

# INDIAN TRIBES OF CALIFORNIA

NOT FOR CIRCULATION

## HEARINGS

BEFORE A

## SUBCOMMITTEE OF THE COMMITTEE ON INDIAN AFFAIRS

HOUSE OF REPRESENTATIVES

SIXTY-SIXTH CONGRESS

SECOND SESSION

MARCH 23, 1920

COMMITTEE ON INDIAN AFFAIRS,

HOUSE OF REPRESENTATIVES.

HOMER P. SNYDER, New York, *Chairman.*

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## 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. 12788. Mr. Raker, 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 tribes 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 claim or claims of the said tribe or any band thereof may be presented separately or jointly by petition, subject, however, to amendment, suit 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 such suit 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.

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 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 negotiated 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,  
Washington, March 9, 1920.

MY DEAR MR. SNYDER: I am in receipt of your letter of February 23, 1920, referring for report a copy of H. R. 12788, 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 Government for lands formerly occupied and claimed 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 meritorious 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.

Cordially, yours.

ALEXANDER T. VOGELSANG,  
Acting Secretary.

HON. HOMER P. SNYDER,  
Chairman Committee on Indian Affairs, House of Representatives.

Mr. RAKER. Mr. Chairman, the assistant commissioner, Mr. Meritt, is also present, and before we get through with the hearing I would like to have you hear Mr. Meritt and also Dr. Wooster, of the department. I want to say, also, so 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 State, and they are found in approximately 300 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 600 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 they proceeded to take possession—not only proceeded to take possession, but kept possession.

While the Indians of other States have received millions of dollars for precisely the same rights in land not nearly so valuable, the only Indians in California who have received any considerable consideration whatsoever are those who have either been literally starting to death or those who have gone on the warpath, such as the Modoc Indians, who were compensated for their hostilities to 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 those 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, 1906, 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 law the Indians had certain rights to the land they occupied and could not 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 for Indian use all lands occupied by them. It may, therefore, be assumed that 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 Spanish and Mexican grants. Your special agent has found but two cases out of several hundred grants where this was done. Pauna 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 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 particularly 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.

I will say right here that while that commission was appointed to ascertain the rights of these Indians to land in California, it was practically all disposed of by the early and eager claimants of grants, as well as the early miners and early settlers that desired the land.

In this connection I am going to ask that there be inserted here 18 treaties that were entered into by the Indians, by these various bands and tribes of Indians, and the commissioner appointed by the Government with full authority to act, and when they came before the Senate they were simply refused approval.

The CHAIRMAN. Now since we have this printed compilation of those treaties, which I hold in my hand here, what is the use of printing them again? Why not refer right here to this document?

Mr. RAKER. I will defer that to the chairman, but will say this, that they are almost as scarce as hen's teeth, and I imagine the only ones to be had are those in the possession of the department. How is that, Mr. Merritt, aren't they very scarce?

Mr. MERRITT. Yes; they are very scarce.

Mr. HERNANDEZ. I think we had better have it in the hearing, Mr. Chairman.

The CHAIRMAN. If it is the wish of the committee then, we will put it in.

Mr. RAKER. That is the only reason I make the suggestion.

The CHAIRMAN. I think we should cut out all of this that we can in the interest of economy.

Mr. RAKER. Yes; I agree with you. We have tried to get those copies but they are very scarce.

The CHAIRMAN. It is so ordered then, unless there is objection. (The paper referred to follows.)

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES.  
January 19, 1905.

Ordered, That there be printed for the use of the Senate fifty copies of the following Indian treaties: Exhibits A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, and R, Thirty-second Congress, first session.

Attest:

CHARLES G. BENNETT,  
Secretary.

By H. M. ROSE,  
Chief Clerk.

[32d Congress, 1st session.]

Message from the President of the United States, communicating eighteen treaties made with Indians in California, of the following tribes, viz:

- A. Taches. Cah-wai, &c., May 13, 1851.
- B. Ko-ya-te, Wo-la-si, &c., May 13, 1851.
- C. Chu-nute. Wo-wol, &c., June 3, 1851.
- D. Castake. Texon, &c., June 10, 1851.
- E. Iou-ol-umnes. We-chillas, &c., May 28, 1851.
- F. Das-pia. Ya-ma-do, &c., July 18, 1851.
- G. Mi-chop-da. Eskuin, &c., August 1, 1851.
- H. Noe-ma-noe-ma, &c., August 16, 1851.
- I. Colus-Willeys, Co-ha-na, &c., September 9, 1851.
- J. Cu-lu. Yas-si, &c., September 18, 1851.
- K. San Luis Rey, Kah-wé-as, &c., January 5, 1852.
- L. Dieguinos tribes, January 7, 1852.
- M. Si-yan-te. Fôto-yun-te, &c., March 19, 1851.
- N. How-ech-ees. Chook-chanees, April 29, 1851.
- O. Ca-la-na-po, Ha-bi-na-po, August 20, 1851.
- P. Sai-nell, Yu-ki-as, &c., August 22, 1851.
- Q. Poh-lik, or Lower Klamath, &c., October 6, 1851.
- R. Upper Klamath. Shasta, &c., November 4, 1851.

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, 1905: Injunction of secrecy removed.  
January 19, 1905: 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 22d ultimo, with a copy of the report of the Superintendent of Indian Affairs for the State of California, and other correspondence in relation thereto.

MILLARD FILLMORE.

DEPARTMENT OF THE INTERIOR.

May 22, 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, accompanied by a mass of documents relating to the subject.

It was my wish to bring these treaties to your notice as early a day 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 committed to some suitable agent of the government, with instructions to examine them thoroughly, and make full report upon the expediency of ratifying, rejecting, or amending them. This course, I was gratified 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 on 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 has, 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 that body 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 13, 1851, made and concluded by George W. Barbour and the chiefs and headmen of the Ta-ches, Cah-wia, Yo-kol, Ta-lum-ne, wic-chum-ne, hol-cu-ma, To-e-neche, To-huc-mach, In-tim-peach, Choi-nuck, We-mil-ches, and Mo-ton-toes of California.

B. Treaty at Camp Keyes, May 30, 1851, made and concluded between George W. Barbour and the chiefs, captains and headmen of the Ko-ya-tes, Wo-la-si, Nu-chow-we, Wack-sa-che, Pal-wisha, Po-ken-welle, and Ya-wil-chine tribes of Indians in California.

C. Treaty at Camp Burton, June 3, 1851, made and concluded between George W. Barbour and the chiefs, captains and headmen of the Chu-nute, Wo-wol, Yo-lum-ne, and Co-ye-tie tribes of Indians in California.

D. Treaty at Camp Persifer F. Smith, June 10, 1851, made and concluded between George W. Barbour and the chiefs, captains and headmen of the Castake, Texon, San Imirio, Uvas, Carises, Buena Vista, Sena-hu-ow, Holo-cla-me, Soho-nuts, To-ci-a, and Hol-mi-uh tribes of Indians in California.

E. Treaty at Dent's and Vantine's Crossings, May 28, 1851, made and concluded between O. M. Wozencraft and the chiefs and headmen of the Ion-ol-umne, We-chilla, Sucaah, Co-to-plammis, Chap-pah-sims, and Sage-wom-nes tribes of Indians in California.

F. Treaty at Camp Union, July 18, 1851, made and concluded between O. M. Wozencraft and the chiefs, headmen and captains of the Das-pia, Ya-ma-do, Yol-lamer, Wai-de-pa-can, On-o-po-ma, Mon-e-da, Wan-nuck, Nem-shaw, Bem-pi, and Ya-cum-na tribes of Indians.

G. Treaty at Bidwell's Ranch, August 1, 1851, made and concluded between O. M. Wozencraft, and the chiefs, captains and headmen of the Mi-chop-da, Es-kuin, Ho-lo-lu-pi, To-to, Su-nus, Che-no, Bat-si, Yut-duc, and Sim-sa-wa tribes of Indians in California.

H. Treaty at Reading's Ranch, August 16, 1851, made and concluded between O. M. Wozencraft, and the chiefs, captains and headmen of the Noe-ma-noe-ma, Y-lac-ca, and Noi-me-noe-rie tribes of Indians in California.

I. Treaty at Camp Colus, September 9, 1851, made and concluded between O. M. Wozencraft, and the chiefs, captains and headmen of the Colus-Willeys, Co-ha-na, Tat-nah, Cha-doc-duc, Cham-net-co, and Toc-de tribes of Indians in California.

J. Treaty at the fork of Cosumnes river, September 18, 1851, made and concluded between O. M. Wozencraft and the chiefs, captains and headmen of the Co-lu, Yas-si, Loc-lum-ne, and Wo-pum-nes tribes of Indians in California.

K. Treaty at the village of Temecula, California, January 5, 1852, made and concluded between O. M. Wozencraft and the chiefs, headmen and captains of the San Luis Rey, Kah-we-as nations, and the Co-com-cah-ras tribe of Indians.

L. Treaty at the village of Santa Isabel, California, January 7, 1852, made and concluded between O. M. Wozencraft and the chiefs, captains and headmen of the Diequinos nation of Indians.

M. Treaty at Camp Fremont, March 19, 1851, made and concluded between Redick McKee, George W. Barbour, and O. M. Wozencraft, and the chiefs, captains and headmen of the Si-yan-te, P6-to-yun-te, Co-co-noon, Apang-as-se, Aplache, and A-wal-a-che tribes of Indians in California.

N. Treaty at Camp Barbour, April 29, 1851, made and concluded between Redick McKee, G. W. Barbour, and O. M. Wozencraft, and the chiefs, captains, and headmen of the How-ech-ees, Chook-chances, Chow-chil-lies, Po-ho-nu-chus and Nook-choos, which five tribes acknowledge Nai-yak-qua as their principal chief; also the Pit-cat-chees, Cas-sons, Toom-nas, Tallin-chees, and Pos-keas, which five tribes acknowledge Tom-quit as their principal chief; also the Wa-cha-et, Itachees, Cho-e-mem-nees, Cho-ki-men-as, We-mal-ches, and No-to-no-tos, which six tribes acknowledge Pas-qual as their principal chief.

O. Treaty at Camp Lu-pi-yu-ma, August 20, 1851, made and concluded between Redick McKee, and the chiefs, captains and headmen of the Ca-la-na-po, Ha-bi-na-po, Da-no-ha-bo, Mo-al-kai, Che-com, How-ku-ma, Cha-nel-kai, and the Me-dam-a-dec tribes of Indians in California.

P. Treaty at Camp Fernando Feliz, August 22, 1852, made and concluded between Redick McKee and the Sai-nell, Yu-ki-as, Mas-su-ta-ka-ya and Pomo tribes of Indians in California.

Q. Treaty at Camp Klamath, October 6, 1851, made and concluded between Redick McKee and the chiefs, captains and headmen of the Poh-lik, or lower Klamaths, Peh-tsick, or upper Klamath, and Hoo-pah, or Trinity river tribes of Indians in California.

R. Treaty at camp in Scott's Valley, November 4, 1851, made and concluded between Redick McKee, and the chiefs, captains and headmen of the O-de-i-lah, I-ka-ruck, Ko-se-tah, I-da-kar-i-waka-ha, Wat-sa-he-wa, and E-eh tribes of Indians in California.

DEPARTMENT OF THE INTERIOR,  
OFFICE INDIAN AFFAIRS,  
May, 14, 1852.

SIR: I have the honor to acknowledge the receipt of your letter of the 7th 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 13th ultimo, when they were respectively received here; the causes which induced me to delay their transmission; whether they embraced any new principle; whether, in my judg-

ment, the public interests would be promoted or impaired by their ratification, and any facts within my knowledge tending to elucidate the merits of these treaties.

In reply, I would most respectfully state, that the correspondence already sent to you, and the copies and extracts herewith of communications since received from the agents in California, 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 2, 1852.
4. Those negotiated by Agent Wozencraft were received—one July 9; two September 22; three November 3, 1851, and two on February 18, 1852. The one received July 9 was represented in the letter enclosing it as a "copy," and it was not until recently that it was discovered to be an original.

