tejon, in the southwestern part of the State; the Nomo Luckee, in Colusa county; the Klamath, on a river of same name in the northern part of the State; the Mendocino, fifty miles south of Cape Mendocino, on the shores of the Pacific. In addition to these he reports several temporary reserves or farms, upon which small numbers of Indians have been collected; among these are Fresno and King's River and Nomencl, (Round Valley.) On the 15th of August, 1857, Superintendent Henley reports five permanent reservations, Fresno River being added to the four above mentioned.

In 1858 Mr. G. Bailey was appointed as special agent to investigate the condition of the Indian reservations in California; and Commissioner Greenwood, in 1859, referring to the report of Agent Bailey, speaks of the "unsatisfactory condition of things in California; that there is a greater number of reservations than is necessary," and recommends the abandonment of the present and the substitution of a different plan of operations.

The act of Congress approved June 19, 1860, (Statutes at Large, vol. 12, page 57,) authorized the Secretary of the Interior to divide California into two districts, and in accordance therewith the State was divided into the northern and southern Indian districts, and agents were appointed for each.

Commissioner Dole, in his annual report for 1861, remarks as follows: "Within the southern district of the State not a single reservation exists that is not claimed or owned by the whites, nor is there one that is at all adequate in extent to the wants of the Indians. They appear to be simply farms a few hundred acres in extent, about and upon which the Indians are expected by hundreds, and in some instances by thousands, to congregate, and from which a small portion of their wants are supplied. Within the northern district the reservations are owned by government, but, with the exception, perhaps, of that of Round Valley, they, too, are insufficient in size, and, in consequence of their occupation under one pretext and another by whites, are of no more real utility to the Indians than those of the southern district."

Agent Wentworth, for the southern district, reports, July 14, 1861, that Fresno River reservation has been abandoned; and Agent Hanson, for the northern district, reports, in July of the same year, virtually to the same effect in reference to Nomo Luckee, "that there is no land enclosed and under cultivation, buildings are neglected," &c.; that a portion of the reservation has been taken possession of by whites; and on the 31st of December of the same year he reports the entire loss of Klamath, as a reservation, by a freshet which carried off the soil and covered it with sand.

In 1862 Agent Hanson reports in favor of a reservation at Smith river, in the extreme northwestern portion of the State; and on May 3d, of the same year, by direction of the Hon. C. B. Smith, then Secretary of the Interior, the Commissioner of the General Land Office ordered its survey and reservation from sale.

On the 3d of December, 1862, Agent Wentworth reported that he had laid off a reservation at Owen's river; and on the 24th of July, 1863, he reports that Tejon reservation having been patented by the United States to late Superintendent Beale and other parties, the Indians on that reservation had been removed to Tule River farm.

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The act of Congress approved April 8, 1861, (Statutes at Large, pamphlet copy, first session 35th Congress, page 49,) provides for a superintendent of Indian affairs for California, for the setting apart of not exceeding four tracts of land for Indian reservations, and for the survey into subdivisions and sale of reservations to be abandoned. In accordance with the provisions of this act a selection has been made of Hoopa Valley reservation, located on the Trinity river, near its junction with the Klamath, in the northern part of the State.

My report of the 9th ultimo, returning to you certain papers submitted by Hon. J. Bidwell and other members of Congress from California, to which you are respectfully referred, and the foregoing statement, furnish a reply to most of the interrogatories contained in your letter of the 8th ultimo; but in order to answer the same more fully, I will consider each reservation that has been referred to, giving, as nearly as possible, the history and present condition of the same:

Round valley.—This valley was first selected for Indian purposes by Superintendent Henley, in 1856, and by order of the then Secretary of the Interior, dated May 3, 1860, the entire valley was surveyed and reserved for Indian purposes. All the reports on file and information in possession of this office speak in the highest terms of the fertility of this valley, and its adaptability for the purposes of an Indian reservation.