The treaties were not transmitted to you at an earlier day because it was desirable to consider them all in connexion, and some of them, as above shown, were not received until recently, and because it was believed that further information was necessary to enable 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 were 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 inquiry 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 their permanent settlement within the limits of a State on lands not previously owned by them. This provision, as far as I know, is without precedent; but I am by no means prepared to say it is wrong. On the contrary, I am inclined to consider it both necessary and proper in consequence of the impracticability of removing the Indians beyond the limits of the State, and of the expediency of withdrawing them from their intermixture with the white population. Another peculiarity of these treaties is that they stipulate for no annuities to be paid in perpetuity or for a series of years, according to the common practice heretofore. In view of the probable 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 agent 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 doubtless be productive of the most salutary results.

There are some other features 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 impaired by their ratification I would respectfully refer to the accompanying communication from Superintendent Beale, whose remarks on this point appear to me to be reasonable and just. I entirely concur with him in opinion that a rejection of the treaties without the adoption of precautionary measures guarding against a general outbreak on the part of the Indians would be hazardous and unwise.

The papers heretofore and now communicated contain, I believe, all the facts within my knowledge calculated to elucidate the merits of the treaties. In considering this important and perplexing question it should not be forgotten that our Indian affairs 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 their making contracts 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 precedent and the pressure of the circumstances by which they were 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,

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

L. LEA, Commissioner.

Report of E. F. Beale, Esq., Superintendent of Indian Affairs for the State of California.

WASHINGTON CITY, D. C., May 11, 1852.

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:

With reference to my views as to the merits of the treaties I state that I regard the general line of policy pursued by the commissioners and agents in negotiating with the Indians as 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, incline me to the opinion that to secure their peace and friendship no other course of policy, however studied or labored it may have been, could have so 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 deplorably to both parties. The Indian by nature is suspicious, and although easily governed when his confidence has been obtained, it becomes almost impossible to treat with him after his suspicions have been aroused. A wise reference to these facts and considerations has doubtless influenced the 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 throughout, and may be stated to involve two important considerations, viz: whether the Indians are to have any lands set apart for them, and if 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 themselves to our attention in connection with the subject.

It is evident that if allowed to roam at pleasure, their early extinction is inevitable, and I am slow to believe that the Government, recognizing as it does, their possessory 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.

The 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 of 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 entire ignorance of those who advocate the practicability of the measure. When we consider that our topographical knowledge of the interior of Africa is quite as extensive and definite as that which we possess of the eastern slope of this range, it is not difficult to imagine how vastly mistaken are those who look only upon the level surface of a map for information. It is vain to expect that they could be forced in this direction, since all the information which we have of that region of country (and theirs is presumed to be more extensive than our own) is directly opposed to the idea of assigning them to a location supposed to be at best a waste and barren desert. Those individuals who have attempted the exploration of this country have but partially succeeded. They report it as abounding with vast deserts, almost unrelieved by verdure of any description, and that any spot boasting any species of vegetation is already occupied by other Indians. The only known river of any size within this section of the country is the Colorado. The valley of this river is reported by the few bold and hardy trappers of the Rocky Mountains, from whom our only information is derived, as abounding with Indians as far as any have had the courage to explore it, and it is this valley, already filled with an Indian population, which has been suggested as a location for the Indians of California.

To move them north would be but to add one hundred thousand Indians to the already overflowing Indian population of the territory of Oregon. To remove them south is but to place them directly in the line of our southern emigration; thus exposing the lives and property of our citizens, for it requires no vivid imagination to picture the results of a meeting between savages, infuriated by a forcible removal from the homes of their fathers, and an emigration wearied by a march of two thousand miles over a trackless wilderness. In addition to this, it may be well to consider that our treaty stipulations of 1848 with Mexico, forbid our colonizing them on her borders, and to move them in this direction would, to some extent at least, impair the obligations thus solemnly imposed. It may also add insurmountable difficulties to those already existing in opposition to the projected railroad to the Pacific in this direction.

With reference to the character or quality of the land reserved by the treaties for the Indians, I can only speak from personal observation with regard to those selected in the southern portion of the State. They are such as only a half-starved and defenceless people would have consented to receive, and, as a general thing, embrace only such lands as are unfit for mining or agricultural purposes. Admitting, however, that some of these reservations contain gold enough to add a few thousands even, to the many millions taken from the soil, I see, is it not expedient and politic to permit them to take them, especially since the rejection of the treaties will have a tendency to bring discredit upon the Government and render futile all subsequent attempts at negotiation?

The reservations made in the southern portion of the State are undoubtedly composed of the most barren and sterile lands to be found in California, and any change must, of necessity, be of advantage to the Indians. Those persons who complain of the reservations in the south have, in no instance, been able to point out other locations less objectionable or valuable than those already selected, and I am disposed to believe that, in no case of reservations under these treaties, will the lands reserved compare favorably with the agricultural and valuable portions of the State.

The necessity of reservations, and of protection to the Indians thus located, is strikingly set forth in a communication of a recent date, from R. McKee, esq., agent, addressed to yourself, and to which I have had access, in which he refers to the recent massacre of two or three villages by the whites, in which neither age nor sex were spared inhuman butchery. The communication closes with some wholesome advice on the subject of reservations, which I cannot refrain from recommending to your attention.

The stipulations contained in these treaties which appear to me to be objectionable, are those which refer especially to the supply of agricultural implements, and the establishment of schools among them. With regard to the first, I am of the opinion that the tribes and bands treated with are not disposed, nor can they be induced at the present time, to engage in agricultural pursuits; and that if the articles necessary for this purpose were furnished to them as stipulated, they would find their way into the possession of the whites without a consideration of value. I would suggest the expediency, therefore, of delegating authority to the agents in whose charge they may be placed, to deliver such articles of this character at the request only of such individuals of the tribes as manifest a desire to engage in this pursuit.

I am likewise of the opinion that the establishment of schools among them at the present time would not subserve their interests; their present state of civilization and advancement being such as to preclude the possibility of their appreciating the benefits to be derived from such instruction.

I regard the other provisions of the treaties, although they may be considered novel in their character, as both suitable and appropriate to the wants and desires of the Indians. The supply of beef-cattle for their present or temporary subsistence being limited, the comparative consideration given them for the extinguishment of their title to their lands, may be justly considered as trifling in amount, and especially so, if the objectionable features above stated are stricken out. Those provisions of the treaties stipulating brood-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 supply of beef-cattle 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 negotiations, are favorable.

With reference to the expediency of ratifying or rejecting the treaties, I remark that, in my opinion, it would be unwise and injudicious in the extreme to reject them, even should it be deemed expedient and necessary hereafter, without previously preparing the minds 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 advan-

tageous character with those already held out to them, would undoubtedly involve the State in a long and bloody war—disastrous and ruinous to her mining and commercial interests, and affecting more or less the prosperity of our whole country.

During the Indian war of last spring, whole mining districts were abandoned, and, although unacquainted with the statistics of the State, I will venture the remark that the exports of gold were less by millions during that period than during the months immediately succeeding. If this was the result of a war with a very few tribes, what may be considered as the effects of a war with the entire Indian population of California? Popular feeling prejudicial to the treaties has been assigned as a reason for their rejection, and can not the question be properly and naturally asked, will popular feeling point out a substitute? I venture the prediction in this matter, that an entire change in popular feeling will take place, at least among such as regard the Indians as having a right even to a bare and scanty living.

To those who regard the stipulations of these treaties as novel, I would simply remark that *beef and flour* are but substitutes for annuities in *money, powder, lead, and guns*, and that while the treasury is being drawn upon *annually* to fulfil the obligations of other treaties, these supplies are to *cease* after the short term of two or three years.

In conclusion, I would remind the Department that economy may be ill-timed in the present case, and prove but the certain cause of great and extraordinary expenditure; for it is not an easy matter to estimate the cost of an Indian war in California; the late report of the Quartermaster General of the Army, however, affords a faint outline, which economy warns us not to fill.

Very respectfully, your obedient servant,

EDWARD F. BEALE.

Superintendent Indian Affairs for California.

Hon. L. LEA,

Commissioner of Indian Affairs.

(A.) TREATY MADE AND CONCLUDED AT CAMP BELT, ON KING'S RIVER, IN THE STATE OF CALIFORNIA, MAY 13, 1851, BETWEEN GEORGE W. BARBOUR, COMMISSIONER ON THE PART OF THE UNITED STATES, AND THE CHIEFS, CAPTAINS, AND HEAD MEN OF THE TACHES, CAH-WAI, ETC., ETC., TRIBES OF INDIANS.

A treaty of peace and friendship made and entered into at Camp Belt, on King's river, in the State of California, on the thirteenth 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: the Ta-ches, Cah-wai, Yo-kol, Ta-lum-ne, Wic-chum-ne, Hol-cu-ma, To-e-neche, Tu-huc-mach, In-im-peach, Choi-nuck, We-mil-ches, and Mo-ton-toas, 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 individuals of either party to 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 a district of country between the Cah-wai river, or the first of the four creeks, and the Chou-chille river, to be laid off as follows, to wit: beginning at the point in the Cah-wai river where the southwestern line of the lands set apart for the Indians at the treaty made and concluded at Camp Barbour on the San Joaquin river, leaves said river for the Chou-chille river; running thence down the middle of the Cah-wai river to the Tulere or Tache lake; thence along the same in the direction of and to the mouth of King's river; thence up said river to a point six miles below where the said southwestern line of the lands set apart for the Indians at the treaty made at Camp Barbour on the San Joaquin river as afore-

said, crosses said King's river; thence a line to the Chou-chille river to be run parallel to the aforesaid line crossing the San Joaquin and Fresno rivers, and intersecting the Chou-chille at the distance of six miles from said southwestern line; thence up the Chou-chille to said line and with it to the beginning on the Cah-wai river, shall be set apart and forever held for the sole use and occupancy of said tribes of Indians; in consideration of which, and the further consideration of permitting said tribes to hunt wild game and gather wild fruit, nuts, &c., in the hills and mountains between the Cah-wai and Chou-chille rivers, the said tribes hereby forever quit claim to the government of the United States to any and all lands to which they or either of them may ever have had any claim or title.

ART. 4. In further consideration of the premises, and for the purpose of aiding in the subsistence of said tribes of Indians during the years eighteen hundred and fifty-one and two, it is agreed by the party of the first part to furnish said tribes jointly (to be distributed in proper proportions among them,) with six hundred head of beef-cattle, to average five hundred pounds each, and five hundred sacks of flour, to average one hundred pounds each, for each year.

ART. 5. It is further agreed, that as soon after the ratification of this treaty by the President and Senate of the United States as may be practicable and convenient, the said tribes shall be furnished jointly and free of charge with the following articles, to wit: fifty brood mares and two stallions, sixty cows and five bulls, twenty-four ploughs, twelve sets of harness complete, twenty-four work mules or horses, twenty-four yoke of California oxen, two hundred axes, two hundred hoes, one hundred spades or shovels, one hundred picks, all the necessary seeds for sowing and planting for one year, three thousand pounds of iron and six hundred pounds of steel, two thousand blankets, two flannel shirts and two pair of coarse pants for each man and boy over fifteen years of age, three thousand yards of lindsey cloth and the same quantity of cotton cloth, and the same of coarse calico for clothing for the women and children, fifty pounds of thread, five thousand needles, five hundred thimbles, and twelve dozen pairs of scissors, and one dozen good grindstones.

ART. 6. The United States agree further to furnish 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 skilled in working in wood, (wagon maker or rough carpenter,) one superior and such assistant school teachers as may be necessary, all to live among and work for, and teach said tribes and such others as they may be required to work for and teach; said farmer, blacksmith, worker in wood, and teachers 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 all other buildings necessary for the persons mentioned in this article to be furnished by the government, and for that purpose the government of the United States hereby retains and reserves to herself in the lands herein set apart for the Indians, not only the right to erect said buildings, but also the right to erect any military post or posts, houses for agents, officers, and others in the service or employment of the government, and the right of way over any portion of said territory.

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

In testimony whereof, the contracting parties have hereto signed their names and affixed their seals this thirteenth day of May, anno Domini eighteen hundred and fifty-one.

G. W. BARBOUR. [SEAL.]

Taches.

QUINTIN, his x mark, chief. [SEAL.]  
JOSE ANTONIO, his x mark. [SEAL.]  
SU-LIO, his x mark. [SEAL.]  
ELARION, his x mark. [SEAL.]  
GREGORIOR, his x mark. [SEAL.]

Notontors.

MANUEL, his x mark, chief. [SEAL.]  
SANTIAGO, his x mark. [SEAL.]  
INOCENTE, his x mark. [SEAL.]  
ESTANISLAN, his x mark. [SEAL.]  
JOSE QUINTIN, his x mark. [SEAL.]  
JUAN, his x mark. [SEAL.]

*We-mil-ches.*

JULIANO, his x mark, chief. [SEAL.]  
 OSE MARTIN, his x mark. [SEAL.]  
 PEDRO, his x mark. [SEAL.]  
 JOSE ANTONIO NICOLAS, his x mark. [SEAL.]

*Choi-nues.*

VALENTINE, his x mark, chief. [SEAL.]  
 JOSE, his x mark. [SEAL.]  
 EBON, his x mark. [SEAL.]  
 FRANCISCO, his x mark. [SEAL.]  
 SATRONINE, his x mark. [SEAL.]

*Intimpeaches.*

ANTONIO, his x mark, chief. [SEAL.]  
 SISTO, his x mark. [SEAL.]

*Tu-huc-maches.*

SYLVISTER, his x mark, chief. [SEAL.]  
 CERVANTES, his x mark. [SEAL.]

*Tor-neches.*

CASTRO, his x mark, chief. [SEAL.]  
 JOSE ANTONIO, his x mark. [SEAL.]

*Holcumas.*

HAMUCH, his x mark, chief. [SEAL.]  
 TOMAS, his x mark. [SEAL.]

*Wic-chum-nes.*

EAHAL, his x mark. [SEAL.]  
 MANUEL, his x mark. [SEAL.]  
 IGNACIO, his x mark. [SEAL.]  
 CHILO, his x mark. [SEAL.]

*To-lum-nes.*

TO-HIL-NA, his x mark. [SEAL.]  
 JOAQUIN, his x mark. [SEAL.]

*Cah-wais.*

FRANCISCO, his x mark. [SEAL.]  
 BAUTISTA, his x mark. [SEAL.]  
 RAFAEL, his x mark. [SEAL.]

*Yo-kols.*

ECHA, his x mark. [SEAL.]  
 JUAN TAMATO, his x mark. [SEAL.]  
 JOSE MARLA, his x mark. [SEAL.]

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

- H. S. BURTON, *Interpreter.*
- N. H. McLEAN, *Secretary.*
- W. S. KING, *Assistant surgeon, U. S. Army.*
- T. MOORE, *Second lieutenant 2d infantry.*
- H. G. J. GIBSON, *Second lieutenant 3d artillery.*

(B.) TREATY MADE AND CONCLUDED AT CAMP KEYES, ON THE CAH-WAI 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-YA-TE, WO-LA-SI, ETC., ETC., TRIBES OF INDIANS.

A treaty of peace and friendship made and entered into at Camp Keyes, on the Cahwai river, in the States 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: Ko-ya-te, Wo-la-si, Nu-chow-we, Wack-sa-che, Pal-wisha, Po-ken-welle. and Ya-wil-chine, 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 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 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 a 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 wit: beginning on the Cahwai 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 Cahwai river, thence up the middle of the said river to the two ponds, or small lakes, at 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 aforesaid crosses said river, thence with said line to the beginning. The other tract to commence at the northwestern terminus of Tulare or Tache lake, near the mouth of King's river, thence a straight line to the San Joaquin river, so as to intersect said river at the mouth of the slough that empties into said river on the south side, at or near what is known as the big bend of said river, thence up the middle of said river to where the southwestern line of the lands, set apart for the Indians at the treaty made and concluded at Camp Belt, on King's river, crosses the San Joaquin, thence with said line to King's river, and down said King's river to the lake, and to the beginning, reserving to the government of the United States the right of way, 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.

ART. 4. In consideration of which the said tribes of Indians, jointly and severally, forever quit claim to the government of the United States to any and all lands to which they, or either of them now have, or may ever have had any claim or title whatsoever.

ART. 5. In further consideration of the premises, and for the purpose of aiding in the subsistence of said tribes of Indians during the years eighteen hundred and fifty-one and eighteen hundred and fifty-two, it is agreed by the party of the first part, to furnish said tribes jointly, (to be distributed in proper proportions among them) with two hundred beef-cattle, to average five hundred pounds each, and two hundred sacks of flour, of one hundred pounds each, for each year.

ART. 6. It is further agreed, that as soon after the ratification of this treaty by the President and Senate of the United States, as may be practicable and convenient, the said tribes shall be furnished jointly, and free of charge, with the following articles of property, to wit: ten brood mares and one stallion, twenty cows and a bull, five large ploughs and five small ones, ten sets of harness complete, ten work mules or horses, ten yoke of California oxen, fifty axes, one hundred hoes, fifty spades or shovels, fifty picks or mattocks, all necessary seeds for sowing and planting for one year, one thousand pounds of iron, two hundred pounds of steel, five hundred blankets, two pairs of coarse pants and two flannel shirts for each man and boy over fifteen years old, one thousand yards of linsey cloth, the same of cotton, and the same of coarse calico for clothing for the women and children, twenty pounds of thread, two thousand needles, two hundred thimbles, five dozen pairs of scissors, and seven grindstones.



ART. 7. The United States agrees further to furnish 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 skilled in working in wood, (wagon maker or rough carpenter,) one superior and such assistant school teachers 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, worker in wood, and teachers, to be supplied by said tribe, and continued only so long as the President of the United States shall deem advisable: a school-house and other buildings necessary for the persons mentioned in this article to be erected by the government of the United States.

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

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

G. W. BARBOUR, [SEAL.]

*Ko-ya-te.*

PEDRO, his x mark. [SEAL.]  
JOSE ANTONIO, his x mark. [SEAL.]  
JOSE, his x mark. [SEAL.]  
SANTIAGO, his x mark. [SEAL.]

*Nu-chow-we.*

CHULOGIUS, his x mark. [SEAL.]  
CARLOS, his x mark. [SEAL.]  
PABLO, his x mark. [SEAL.]

*Wo-las-si.*

IGNACIA, his x mark. [SEAL.]  
ALEJO, his x mark. [SEAL.]  
MARLANO, his x mark. [SEAL.]

*Wack-sa-che.*

CHO-O-PO, his x mark. [SEAL.]  
JUAN, his x mark. [SEAL.]  
JOSE ANTONIO, his x mark. [SEAL.]

*Pal-wish-a.*

TU-TROP, his x mark. [SEAL.]  
GUADELUPE, his x mark. [SEAL.]  
JUAN ANTONIO, his x mark. [SEAL.]

*Po-kow-welle.*

BO-CA, his x mark. [SEAL.]  
IGNORIO, his x mark. [SEAL.]  
ILARION, his x mark. [SEAL.]

*Ya-wil-chi-ne.*

ANTONIO, his x mark. [SEAL.]  
JOAQUIN, his x mark. [SEAL.]  
JOSE, his x mark. [SEAL.]

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

H. S. BURTON, *Interpreter,*  
KIT BARBOUR, *Secretary,*  
E. D. KEYES, *Captain third artillery,*  
J. C. FREMONT,  
J. H. LENDRUM, *Brevet captain, third artillery.*

(C.) TREATY MADE AND CONCLUDED AT CAMP BURTON, ON PAINT CREEK, STATE OF CALIFORNIA, JUNE 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 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: Chu-nute, Wo-wol, Yo-lum-ne, Co-ye-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 of either party to 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: To the Chu-nute 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 Ya-lum-ne and Co-ye-tie tribes, all that district of country lying between the Tule 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 Tule river and Paint Creek in the same general direction of said streams to the nearest points of the Sierra Nevada, reserving to the government of 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 party of the first part to furnish 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 ratification of this treaty by the President and Senate of the United States as may be 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 yoke 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 pairs of coarse pantaloons and two flannel shirts for each man and boy over fifteen years old, one thousand yards of hinesey 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 pairs 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 in wood (wagon maker or rough carpenter); one supervisor and such assistant school-teachers 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, worker in wood, and teachers, 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 other buildings necessary for the persons mentioned in this article to be erected at the cost of the government of the United States.

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

In 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-nute.*

JUAN, his x mark, chief. [SEAL.]  
CALISTRO, his x mark. [SEAL.]  
GASPAR, his x mark. [SEAL.]  
NICOLAS, his x mark. [SEAL.]

*Ya-lum-ne.*

JOAQUIN, his x mark, chief. [SEAL.]  
JOSE MARIA, his x mark. [SEAL.]  
JUAN ANTONIO, his x mark. [SEAL.]

*Ka-ye-te.*

JOSE ANTONIO, his x mark, chief. [SEAL.]  
JUAN MARIA, his x mark. [SEAL.]  
MANUEL, his x mark. [SEAL.]

*Wo-wol.*

ANTONIO, his x mark, chief. [SEAL.]  
BI-TAR, his x mark. [SEAL.]  
ZA-CA-RI-AH, his x mark. [SEAL.]  
CO-MI-TEES, his x mark, chief. [SEAL.]

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

- H. S. BURTON, *Interpreter.*
- KIT BARBOUR, *Secretary.*
- E. D. KEYES, *Captain 3rd artillery.*
- J. C. FREMONT.
- W. S. KING, *Assistant surgeon, U. S. Army.*
- I. H. LENDRUM, *Brevet captain, U. S. Army.*
- J. HAMILTON, *Lieutenant 3d artillery.*
- H. G. J. GIBSON, *Second Lieutenant 3d artillery.*

(D.) TREATY MADE AND CONCLUDED AT CAMP PERSIFER F. SMITH, AT THE TEXAN PASS, STATE OF CALIFORNIA, JUNE 10, 1851, BETWEEN GEORGE W. BARBOUR, UNITED STATES COMMISSIONER, AND THE CHIEFS, CAPTAINS AND HEAD MEN OF THE "CASTAKE," "TEXON," &C., TRIBES OF INDIANS.

A treaty of peace and friendship made and entered into at Camp Persifer F. Smith, at the Texon 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: Castake, Texon, San Imirio, Uvas, Carises, Buena Vista, Sena-hu-ow, Holo-cla-me, Soho-nuts, To-ci-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, no per-

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 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 district of country be set apart and forever held for the sole use and occupancy of said tribes of Indians, to wit: beginning at the first forks of Kern river, above the Tar springs, near which the road travelled by the military escort, accompanying said commissioner to this camp crosses said river, thence down the middle of said river to the Carises lake, thence to Buena Vista lake, thence a straight line from the most westerly point of said Buena Vista lake to the nearest point of the Coast range of mountains, thence along the base of said range to the mouth or westerly terminus of the Texon pass or cañon, and from thence a straight line to the beginning; reserving to the government of the United States and to the State of California, the right of way over said territory, and the right to erect any military post or posts, houses for agents, officers and others in the service or employment of the government of said territory. In consideration of the foregoing, the said tribes of Indians, jointly and severally, forever quit claim to the government of the United States to any and all other lands to which they or either of them now have 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 party of the first part to furnish said tribes jointly, (to be distributed in proper proportions among them,) with one hundred and fifty beef cattle, to average five hundred pounds each, for each year. It is further agreed that as soon after the ratification of this treaty by the President and Senate of the United States, as may be 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: six large and six small ploughs, twelve sets of harness complete, twelve work mules or horses, twelve yoke 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 pairs of coarse pantaloons and two flannel shirts for each man and boy over fifteen years old, one thousand yards of linsy cloth, same of cotton cloth, and the same of coarse calico, for clothing for the women and children, twenty-five pounds of thread, three thousand needles, two hundred thimbles, six dozen pairs of scissors, and six grindstones.

ART. 5. The United States agree further to furnish 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 in wood, (wagon maker or rough carpenter;) one superior and such assistant school-teachers 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, worker in wood and teachers 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 other buildings necessary for the persons mentioned in this article, to be erected at the cost of the government of the United States.