Of the exact nature of the conflicting claims to any part of this valley it is impossible for me to state. Superintendent Maltby, in his report of September 15, 1865, says: "Nearly half of this land is occupied by citizens who claim to have entered upon and made their improvements before the survey and location of the land for reservation purposes." Definite information in regard to the nature of these claims can probably be obtained through the General Land Office. The superintendent speaks very favorably in his last report in reference to the condition of the Indians who are there at present.

Smith River reservation.—By direction of the Secretary of the Interior, dated May 3, 1862, all lands embraced within the limits of this reservation not occupied by pre-emption were withdrawn from sale for Indian purposes; but by reports from the superintendent it appears that a majority of the valuable lands are now occupied or claimed by whites, and that the government pays a yearly rent of \$1,948 in coin, or its equivalent, to parties for the use of land.

Superintendent Maltby encloses with his report of April 19, 1866, (herewith, marked "A,") an estimate of the value of lands necessary to be purchased for reservation purposes, amounting to \$28,000 in coin, or its equivalent. Of the nature of the conflicting claims in this reservation definite information can probably be obtained through the General Land Office. I have been unofficially informed that some of the lands within the limits of the reservation have been patented to white settlers since the same were withdrawn from sale by direction of the Secretary of the Interior, dated May 3, 1862.

Hoopa valley.—This reservation was selected by Superintendent Maltby, in the fall of 1861, and possession was taken under an arrangement with the settlers that their improvements should be purchased. The \$60,000 appropriated by the act of March 3, 1865, (Statutes at Large, Pamphlet Laws, second session 38th Congress, page 538,) to pay for improvements on this reservation, amounting, as per appraisements, to \$59,659 55, has not yet been disbursed; but, whether the reservation is abandoned or not, justice will require that the settlers be paid for their improvements, as the government has had possession and use of them for more than a year past. This reservation has never been surveyed by the government.

Klamath.—This reservation, described as follows, viz: a strip of country commencing at the coast of the Pacific ocean, and extending one mile in width on each side of the Klamath river, and up the same twenty miles, was approved by the President on the 16th of November, 1855, as one of the two reservations for the Indians in California, authorized by a clause in the Indian appropriation act of 3d of March, 1855, (Statutes at Large, volume 13, page 609,) "with the provision, however, that upon a survey of the tract a sufficient quantity be cut off from the upper end thereof to bring it within the limit of twenty-five thousand acres authorized by law." This reservation has never been surveyed, and in 1861 nearly all of the arable land was destroyed by a freshet, as herein before mentioned, rendering the reservation worthless.

Mudcaino.—The selection of this reservation was approved by the President of the United States May 22, 1856, described as follows, viz: "lying between the south bank of the Noyo river, so as to include that river and a point one mile north of the mouth of Hale or Bee-do-loc creek, and extending eastward from the coast for quantity, so as to include the valleys beyond the first range of hills to the Coast mountains, conforming to their shape, and to contain an area not exceeding twenty-five thousand acres of land." This reservation has never been surveyed, and owing to its exposed position on the coast and the sterility of the soil, which prevent the raising of crops, its abandonment has been determined upon, in accordance with the recommendation of the superintendent. The only thing that makes it at all desirable for a reservation is the facility afforded the Indians for fishing. Under date of the 23d instant, the Commissioner of the General Land Office encloses to this office a letter from the surveyor general of California, of the 29th of April last, who asks "whether or not the lines of this reservation are to be surveyed and respected, should they come within the lines

of extension of our public surveys;" and the Commissioner of the General Land Office requests to be informed "whether the interests of the Indian department require that the reservation should be surveyed; if not, whether the same may revert to the public domain and be surveyed as public lands."

Superintendent Maltby, in his report of the 2nd ultimo, (herewith, marked G,) states that he has leased a portion of the reservation to E. J. Whipple, for eighteen months, from April, 1866, "subject to the approval of the Hon. Commissioner of Indian Affairs, and any action that may be taken by the Secretary of the Interior or Congress with reference to the disposal of the lands and improvements."

Name Lacker.—This reservation was located by Superintendent Henley about the 1st of September, 1854, and was for some time used for Indian purposes, but for three or four years past has been abandoned, and the government property therein has been destroyed. A portion of it is claimed by whites. The lands are reported to be of fair quality, and afford pasture for the cattle of the surrounding settlers.