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

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

G. W. BARBOUR. [SEAL.]

*Texon.*

VINCENTE, his x mark, chief. [SEAL.]  
CHICO, his x mark, chief. [SEAL.]  
PABLO, his x mark. [SEAL.]  
JOSE ANTONIO, his x mark. [SEAL.]  
MARTIN, his x mark. [SEAL.]  
FRANCISCO, his x mark. [SEAL.]

*Castake.*

RAFAEL, his x mark, chief. [SEAL.]  
FRANCISCO, his x mark. [SEAL.]  
MANUEL, his x mark. [SEAL.]

San Imirio.

JOSE MARIA, his x mark, chief. [SEAL.]  
FRANCISCO, his x mark. [SEAL.]

Uras:

ANTONIO, his x mark. [SEAL.]

Carises.

RAYMUNDO, his x mark, chief. [SEAL.]  
JUAN, his x mark. [SEAL.]  
JUAN DE DIOS, his x mark. [SEAL.]

Buena Vista.

APOLONIO, his x mark, chief. [SEAL.]

Sena-hu-ow.

JOAQUIN, his x mark, chief. [SEAL.]  
EMITERIO, his x mark, chief. [SEAL.]  
NICOLAS, his x mark. [SEAL.]  
RENANCIO, his x mark. [SEAL.]

Holo-cla-me.

URBANO, his x mark, chief. [SEAL.]  
OLORICO, his x mark. [SEAL.]

Soho-nuts.

JOSE, his x mark, chief. [SEAL.]  
MARIANO, his x mark. [SEAL.]

To-ci-a.

FELIPPE, his x mark, chief. [SEAL.]  
PEDRO, his x mark. [SEAL.]  
URBANO, his x mark. [SEAL.]

Hol-mi-uh.

FRANCISCO, his x mark, chief. [SEAL.]  
TOMAS, his x mark. [SEAL.]

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

- H. S. BURTON, Interpreter.
- KIT BARBOUR, Secretary.
- W. S. KING, Assistant Surgeon, United States Army.
- J. H. LENDRUM, Brevet captain, third artillery.
- J. HAMILTON, Lieutenant, third artillery.
- H. G. J. GIBSON, Second lieutenant, third artillery.
- WALTER M. BOOTH.

(E.) TREATY MADE AND CONCLUDED AT DENT & VANTINE'S CROSSINGS, MAY 28, 1851. BETWEEN O. M. WOZENCRAFT, UNITED STATES COMMISSIONER, AND THE CHIEFS AND HEAD MEN OF IOU-OL-UMNES, WECHILLAS, &C. TRIBES OF INDIANS.

A treaty of peace and friendship, made and concluded at Dent & Vantine's Crossings, on the Stanislaus river, California, between the commissioner plenipotentiary of the United States of America, of the one part, and the chiefs, captains and head men of the Iou-ol-umne, We-chilla, Su-caab, Co-to-planemis, Chap-pah-sims and Sage-wom-nes 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 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 no private revenge or retaliation shall take place, but instead thereof complaint 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 party charged with 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 elbows of Toulumne, 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 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 post or posts, public buildings, school-houses, houses for agents, teachers, 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 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. It is expressly understood and stipulated, that the right of way heretofore specified does not include the right of ferrage 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 numerous and 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 head of goats, 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 linsey gown for each woman and girl, one thousand yards calico, one thousand yards brown sheetings, ten pounds Scotch thread, two dozen pairs assorted scissors, four dozen thimbles, three thousand needles, one 2 1/2 Pt. M. blanket for each man and woman over fifteen years of age; one thousand pounds iron and two hundred pounds steel; and in like manner for the first year for the permanent use of the said tribes, and as their joint property, viz: twenty-five brood-mares and one stallion, one hundred and fifty milch cows and nine bulls, four yoke of work cattle with yokes and chains, four work mules or horses, ten ploughs assorted sizes, ten sets harness for plough horses, seeds of all proper kinds for planting, thirty-five chopping axes, ten mattocks or picks, thirty-five hatchets, one hundred garden or corn hoes, thirty-five spades, and six grindstones. 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

thereof shall be killed, exchanged, sold, or otherwise parted with, without the consent and direction of the agent.

ART. 7. The United States will also employ and settle among said tribes at or near their towns or settlements, one practical farmer, who shall superintend all agricultural operations, with two assistants, men of practical knowledge and industrious habits: one carpenter, one wheelwright, one blacksmith, one principal school-teacher, and as many assistant teachers as the President may deem proper to instruct said tribes, in reading, writing, &c., 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 shall deem advisable. The United States will also erect suitable school houses, shops and dwellings for the accommodation of the schools, teachers and mechanics above specified, and for the protection of the public property.

ART. 8. The chiefs and captains aforesaid, for themselves and their respective tribes, stipulate to be active and vigilant in preventing the retreating to or passing through the district of country assigned them, of any absconding slaves or fugitives from justice; and further agree to use all necessary exertion to apprehend and deliver the same to the agent, who shall receive orders to compensate them agreeably to the trouble and expenses incurred.

ADDITIONAL.

ART. 9. For and in consideration of the uniform friendly, honest and meritorious deportment of Captain Cornelius towards the American citizens, it is agreed and stipulated that the tract of land on which he now resides is hereby set apart for the sole use and occupancy of himself and his people, but not as a grant in fee simple, bounded as follows: beginning at a point on the northeast side of the Toulumne river, one quarter of a mile below How's ferry, running thence down said river three miles, thence out and back to the place of beginning, embracing a square of three miles; and in further consideration of his appreciation of our republican form of government, we hereby present him with an American flag, it being the first request made by him to us.

These articles to be binding on the contracting parties when ratified and confirmed by the President and Senate of the United States.

In testimony whereof, the parties have hereunto signed their names and affixed their seals, this twenty-eighth day of May, in the year of our Lord one thousand eight hundred and fifty-one.

O. M. WOZENCRAFT, [SEAL.]

For and in behalf of the Iou-ol-umnes.

CORNELIUS, his x mark. [SEAL.]  
SALA-DO-NIA, his x mark. [SEAL.]

For and in behalf of the We-Chillas.

WE-CHILLA, his x mark. [SEAL.]  
JOSE-TRIN-I-DAD, his x mark. [SEAL.]  
LU-TEE-MA, his x mark. [SEAL.]  
FRANCISCO, his x mark. [SEAL.]  
NEN-TU-IA, his x mark. [SEAL.]  
MANUEL, his x mark. [SEAL.]  
IRAN-KA-LINO, his x mark. [SEAL.]  
MANUEL, his x mark. (Grande.) [SEAL.]

For and in behalf of the Suc-caahs.

SUC-CAAH-KE, his x mark. [SEAL.]  
YOU-YT-KA, his x mark. [SEAL.]

For and in behalf of the Co-to-pla-ne-mis.

PA-KI-NO, his x mark. [SEAL.]  
FE-RE-SETO, his x mark. [SEAL.]

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

FE-LIPPE, his x mark. [SEAL.]  
NI-CO-LAS, his x mark. [SEAL.]

For and in behalf of the Sage-wom-nes.

YO-MIL-LO, his x mark. [SEAL.]

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

E. S. LOWELL, Secretary.  
A. JOHNSON, Agent.  
F. BELCHER.  
JOHN C. DENT.  
S. D. ENT.

(F.) TREATY MADE AND CONCLUDED AT CAMP UNION, NEAR YUBA RIVER, JULY 18, 1851, BETWEEN O. M. WOZENCRAFT, UNITED STATES INDIAN AGENT, AND THE CHIEFS, CAPTAINS, AND HEAD MEN OF THE DAS-PIA, YA-MA-DO, ETC., TRIBES OF INDIANS.

A treaty of peace and friendship made and concluded at Camp Union, near the Yuba 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, viz: Das-pia, Ya-ma-do, Yol-la-mer, Wai-de-pa-can, On-o-po-ma, Mon-e-da, Wan-muck, Nem-shav, Bem-pi, Ya-cum-na 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 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 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; and furthermore bind themselves to conform to, and be governed by the laws and regulations of the Indian bureau, made and provided therefor by 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; from thence up said stream twelve miles in a due line; from thence on a line due north to the Yuba river; thence down said stream twelve miles on a due line of the river; from thence south to the 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 post or posts, public building school houses, houses for agents, teachers, 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 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 (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 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 of strong pantaloons and one red flannel shirt for each man and boy, one linsey gown for each woman and girl, four thousand



reading, writing, &c., 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 shall deem advisable. The United States will also erect suitable school-houses, shops and dwelling for the accommodation of the school-teachers and mechanics above specified, and for the protection of the public property.

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

O. M. WOZENCRAFT,  
United States Indian Agent.

For and in behalf of the Mi-chop-da.

LUCK-Y-AN, his x mark. [SEAL.]

For and in behalf of the Es-kuin.

MO-LA-YO, his x mark. [SEAL.]

For and in behalf of the Ho-to-ku-pi.

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-nus.

WA-TEL-LI, his x mark. [SEAL.]

For and in behalf of the Che-no.

YO-LO-SA, his x mark. [SEAL.]

For and in behalf of the Bat-si.

YON-NI-CHI-NO, his x mark. [SEAL.]

For and in behalf of the Yut-duc.

SO-MIE-LA, his x mark. [SEAL.]

For and in behalf of the Sim-sa-wa.

PO-MA-KO, his x mark. [SEAL.]

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

EDW. H. FITZGERALD, Brevet major first dragoons.  
GEORGE STONEMAN, Lieutenant first dragoons.  
THOMAS WRIGHT, second lieutenant second infantry.  
J. BUDWELL.

(H.) TREATY MADE AND CONCLUDED AT READING'S RANCH, ON COTTON WOOD CREEK, STATE OF CALIFORNIA, AUGUST 16, 1851, BETWEEN O. M. WOZENCRAFT, UNITED STATES INDIAN AGENT, AND THE CHIEFS, CAPTAINS AND HEAD MEN OF THE NOE-MA, &C., 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 chiefs, captains and head men of the following tribes or bands, viz: Noi-ma, Noe-ma, Y-lac-ca, No-me, 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 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; and, furthermore, bind themselves to conform to and be governed by the laws and regulations of the Indian bureau, made and provided therefor by 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 or bands, to wit: commencing at a point at the mouth of Ash 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 tribes or bands of Indians living upon the Shasta, Nevada, and Coast ranges, shall be included in the said reservation; and should said bands not come in, then the provisions, &c. as set apart in this treaty, to be reduced in a ratio commensurate with the number signing said treaty; Provided, that there is reserved to the United States government 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 officers 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 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 seventy-five 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 for each man and boy, one linsey gown for each woman and girl, two thousand yards calico and five hundred yards brown sheeting, twenty pounds Scotch thread and one thousand needles, six dozen thimbles, two dozen pairs scissors, one 24-point Mackinaw blanket for each man and 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 as their joint property, viz: seventy-five brood-mares and four stallions, three hundred milch cows and sixteen bulls, four yoke work-cattle with yokes and chains, ten work-mules or horses, twelve ploughs assorted sizes, seventy-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 towns or settlements, one practical farmer, who shall superintend all agricultural operations, with two assistants, men of practical knowledge and industrious habits; one wheelwright, one carpenter, one blacksmith, one principal school teacher, and as many assistant teachers as the President may deem proper to instruct said tribes in reading, writing, &c., 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, [SEAL.]  
United States Indian agent.

For and in behalf of the Noi-ma.

OIS-NO, his x mark. [SEAL.]

For and in behalf of the Noe-ma.

CHIP-CHIN, his x mark. [SEAL.]

*For and in behalf of the Y-lac-ca.*  
 CIA-OO-SA, his x mark. [SEAL.]

*For and in behalf of the No-me.*  
 CHIP-CHO-CHI-CAS, his x mark. [SEAL.]

*For and in behalf of the Noi-me.*  
 NEM-KO-DE, his x mark. [SEAL.]

*For and in behalf of the Oy-lac-ca.*  
 NUM-TE-RA-RE-MAN, his x mark. [SEAL.]  
 PAN-TE-LAS, his x mark. [SEAL.]  
 DO-HI-WI-CKA-LA, his x mark. [SEAL.]  
 NUM-TE-RE-MUCK, his x mark. [SEAL.]

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

J. MCKINSTRY, *Brevet major U. S. army,*  
 S. B. SHELDEN,  
 ALEXANDER LOVE.

(I). TREATY MADE AND CONCLUDED AT CAMP COLUS, ON SACRAMENTO RIVER, CALIFORNIA, SEPTEMBER 9, 1851, BETWEEN O. M. WOZENCRAFT, UNITED STATES INDIAN AGENT, AND THE CHIEFS, CAPTAINS, AND HEAD MEN OF THE COLTS, WILLAYS, &c., 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, Willays, Co-ha-na, Tat-nah, Cha, Doc-duc, Cham-net-co, Toc-de.

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 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 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 and is hereby 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 out 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 living upon the adjacent coast range, 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 should said bands not come in, then the provisions, &c., as set apart in this treaty, to be reduced in a ratio commensurate with the numbers signing the treaty. *Provided,* That there is reserved to the United States government the right of way over any portion of said territory, and the right to establish and maintain any military post, public building, school-house, houses for agents, teachers, 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 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 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 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 for each man and boy; one linsey gown for each woman and girl, one thousand yards calico, and two hundred and fifty yards brown sheeting, ten pounds Scotch thread and five hundred needles, three dozen thimbles and one dozen pairs of scissors, one two and a half point Mackinaw blanket for each man and woman over fifteen years of age; five hundred pounds iron and fifty pounds steel; and in like manner in the first year for the permanent use of said tribes, and as their joint property, viz: forty brood-mares and three stallions, one hundred and fifty milch cows and eight bulls, two yoke of work cattle with yokes and chains, five work mules or horses, eleven ploughs assorted sizes, forty-five garden or corn hoes, thirteen spades, and two 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 supply and settle among-said tribes, at or near their towns or settlements, one practical farmer, who shall superintend all agricultural operations, with two assistants, men of practical knowledge and industrious habits; one carpenter, one wheelwright, one blacksmith, one principal school-teacher, and as many assistant teachers as the President may deem proper to instruct said tribes, in reading, writing, &c., 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 shall deem advisable. The United States will also erect suitable school houses, shops and dwellings for the accommodation of the schools, 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 ninth day of September, in the year of our Lord one thousand eight hundred and fifty-one.

O. M. WOZENCRAFT,  
*United States Indian Agent.*

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

*For and in behalf of the Willays.*  
 HO-OAK, his x mark. [SEAL.]

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

*For and in behalf of the Tat-nah.*  
 HOO-KA-TA, his x mark. [SEAL.]

*For and in behalf of the Cha.*  
 LA-LOOK, his x mark. [SEAL.]

*For and in behalf of the Doc-duc.*  
 MI-KA-LA, his x mark. [SEAL.]

*For and in behalf of the Cham-net-co.*  
 WI-TE-BUS, his x mark. [SEAL.]

*For and in behalf of the Toc-de.*  
 CO-NE, his x mark. [SEAL.]

Signed, sealed, and delivered, after being fully explained, in presence of—  
 THOMAS WRIGHT, *Second Lieutenant, 2d infantry, Commanding escort.*  
 G. D. SEMPLE.

(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 CU-LU, YAS-SI, ETC., TRIBES OF INDIANS.

A treaty of peace and friendship made and concluded at the fork of Cosumnes 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, viz: Cu-lu, Loc-lum-ne, and Wo-pum-nes.

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 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; and furthermore bind themselves to conform to, and be governed by the laws and regulations of the Indian Bureau, made and provided therefor by 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 at a point on the Cosumnes river, on the western line 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 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 post or posts, public buildings, school-houses, houses for agents, teachers, 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 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 (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 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 of strong pantaloons and one red flannel shirt for each man and boy, one linsey gown for each woman and girl, four thousand yards of calico and one thousand yards brown sheeting, forty pounds Scotch thread, two dozen pairs of scissors, eight dozen thimbles, three thousand needles, one two and a half point Mackinaw blanket for each man and woman over fifteen (15) years of age, four thousand pounds of iron and four hundred pounds of steel, and in like manner in the first year, for the permanent use of the said tribes, and as their joint property, viz: seventy-five brood mares and three stallions, three hundred milch cows and eighteen bulls, twelve yoke of work cattle with yokes and chains, twelve work mules or horses, twenty-five ploughs, assorted sizes, two hundred garden or corn hoes, eighty spades, twelve 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 tribes, at or near their towns or settlements, one practical farmer, who shall superintend all agricultural operations, with two assistants, men of practical knowledge and industrious habits, one carpenter, one wheelwright, one blacksmith, one principal school-teacher, and as many assistant teachers as the President may deem proper to instruct said tribes in reading, writing, &c., 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 five years, and as long thereafter as the President shall deem

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

In testimony whereof, the parties have hereunto signed their names and affixed their seals this eighteenth day of September, in the year of our Lord one thousand eight hundred and fifty-one.

O. M. WOZENCRAFT,  
United States Indian Agent.

For and in behalf of the Cu-lu.  
MI-ON-QUISH, his x mark. [SEAL.]

For and in behalf of the Yas-si.  
SAN-TEA-GO, his x mark. [SEAL.]

For and in behalf of the Loc-lum-ne.  
POL-TUCK, his x mark. [SEAL.]

For and in behalf of the Wo-pum-nes.  
HIN-COY-E, his x mark. [SEAL.]  
MAT-TAS, his x mark. [SEAL.]  
HOL-LOE, his x mark. [SEAL.]  
BOY-ER, his x mark. [SEAL.]

Signed, sealed and delivered, after being fully explained, in presence of—  
FLAVEL BELCHER.  
J. B. MCKINNIE.  
WILLIAM RHOAD.

(K.) TREATY MADE AND CONCLUDED AT THE VILLAGE OF TEMECULA, STATE OF CALIFORNIA, JANUARY 5, 1852, BETWEEN THE UNITED STATES INDIAN AGENT, O. M. WOZENCRAFT, AND THE CHIEFS, CAPTAINS AND HEAD MEN OF THE SAN LOUIS REY, KAH-WE-AS, AND THE CO-COM-CAH-RAS TRIBES OF INDIANS.

A 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-we-as, and the tribe of Co-com-cah-ras.

ARTICLE 1. The several nations above mentioned do acknowledge the United States to be the sole and absolute sovereigns 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 nations of Indians 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; and furthermore bind themselves to conform to and be governed by the laws and regulations of the Indian bureau, made and provided therefor by the Congress of the United States.

ART. 3. To promote the settlement and improvement of said nations, 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 nations of Indians, still reserving to the government of the United States all minerals found thereon, to wit: commencing at the southwest corner of the San Jacinto grant, and running along the southern and eastern line of the same to the San Geronio grant; thence running along the southern and eastern line of the same to the northeastern corner thereof; thence due east to the eastern base of the Sierra Nevada mountain; thence on a southerly straight line in the general direction of the base of said mountain to a point due east of the northeastern corner of the grant of San José del Valle; thence due west to said corner; thence along the northeastern line of the same to the northwestern corner; thence on a direct line to the southern corner of the grant of Temecula; thence running around said grant, including it, by west, north and east, to its northeastern corner, and from thence on a straight line to the place of beginning. To have and to hold the said district of country for the sole use and occupancy of said Indian nations 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 post or posts, public buildings, school-houses, houses for agents, teachers, and school purposes, and such others 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 engage 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 nations of Indians 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-cattle to average in weight five hundred pounds, three hundred and fifty 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 nations 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 for each man and boy; one linsey gown for each woman and girl; seven thousand yards calico, seventeen hundred yards of brown sheeting, seventy pounds Scotch thread, four dozen pairs of scissors, fourteen dozen thimbles, five thousand needles, one two and a half 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 thirty brood-mares and seven stallions, six hundred young cows, thirty-six bulls, twenty yoke of working oxen with yokes and chains; twenty work mules or horses, forty-two ploughs, assorted sizes, three hundred and forty corn hoes, 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 industrious habits; one carpenter, one wheelwright, one blacksmith, one principal school-teacher, and as many assistant teachers as the President may deem proper to instruct said nations in reading, writing, &c., 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 shall deem advisable. The United States will also erect suitable school houses, shops and dwellings for the accommodation of the school-teachers, mechanics, agriculturists and assistants above specified, and for the protection of the public property.

In testimony whereof, the parties have hereunto signed their names and affixed their seals, this 11th day of January, in the year of our Lord one thousand eight hundred and fifty-two.

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

For and in behalf of the San Luis Rey Indians.

PEDRO, (Ka-wa-wish) of the Mission, his x mark. [SEAL.]  
CISTO, (Go-no-nish) of Las Flores, his x mark. [SEAL.]  
BICENTE, (Poo-clow) of Buena Vista, his x mark. [SEAL.]  
PABLINO, (Coo-hac-ish) of Pala, his x mark. [SEAL.]  
FRANCISCO, (Pah-hoo-vole) of Pauma, his x mark. [SEAL.]  
JOSE, (Cah-lac) of El Potrero, his x mark. [SEAL.]  
CALISTRO, (Chah-cwal-ish) of Yah-pest-cha, his x mark. [SEAL.]  
SANTIAGO, (Yu-loke) of La Joya, his x mark. [SEAL.]  
PEDRO, (Pal-e-gish) of La Puerta, his x mark. [SEAL.]  
BRUNO, (Cwah-si-cat) of Puerta Cruz, his x mark. [SEAL.]  
YSIDRO, (To-sho-vvul) of Tovin, his x mark. [SEAL.]  
CERVANTES, (Ca-hal) of Ahuanga, his x mark. [SEAL.]  
LAURLANO, (Cah-par-ah-pish) of Temecula, his x mark. [SEAL.]  
JOSE NOCA, (Chan-gah-lang-ish) of Agua Caliente, his x mark. [SEAL.]  
JOSE YGNACIO, (Tosh-mah-ken-ma-wish) of San Ysidro, his x mark. [SEAL.]

For and in behalf of the Kah-we-as nation of Indians.

JUAN ANTONIO, (Coos-woot-na) chief, his x mark. [SEAL.]  
LEONARDO, (Parlewit) of the people of Razon, his x mark. [SEAL.]

For and in behalf of the people of Too-va.

FRANCISCO JAVIEL, (—) of Tierra Seca, his x mark. [SEAL.]  
JOSE, (Coos-pa-om-nu-it) of Pah-nuc-say, the country of Cabezon, his x mark. [SEAL.]  
JUAN, (Kah-we-a) of Pal-se-wish, his x mark. [SEAL.]  
GINIO, (—) of Wah-ne-pe-ah-pa, his x mark. [SEAL.]  
YLARIO, (Sah-too) of Wah-high-na, his x mark. [SEAL.]  
TEODORO, (Chu-cal) alcalde of Juan Antonio and of Cah-be-nish, or Palma Seca, his x mark. [SEAL.]  
YGNACIO, (Chin-gal) of the people of Toro of Pal-kay-witch-ish, or Agua Corta, his x mark. [SEAL.]  
JUAN BAUTISTA, (Sah-at) of Pow-ky, his x mark. [SEAL.]  
GERONIMO, (—) of Co-ro-vang-ang, his x mark. [SEAL.]  
VICTORIANO, (Kwe-vish) of Sow-wah-wah, his x mark. [SEAL.]

For and in behalf of the people or tribe of Co-com-cah-ras, alias Serranos.

EMETERIO, (—) of Maronga, his x mark. [SEAL.]

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

J. J. WARNER,  
G. WILLIAMS,  
L. D. VINSONHEALER,  
R. SACKETT,  
J. HAMILTON, Secretary.

ADDENDA.—In case the government of the United States and the actual proprietor of the Temecula grant cannot agree upon its purchase, the said government agrees to add some other portion of territory of equal extent to the above described Indian grant.

O. M. WOZENCRAFT,  
United States Indian Agent.

J. J. WARNER,  
L. D. VINSONHEALER, } Witnesses.  
G. WILLIAMS,  
R. SACKETT, }

(L.) TREATY MADE AND CONCLUDED AT THE VILLAGE OF SANTA YSABEL, CALIFORNIA, BETWEEN O. M. WOZENCRAFT, UNITED STATES INDIAN AGENT, AND THE CAPTAINS AND HEAD MEN OF THE NATION OF DIEGUIÑO INDIANS, JANUARY 7, 1852.