Owen's River and Fresno reservations have long since been abandoned, and the claim of the government to the same as Indian reservations relinquished.

Tejon or Sebastian reservation was abandoned in 1863, and the Indians were removed therefrom to Tule River farm.

This reservation was surveyed in 1854, by the surveyor general of California, and was estimated to contain 75,000 acres. On the 25th of November, 1856, the Secretary of the Interior ordered its reduction to 25,000 acres, in accordance with the provisions of the act of 3d of March, 1855. Since that time the majority of this reservation as originally surveyed has been patented by the United States to different parties claiming under Spanish grants, leaving a small portion of the original area, irregular in shape, in regard to which this office does not possess sufficient information to correctly describe it.

Tule River.—This is a farm of 1,200 acres, rented of Mr. Thomas P. Madden, of San Francisco, at a cost of \$1,000 per annum.

After a careful examination of the subject, and from all the information I can obtain, I am of the opinion that if possession of the entire limits of Round valley is obtained for Indian purposes, it will be sufficient in extent and resources to accommodate all the Indians the government will ever be able to collect upon a reservation in northern California, and that in the event of obtaining such possession all other reservations in the northern part of the State should be abandoned and the Indians concentrated at Round valley.

I have received a communication from Hon. William Windom, chairman of the Committee on Indian Affairs of the House of Representatives, dated the 19th ultimo, (herewith, marked F,) transmitting a copy of a bill introduced into said House by Hon. J. Bidwell, the provisions of which, if passed, would secure this object. This bill provides for obtaining possession of the whole of Round valley; for fixing its limits; for the purchase of improvements of settlers; for the abandonment of other reservations in northern California; for the removal of the Indians therein to Round valley, and appropriates \$100,000 to enable the Secretary of the Interior to carry its provisions into effect.

Since the foregoing was written a report has been received from Superintendent Maltby, dated the 17th of April last, (herewith, marked E,) in reference to Klamath and Smith River reservations. He corroborates the statements I have made in regard to the former, and repeats his recommendations in favor of the purchase of lands and the permanent location of the latter reservation, urging the peculiar features which make it desirable for Indian purposes. It will be noticed in this report that the superintendent speaks incidentally of Round valley as being free from some of the objections urged against Smith river.

The habits of the Indians should be considered in connexion with the proposition to abandon other reservations and concentrate the Indians at Round valley, those upon the coast being accustomed to depend principally upon fishing for subsistence. This, however, has not been considered a fatal objection with reference to the Indians now remaining at Meudocino and Klamath, whom it is proposed to remove to Round valley.

The temporary expense attendant upon removing the Indians at Smith river to Round valley, if this step were determined upon, would be small in comparison with that which would ultimately be incurred if two separate reservations were to be maintained.

In the southern part of the State the Indians whom it will be necessary for the government to provide for, except the Mission Indians, who were made the subject of communications from this office of the 24th of April last and the 15th ultimo, can be accommodated and sustained on a reservation which could be established by the purchase of Mr. Madden's farm, (Tule river,) and the reservation of the adjacent public lands, as recommended in the communications of Superintendent Maltby of December 6, 1865, April 16 and April 20, 1866, (herewith enclosed, marked B, C, and D.)

Should you approve of the establishment of such a reservation, I would respectfully suggest the propriety of immediately withdrawing from sale such of the public lands as will probably be required, to prevent the encroachment of white settlers, which experience shows would be the inevitable result, if the proposition to establish such reservation should become known in that locality.

In the absence of any additional legislation upon the subject, it is submitted whether the act of Congress approved April 8, 1864, (Pamphlet Laws, 1st session 38th Congress, page 39,)

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does not confer upon the department sufficient authority to carry into effect the propositions advanced should the same be deemed advisable.

Very respectfully, your obedient servant,

D. N. COOLEY, *Commissioner.*

Hon. JAMES HARLAN,
Secretary of the Interior.