A 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 Dieguino Indians, of the other part.

ART. 1. The several tribes of the abovementioned nation do acknowledge the United States to be the sole and absolute sovereigns 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 nation of Indians and the several tribes thereof, 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; and, furthermore, bind themselves to conform to and be governed by the laws and regulations of the Indian bureau, made and provided therefor by the Congress of the United States.

ART. 3. To promote the settlement and improvement of said nations 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 said nation of Indians, still reserving to the government of the United States all minerals found thereon, to wit: commencing at the southern line of the State at the eastern base of the Sierra Nevada mountain and on the desert, and running along the base northerly to the southeastern corner of the reservation set apart for the Kah-we-as, San Luis, and Co-com-cah-ra nations of Indians, thence following the southern line

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 northwestern corner of the San Felipe grant, thence on the western line of the same to the southwestern corner thereof, thence southerly to the southern line of the State at a point twenty miles from the place of beginning, thence along said southern line to the place of beginning: To have and to hold the said district of country for the sole use and occupancy of the said Indian nation 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 post or posts, public buildings, school-houses, houses for agents, teachers, and such others as they may deem necessary for their use or the protection of the Indians.

The said nations and tribes and each of them, hereby engage 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 the said nation of Indians, in their subsistence while removing to and making their settlement upon the said reservation, the United States will furnish them, free of all charge, one thousand eight hundred head of beef-cattle, to average in weight five hundred pounds, three hundred and fifty 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 nation in acquiring the arts and habits of civilized life, the United States will also furnish them the following articles, to be divided among them by the agent according to their respective numbers and wants in the different tribes, during each of the two years succeeding the said ratification, viz: one pair strong pantaloons and one red flannel shirt for each man and boy, one linsey gown for each woman and girl, five thousand five hundred yards of calico, three thousand yards of brown sheeting, sixty pounds Scotch thread, four dozen pairs of scissors, fourteen dozen thimbles, five thousand needles, one 2½-point Mackinaw blanket for each man and woman over fifteen years of age: six thousand pounds of iron and five thousand five hundred pounds of steel: and in like manner in the first year for the permanent use of said nation, and as the joint property of the several tribes thereof, viz: one hundred and twenty brood-mares and six stallions, five hundred young cows and thirty bulls, fifteen yoke working oxen with yokes and chains, sixteen work-mules or horses, thirty-two ploughs assorted sizes, and sixteen grindstones, and the necessary seeds of various kinds.

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 nation, at or near their towns or settlements, one practical farmer, who shall superintend all agricultural operations, with two assistants, men of practical knowledge and industrious habits; one wheelwright, one carpenter, one blacksmith, one principal school-teacher, and as many assistant teachers as the President may deem proper to instruct said nations in reading, writing, &c., 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 shall deem advisable.

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

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

O. M. WOZENCRAFT, [SEAL.]  
United States Indian agent.

For and in behalf of the Dieguino Indians.

SANTIAGO, of Ha-coom, his x mark.  
KWA-PI, of Ta-cah-tay, his x mark.  
SOLDADO, of Matrom, his x mark.  
NE-CAH, by COO-LAM, of Wah-ti, his x mark.  
SURDO, of Sa-quan, his x mark.  
AT-CHU-CAL, of Ha-soo-malc, his x mark.  
TAH-CA-PAN, of Coquilt, his x mark.  
LEANDRO, of San Diego mission, his x mark.  
TADEO, of San Dieguito, his x mark.

[SEAL.]  
[SEAL.]  
[SEAL.]  
[SEAL.]  
[SEAL.]  
[SEAL.]  
[SEAL.]  
[SEAL.]

LAZARO, of Santa Ysabel, his x mark.  
TOMAS, of Santa Ysabel, his x mark.  
AS-SO-TORE, of How-wee Vallcito, his x mark.  
PANTHO, of San Pascual, his x mark.  
JOSE APAN, of To-co-mac, his x mark.  
JUAN PABLO, of Ca-ma-jal, his x mark.  
MATEO (Co-nu-po-ip) of Tah-wee, his x mark.  
LOENZO (Cho-lo-pe) of Prickaway, his x mark.  
TAMOUROO, of Too-weal, his x mark.  
HEPERERA, of Mel-co-to-nac, San Felipe, his x mark.  
ELOO, of Mat-mak, La Puerta, his x mark.  
OON-AH-OON, of Lu-ah-pi, his x mark.  
FELIPE (Am-coo-si) of Matajuai, his x mark.

[SEAL.]  
[SEAL.]  
[SEAL.]  
[SEAL.]  
[SEAL.]  
[SEAL.]  
[SEAL.]  
[SEAL.]  
[SEAL.]  
[SEAL.]  
[SEAL.]

Signed, sealed and delivered, after being fully explained, in presence of—  
DELAVIN DAVIDSON, *Captain 2d infantry.*  
E. MURRAY, *Lieutenant 2d infantry.*  
J. J. WARNER.

ADDENDA.—From the above district of country, set apart for the Indians, is reserved to the present owner thereof, the Hon. J. J. Warner, one square league at Agua Caliente, to be selected by him for the purpose of improving the warm springs at said place, in case the said ownership be adjudicated in his (Warner's) favor by the land commissioners for California.

J. HAMILTON,  
*Secretary of the Indian agency.*

(M.) TREATY MADE AND CONCLUDED AT CAMP FREMONT, STATE OF CALIFORNIA, MARCH 19, 1851, BETWEEN REDICK MCKEE AND OTHERS, COMMISSIONERS ON THE PART OF THE UNITED STATES, AND THE CHIEFS, CAPTAINS, AND HEAD MEN OF THE SI-YAN-TE, ETC., ETC., TRIBES OF INDIANS.

A treaty made and concluded on the nineteenth day of March, in the year eighteen hundred 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 to treat with the various tribes of Indians in the State of California, of the one part, and the chiefs, captains, and head men of the Si-yan-te, Po-to-yun-te, Co-co-noon, Apang-as-ee, Apache, and A-wal-a-che tribes of Indians, of the other part.

ARTICLE 1. The said tribes of Indians severally acknowledge themselves to be under the jurisdiction, control and authority of the government of the United States, and as such, that they severally agree and pledge themselves to refrain in future from the commission of any act of hostility or aggression towards the government of the United States, or any of the citizens thereof, and to live on terms of peace and friendship, not only with the citizens of the United States, but with all Indian tribes.

ART. 2. The said tribes hereby severally relinquish, and forever quit claim to the government of the United States, all the right, title, claim, or interest, of whatsoever character, that they, or either of them may have had, or now hold, in and to any lands in the limits of the State of California, or the United States.

ART. 3. It is agreed between the contracting parties, that the district of land lying between the Mercede and Tuolumne rivers, to wit: commencing at a point on the Mercede river, opposite the mouth of a small stream emptying into said river, on the south side of said river, about one mile above what was formerly known as Ford's ferry, now known as Stone and Company's ferry; running thence a direct line to the Tuolumne river, striking or intersecting said river at the mouth of a gulch emptying into said river at a bend about two miles above Spark's old ferry, being at or near the foot of the first fall or rapids of said river, above said Spark's ferry; thence down the middle of said stream to a point one-half of one mile above Harr's ferry; thence a straight line across, so as to intersect the Mercede river at a point about one-quarter of one mile above the present residence of Dr. Lewis, on said stream; thence up the middle of said Mercede river to place of beginning; the said district, supposed to contain about four full townships of land, is hereby and shall be forever set apart and held for the occupancy of said tribes of Indians; and it is further stipulated, that said tribes shall have free access to all the country between the Mercede and Tuolumne rivers, extending above said described district to the Sierra Nevada mountains, for the purpose of hunting and collecting fruits, nuts, &c.; but in no event shall they remove their women and children from the lands hereby set apart for their occupancy. The government of the United States reserving the right to establish a military post and

to erect the necessary buildings for an agent or other officers, within the limits of said land.

ART. 4. In further consideration of the aforesaid premises, and for the purpose of aiding in the subsistence of said tribes of Indians during the years eighteen hundred and fifty-one and two, it is agreed by the party of the first part to supply said tribes jointly with one hundred head of good beef steers, and one hundred sacks or barrels of flour, each year.

ART. 5. It is further agreed, that as soon after the ratification of this treaty by the President and Senate of the United States as may be practicable and convenient, the said tribes shall be furnished jointly and free of charge by the government of the United States, the following articles of property, to be divided among said Indian tribes, according to their respective numbers, to wit: ten brood mares and one jack or stallion, twenty-five cows and one bull, five large and five small ploughs, ten sets of gear or harness complete, one hundred axes, one hundred hatchets, one hundred hoes, ten mattocks or picks, all necessary seeds for sowing and planting for one year, eight hundred pounds of iron, two hundred pounds of steel, two hundred pairs of two and a half point blankets, two flannel shirts and two pairs of coarse pants for each man and boy, one lincey gown for each woman and girl, two thousand yards of brown sheeting, two thousand yards of calico, twenty-five dollars worth of thread, needles, buttons, scissors, &c.

ART. 6. The United States agree further to furnish a man skilled in the art of farming, to live among and instruct said tribes, and such others as may be placed under his supervision, in the business of farming, one blacksmith, one man skilled in working in wood, (wagon maker or rough carpenter,) one superintendent, and such assistant school teachers as may be necessary, all to live among and work for, and teach said tribes and such other tribes as they may be required to work for and teach; said farmer, blacksmith, worker in wood and teachers to be supplied to said tribes as aforesaid, for the period of five years, and as long thereafter as the President of the United States shall deem advisable; a school-house and other necessary buildings for the accommodation of the persons named in this article to be erected at the cost of the government of the United States.

ART. 7. It is further agreed between the parties, that for any violence done by individuals to the person or property of any citizen of the United States, by an Indian or Indians, of either of said tribes, or if done by a citizen or citizens of the United States, to the person or property of any of said tribes, or any of the members thereof, no personal retaliation shall be attempted, but the party aggrieved shall apply to the civil authorities of the country for a proper redress of their grievances; each party pledging themselves to bring, if possible, all guilty offenders to justice, by delivering them up to the officers of the law when in their power.

ART. 8. These articles of agreement to be binding on the contracting parties when ratified and confirmed by the President and Senate of the United States of America.

In testimony whereof, the said parties have hereunto signed their names and affixed their seals upon the day and date above written.

REDICK MCKEE, [SEAL.]  
G. W. BARBOUR, [SEAL.]  
O. M. WOZENCRAFT. [SEAL.]

*For and in behalf of the Si-yan-te tribe.*

TRAI-PAX-E, chief, his x mark. [SEAL.]  
HABITO, his x mark. [SEAL.]  
CO-TOS, his x mark. [SEAL.]  
E-LI-UM, his x mark. [SEAL.]  
AN-GOT, his x mark. [SEAL.]  
HO-MO-LUCK, his x mark. [SEAL.]  
PE-TE-LA, his x mark. [SEAL.]  
MA-LA-TIA, his x mark. [SEAL.]  
A-WAS-SA, his x mark. [SEAL.]

*For and in behalf of the Po-to-yun-te.*

BAU-TIS-TA, chief, his x mark. [SEAL.]  
IA-WACK-NO, his x mark. [SEAL.]  
LE-KEN-A, his x mark. [SEAL.]  
US-SA, his x mark. [SEAL.]  
FELIZ, his x mark. [SEAL.]  
MAN-TU-PA, his x mark. [SEAL.]  
WA-LIL, his x mark. [SEAL.]  
HE-WO-WEE, his x mark. [SEAL.]  
CHUCUS, his x mark. [SEAL.]

*For and in behalf of the Co-co-noon.*

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

*For and in behalf of the A-wal-a-che.*

CY-PRI-ANO, chief, his x mark. [SEAL.]  
WOO-MA-ACK, his x mark. [SEAL.]  
AT-CA-NA, his x mark. [SEAL.]  
AC-TON, his x mark. [SEAL.]  
IO-TO-CO-NO, his x mark. [SEAL.]  
HA-MA-CHA, his x mark. [SEAL.]

*For and in behalf of the A-pang-as-se, or Appang-assa. tribe.*

NU-MAS-E-CA-NO, chief, his x mark. [SEAL.]  
CO-NO-TO, his x mark. [SEAL.]  
PON-SIL-LO, his x mark. [SEAL.]  
LO-PE-AC, his x mark. [SEAL.]

*For and in behalf of the Aplache tribe.*

HAW-HAW, chief, his x mark. [SEAL.]  
OU-TU-PI-TU, his x mark. [SEAL.]  
IN-PE-A-TA, his x mark. [SEAL.]  
TAS-SE-O, his x mark. [SEAL.]  
OU-MA, his x mark. [SEAL.]  
WA-PA-TA, his x mark. [SEAL.]

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

JOHN MCKEE, Secretary.  
ADAM JOHNSON, Agent.  
H. S. BURTON, Interpreter.  
E. D. KEYES, Captain third artillery, commanding escort.  
I. H. LENDRUM, First lieutenant 3d artillery.  
J. HAMILTON, Lieutenant 3d artillery.  
T. MOORE, Lieutenant 2d infantry.  
H. G. J. GIBSON, Second lieutenant 3d artillery.  
N. H. MCLEAN, Second lieutenant 2d infantry.  
JOHN E. DURIVAGE.  
THOS. J. ROACH.

(N.) TREATY MADE AND CONCLUDED AT CAMP BARBOUR, ON THE SAN JOAQUIN RIVER, STATE OF CALIFORNIA, APRIL 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-ECH-EES, &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 or bands of Indians now in council at this camp, known as the How-ech-ees. Chook-cha-nees, Chow-chil-lies, Po-ho-nee-chees and Nook-choos, which five tribes or bands acknowledge Nai-yak-qua as their principal chief; also the Pit-cat-chees. Cas-sons, Toom-nas, Tallin-chees and Poskesas; which five tribes or bands acknowledge Tom-quit as their principal chief; also the Wa-cha-ets, Itachees, Cho-e-nem-nees. Cho-ki-men-as, We-mal-ches and No-to-no-tos, which six tribes or bands acknowledge Pas-qual as their principal chief.

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 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, and, if practicable, 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 or bands, the party or parties charged with 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 trial in the same way.

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

ART. 4. 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:—Beginning at a point in the middle of the Chonchille river, near the old Indian rancheria, called *Ta-hu-leel*, and immediately at the junction of the two first main forks of said river, in the foothills: running thence a straight line in a southwesterly direction, to the top of the point of the Table mountain, on the San Joaquin river, being the first high hill or mountain above and adjoining 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 southwesterly direction to the eastern base of what is known as the *lone or lost mountain*, on the south side of King's river: continuing thence a line in the same direction to the middle of the Cowier river, generally known as the first of the Four creeks; thence down the middle of said stream to a point fifteen miles in a straight line from where the first line strikes it, thence back to the middle of the Chonchille river to a point fifteen miles distant, on a straight line from the starting point, as aforesaid, on said river; the said line from the Cowier river, or first of the Four creeks, to be so run as to cross King's, San Joaquin, and Erezno rivers at the distance of fifteen miles in a straight line from where the first line herein mentioned crosses each one of said rivers, and from where the last mentioned line strikes the Chonchille river, up the middle of said stream 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 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 post or posts, public buildings, school houses, houses for agents, teachers, and such others as they may deem necessary for their use, or the protection of the Indians; *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 waters of the Conchille and Cowier rivers (or first of the Four creeks) to the foot 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 described district or boundary of land without the permission of the government 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 for the district. And it is also expressly understood that the *mona* or *wild portion* of the tribes herein provided for, which are still out in the mountains, shall, when they come in, be incorporated with their respective bands, and receive a fair and equal interest in the land and provisions hereinafter 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 *monas* at the earliest possible day: and when the Yo-semi-te tribe come in they shall in like manner be associated with the tribes or bands under the authority or control of *Nai-yak-qua*.

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 numerous and valuable presents made to 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 two hundred and sixty sacks of flour, (one hundred pounds each) during each of the years 1851 and 1852, to be divided among them by the agent, according to their respective numbers.

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 each of the two years succeeding the said ratification, viz:

Two pairs strong pantaloons and two red flannel shirts for each man and boy, one linsey gown for each woman and girl: three thousand yards calico, and three thousand yards brown sheetings, thirty pounds Scotch thread, six dozen pairs scissors, assorted, one gross thimbles and five thousand needles, assorted, one two and a half-point Mackinaw blanket for each man and woman over fifteen years of age: three thousand pounds iron, and five hundred pounds steel. And in like manner, in the first year, for the permanent use of the said tribes, and as their joint property, viz:

Seventy-five brood mares and three stallions, one hundred and fifty milch cows and three bulls, twelve yoke of work cattle with yokes, chains, &c., twelve work mules or horses, thirty ploughs, (ten large and twenty small) thirty set harness for plough horses or mules; seeds of all proper kinds, for planting and sowing; one hundred chopping axes, one hundred hatchets, thirty mattocks or picks, three hundred garden or corn hoes, one hundred spades, fifteen grindstones, three United States flags, (one for each principal chief).

The stock enumerated above, and the produce thereof, shall be marked or branded with such letters as will at all times designate the same to be the property of the said tribes, and no part or portion thereof shall be killed, exchanged, sold, or otherwise parted with, without the consent and direction of the agent.

ART. 7. The United States will also employ and settle among said tribes, at or near their towns or settlements, one practical farmer, who shall act as superintendent or director of agricultural operations, to reside at some central point, and to have two assistants, also men of practical knowledge and industrious habits; one carpenter or worker in wood, to direct and aid in the construction of houses, repairing plows, &c.; one blacksmith, to reside at some central point; three principal school teachers, and as many assistant teachers as the President may deem proper, to instruct said tribes in reading, writing, &c., and in the domestic arts of sewing, housekeeping, &c., 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 shall deem advisable. The United States will also erect suitable school houses, shops, and dwellings for the accommodation of the schools, teachers and mechanics above specified, and for the protection of the public property.

These articles to be binding on the contracting parties, when ratified and confirmed by the President and Senate of the United States.

In testimony whereof, the parties have hereunto signed their names and affixed their seals, this twenty-ninth day of April, in the year of our Lord one thousand eight hundred and fifty-one.

REDICK McKEE. [SEAL.]  
G. W. BARBOUR. [SEAL.]  
O. M. WOZENCRAFT. [SEAL.]

*For and in behalf of the How-ech-ees.*

NAI-YAK-QUA, his x mark. [SEAL.]  
NO-CHEEL, his x mark. [SEAL.]  
CHAL-WAK-CHEE, his x mark. [SEAL.]  
PAR-SA, his x mark. [SEAL.]  
PO-YAI, his x mark. [SEAL.]

*For and in behalf of the Chook chanees.*

CO-TUM-SI, his x mark. [SEAL.]  
TI-MOH, his x mark. [SEAL.]  
SA-WA-LAI, his x mark. [SEAL.]  
A-CHAT-A-NA, his x mark. [SEAL.]  
MI-E-WAL, his x mark. [SEAL.]

*For and in behalf of the Chow-chil-lies.*

PO-HO-LEEL, his x mark. [SEAL.]  
E-KEENO, his x mark. [SEAL.]  
KAY-O-YA, his x mark. [SEAL.]  
A-PEM-SHEE, his x mark. [SEAL.]  
CHO-NO-HAL-MA, his x mark. [SEAL.]

*For and in behalf of the Po-ho-nee-chees.*

PO-TOL, his x mark. [SEAL.]  
CHEE-KO, his x mark. [SEAL.]  
MOOCH-CAT-E, his x mark. [SEAL.]  
HO-HAS-SEE, his x mark. [SEAL.]  
CO-W-WAL, his x mark. [SEAL.]

*For and in behalf of the Nook-choos.*  
 PAN-WACH-EE, his x mark. [SEAL.]  
 KET-TA, his x mark. [SEAL.]  
 MUL-LU'EE, his x mark. [SEAL.]  
 TAW-WICH, his x mark. [SEAL.]  
 WAL-LIN, his x mark. [SEAL.]

*For and in behalf of the Pit-ca-chees.*  
 TOM-QUIT, chief, his x mark. [SEAL.]  
 YA-KO-WAL, his x mark. [SEAL.]  
 TOO-TRO-MI, his x mark. [SEAL.]  
 CHO-LUL, his x mark. [SEAL.]  
 NE-SA-PLO, his x mark. [SEAL.]

*For and in behalf of the Cus-sons.*  
 DOMINGO-PEREZ, his x mark. [SEAL.]  
 TOM-MAS, his x mark. [SEAL.]  
 JOSE-ANTONIO, his x mark. [SEAL.]

*For and in behalf of the Toom-nas.*  
 HAT-CHU-LOO, his x mark. [SEAL.]  
 TAP-PA, his x mark. [SEAL.]  
 PO-SHA, his x mark. [SEAL.]

*For and in behalf of the Tallinchees.*  
 CHO-KETE, his x mark. [SEAL.]  
 PAL-LO-KOOSH, his x mark. [SEAL.]  
 HOW-IL-ME-NA, his x mark. [SEAL.]  
 SO-KUCH, his x mark. [SEAL.]

*For and in behalf of Pos-ke-sas.*  
 KO-SHISE, his x mark. [SEAL.]  
 KO-ITCH, his x mark. [SEAL.]  
 COP-PI, his x mark. [SEAL.]  
 WO-WAL, his x mark. [SEAL.]

*For and in behalf of the Wach-cts.*  
 PAS-QUAL, chief, his x mark. [SEAL.]  
 WA-KEEN, his x mark. [SEAL.]  
 JOSE ANTONIO, his x mark. [SEAL.]

*For and in behalf of the Itachees.*  
 WA-TOO, his x mark. [SEAL.]  
 A-POR-TRIA, his x mark. [SEAL.]  
 TO-NAI-CHEE, his x mark. [SEAL.]

*For and in behalf of the Cho-e-nem-nees.*  
 WAU-TOE-KI, his x mark. [SEAL.]  
 HO-LET-TEE, his x mark. [SEAL.]  
 TA-WEEN, his x mark. [SEAL.]

*For and in behalf of the Cho-li-men-as.*  
 KO-HEEL, his x mark. [SEAL.]  
 TRA-TRA-IT-SE, his x mark. [SEAL.]  
 WOH-TON, his x mark. [SEAL.]

*For and in behalf of the No-to-no-tos.*  
 PAS-QUAL, his x mark. [SEAL.]

*For and in behalf of the We-mal-ches.*  
 PAS-QUAL, his x mark. [SEAL.]

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

JOHN MCKEE, Secretary.  
 JOHN HAMILTON, Interpreter.  
 ADAM JOHNSTON, Agent.  
 E. D. KEYES, Captain third artillery, commanding escort.  
 W. S. KING, Assistant surgeon U. S. Army.  
 I. M. LENDRUM, First lieutenant 3d artillery.  
 H. G. J. GIBSON, Second lieutenant 3d artillery.  
 N. H. MCLEAN, Second lieutenant 2d infantry.  
 I. F. A. MARR.

(O.) TREATY MADE AND CONCLUDED AT CAMP LU-PI-YU-MA. AT CLEAR LAKE, STATE OF CALIFORNIA, AUGUST 20, 1851. BETWEEN REDICK MCKEE, INDIAN AGENT ON THE PART OF THE UNITED STATES, AND THE CHIEFS, CAPTAINS AND HEAD MEN OF THE CA-LA-NA-PO, HA-SI-NA-PO, ETC., ETC., TRIBES OF INDIANS.

A treaty of peace and friendship made and concluded at Camp Lu-pi-yu-ma, on the south side of Clear Lake, between Redick McKee, 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, captains and head men of the tribes or bands of Indians now in council at this camp, known as the Ca-la-na-po tribe, represented by the chief, Ju-lia and captains; Ha-hi-na-po tribe, represented by the chief, Pri-e-to and his captains; Da-no-ha-bo tribe, represented by the chief, Ku-kee; Mo-al-kai tribe, represented by the chief, Moh-shan and his captains; Che-com tribe, represented by the chief, Cal-i-a-him and his captains; How-ku-ma tribe, represented by the chief, Chi-hec and his captains; Cha-nel-kai tribe, represented by the chief, Con-chu; and the Me-dam-a-dec tribe, represented by the chief, Co-e-u-e.

ARTICLE 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 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 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, complaint 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 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 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. 3. The said tribes or bands hereby jointly and severally relinquish, cede, and forever quit claim to the United States, all their right, title, claim, or interest of any kind, which they or either of them have to lands or soil in California.

ART. 4. To promote the permanent settlement and improvement of said tribes or bands, it is hereby stipulated and agreed on the part of the United States, that the following tract or district of land shall be appropriated and set apart as an Indian reservation, and the use and possession thereof forever guaranteed to the said tribes, their successors, and to such other tribes as the United States may hereafter remove from the valley of the Russian river or elsewhere, and settle thereupon, to wit: commencing at a point on Clear lake, where a spur from Mount McKee (heretofore called the Chemisal mountain) juts into the same; thence along a line running southwardly over said mountain and over the hills behind the same to the summit level of the mountains dividing the Clear lake valley from the waters of the Rio Dolores; thence westwardly along the same and along the summit of those dividing said valley from the waters of Russian river, to where said mountains meet those dividing said valley from the waters of Eel river; thence along said ridge to a point where said last-mentioned mountains meet those dividing said valley from the waters of the Sacramento; thence along the summit of the same to a point due north of the place of beginning; thence south to the said point. Containing all that part of the valley of Clear lake lying westward of said Mount McKee, the habitable part of said tract being by estimation about twelve miles in length by about six miles in width, together with the exclusive right of fishing in that part of said lake included within the foregoing boundaries. It is however expressly understood and agreed that the United States reserves the right of way over said lands, and of using for farming purposes any quantity thereof not exceeding one thousand acres; also the right to establish such military posts, erect such buildings, and make such improvements for the accommodation of their agent and other officers or servants as the President may direct; also, that said tribes or bands shall never sell or alienate 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 United States Indian agent for the district. And it is further understood and agreed that, if the tribe or band of Indians known as the Cho-tan-o-man-as, now living near the lower end of Clear lake,

but not directly represented in this council, shall so desire, the said tribe or band may remove to, and settle upon said reservation without further stipulation, and thereby become entitled to a just proportion of the land and other benefits contemplated in this treaty, as fully, according to their numbers, as if they were present and parties to this compact.

ART. 5. To aid the said tribes or bands in their subsistence while removing to and making their settlement upon the said lands, the United States, in addition to the presents of ten head of beef cattle, three sacks of bread, and sundry clothing, made to them at this council, will also furnish them, free of charge, at or near Vallejo, or elsewhere, as may be most convenient, with one hundred (100) head of beef-cattle, to average in weight five hundred pounds nett, and two hundred (200) sacks of flour of fifty pounds each, in all ten thousand pounds, during the present year (1851), and a like quantity in each of the years 1852 and 1853, to be divided among them by the agent according to their respective numbers.

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 each of the two years succeeding the said ratification, viz.: four hundred pairs strong pantaloons, four hundred cotton (hickory) shirts, three hundred linsey gowns, assorted, generally small, three thousand yards calico, three thousand yards brown sheeting, thirty pounds Scotch thread, six dozen pairs scissors, assorted, twelve dozen thimbles, five thousand needles, assorted, five hundred pairs two and a half point Mackinaw blankets, one thousand pounds iron, two hundred pounds steel; and in like manner in the first year for the permanent use of the said tribes, and as their joint property, viz.: twenty-five brood mares and one stallion, fifty milch cows and two bulls, eight yoke of work-cattle with yokes, chains, &c., two large wagons, eight pair work-mules or horses, (one pair for each tribe) four breaking ploughs, eight small ploughs, eight sets harness for plough horses or mules, seeds of all proper kinds for planting and sowing, one hundred chopping axes, small size, with handles, one hundred axes, half-size, with handles, twelve mattocks, thirty dozen butcher knives, two hundred garden or corn hoes, fifty heavy spades, four grindstones, one United States flag. The stock enumerated above and the product thereof, shall be marked or branded "U. S." and with such other letter or letters as will at all times designate the same to be the property of the said tribes; and no part or portion thereof shall be killed, exchanged, sold or otherwise parted with without the assent and direction of the agent.

ART. 7. The United States will also employ and settle among said tribes, at or near their principal town or settlement, one practical farmer, who shall act as superintendent or director of all agricultural operations, to reside among them, with two assistants, all of practical knowledge and industrious habits; one carpenter or worker in wood, to direct and aid in the construction of houses, repairing ploughs, wagons, &c.; one blacksmith; one principal school-teacher, with two male and two female assistant teachers to instruct said tribes in reading and writing the English language, &c., upon the manual-labor system, as well as in the domestic arts of housekeeping; all the above-named teachers, farmers and mechanics to be maintained and paid by the United States for the period of five years, and as long thereafter as the President shall deem advisable. The government of the United States will also erect suitable school-houses, dwellings, and shops for the accommodation of the teachers, farmers, and mechanics above specified, and for the protection of the public property.

ART. 8. These articles to be binding on the contracting parties when ratified and confirmed by the President and Senate of the United States.

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

REDICK MCKEE, [SEAL.]  
United States Indian Agent.

For and in behalf of the Ca-la-na-po tribe.

JU-LIO, his x mark, chief [SEAL.]  
CHA-CO-DA-NO, his x mark. [SEAL.]  
PE-BOR-QUOR-TO, his x mark. [SEAL.]  
MAH-CO-ME-A, his x mark. [SEAL.]  
KOY-WY-NOL-YO, his x mark. [SEAL.]  
KAI-A-DAN-O, his x mark. [SEAL.]

For and in behalf of the Ha-bi-na-po tribe.

PRI-E-TO, his x mark, chief. [SEAL.]  
CHEE-NO, his x mark. [SEAL.]  
KAH-LOOSE, his mark. [SEAL.]

For and in behalf of the Da-no-ha-bo tribe.

KU-KEE, his x mark, chief. [SEAL.]

For and in behalf of the Mo-ul-kai tribe.

MOH-SHAN, his x mark, chief. [SEAL.]  
YAH-TZA, his x mark. [SEAL.]  
TEE-BEE, his x mark. [SEAL.]

For and in behalf of the Che-com tribe.

CAL-I-A-HIM, his x mark, chief. [SEAL.]  
HAL-LE-TOC, his x mark. [SEAL.]  
CO-TO-LO-YAH, his x mark. [SEAL.]  
CHU-TE-YAN, his x mark. [SEAL.]

For and in behalf of the How-ku-ma tribe.

CHI-BEC, his x mark, chief. [SEAL.]  
SAC-CON, his x mark. [SEAL.]  
CHE-KAI, his x mark. [SEAL.]

For and in behalf of the Cha-nel-kai tribe.

CON-CHU, his x mark, chief. [SEAL.]

For and in behalf of the Me-dam-a-dec tribe.

CO-E-U-E, his x mark, chief. [SEAL.]

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

JOHN MCKEE, Secretary.

Witnesses—

GEO. WHITEHOUSE.  
GEORGE GIBBS.  
E. D. SHIRLAND.  
H. W. WESSELS, Brevet Major U. S. army, commanding escort.  
J. M. ESTILL, Maj. Gen. 2d div. Cal. militia.  
F. D. KOHLES.  
M. H. N. KENDIG.  
W. A. CORNWALL.  
JAS. M. M. BROWN SMITH.  
T. F. W. PRICE.  
WALTER McDONALD.

(P.) TREATY MADE AND CONCLUDED AT CAMP FERNANDO FELIZ, ON RUSSIAN RIVER, IN THE STATE OF CALIFORNIA, AUGUST 22, 1851, BETWEEN REDICK MCKEE, INDIAN AGENT, ON THE PART OF THE UNITED STATES, AND THE CHIEFS, CAPTAINS, AND HEAD MEN OF THE SAI-NELL, YU-KI-AS, ETC., ETC., TRIBES OF INDIANS.

A treaty of peace and friendship made and concluded at Camp Fernando Feliz, on Russian river, California, between Redick McKee, 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, captains, and head men of the tribes or bands of Indians now in council at this camp, known as the Sai-nell tribe, represented by the chief Chas-kan and captains; Yu-ki-as tribe, represented by the chief Ko-yo-to-was-sa and captains; Mas-su-ta-ka-ya tribe, represented by the chief Cal-pel-la and captains; Po-mo tribe, represented by the chief Chi-bem.

ARTICLE 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 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 received on either side, no private revenge or retaliation shall take place or be attempted, but instead thereof complaint 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. 3. The said tribes or bands hereby jointly and severally relinquish, cede, and forever quit claim to the United States, all their rights, title, claim, or interest of any kind which they or either of them have to lands or soil in California.

ART. 4. It is hereby further agreed by the said Indian tribes or 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-yu-ma, on the 20th 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 defray the necessary expenses of such removal, which shall be conducted under the authority of the Indian agent, and that the said tribes shall thereupon receive and enjoy all the advantages and rights secured by said treaty to Indians removing thereto; and for the maintenance and support of said tribes, until they shall be in condition to 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 thousand pounds, and a like quantity of the same for two years 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 brood stock, farming implements, mechanics, instructors in agriculture and learning, as their 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 aforesaid treaty of Camp Lu-pi-yu-ma; 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-yu-ma, as fully as if the same were incorporated and formally expressed in this treaty.

ART. 5. 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 Indian agent shall be authorized and is hereby directed to employ at the expense of 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 such tribes: and when said military post shall be established, the services of the surgeon thereto attached may be substituted by the agent for those of the physician first employed, allowing him therefor a reasonable compensation.

In testimony whereof, the parties have hereunto signed their names and affixed their seals this twenty-second day of August, anno Domini eighteen hundred and fifty-one.

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

For and in behalf of the Sai-nell tribe.

GHAS-KAN, his x mark. [SEAL.]  
OUS-TIN, his x mark. [SEAL.]  
CAL-VI-HA, his x mark. [SEAL.]  
KA-WA-LOW, his x mark. [SEAL.]  
SA-KEM, his x mark. [SEAL.]  
KE-YO-HOM, his x mark. [SEAL.]  
KA-E-SU-A, his x mark. [SEAL.]  
YO-KI-AM, his x mark. [SEAL.]

For and in behalf of the Yu-ki-as tribe.

KO-YO-TO-WAS-SA, his x mark. [SEAL.]  
CAL-NO-YA, his x mark. [SEAL.]  
KA-A-TAN, his x mark. [SEAL.]  
CHA-O-LA, his x mark. [SEAL.]  
LA-WIN, his x mark. [SEAL.]  
KA-RA-DIM, his x mark. [SEAL.]

For and in behalf of the Mas-su-ta-ka-yu tribe.

CAL-PEL-LA, his x mark. [SEAL.]  
CAL-LEEL-TEM, his x mark. [SEAL.]  
POR-DIM, his x mark. [SEAL.]

For and in behalf of the Po-mo tribe.

CHI-BEM, his x mark. [SEAL.]

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-yu-ma, having been first fully explained.

JOHN MCKEE, Secretary.  
GEORGE GIBBS,  
GEORGE WHITEHORN, } Interpreters.  
H. W. WESSELS, Brevet major U. S. A. commanding escort.  
JOHN S. GRIFFIN, Assistant Surgeon U. S. Army.  
EDWARD C. KENNEDY.  
WALTER McDONALD.  
JAMES A. CLARKE.  
SASSEL WOODS.  
GEORGE PARKER ARMSTRONG.

(Q.) TREATY MADE AND CONCLUDED AT CAMP KLAMATH, AT THE JUNCTION OF KLAMATH AND TRINITY RIVERS, STATE OF CALIFORNIA, OCTOBER 6, 1851, BETWEEN REDICK MCKEE, INDIAN AGENT, ON THE PART OF THE UNITED STATES, AND THE CHIEFS, CAPTAINS AND HEAD MEN OF THE POHLIK 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 Redick McKee, 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 chiefs, captains, and head men of the tribes or bands of Indians now in council at this camp, representing the Poh-lik or lower Klamath, the Peh-tsick or upper Klamath, 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 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 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. 3. The said tribes or bands hereby jointly and severally relinquish, cede, and forever quit claim to the United States, all their right, title, claim or interest of any kind which they or either of them have to lands or soil in California.

ART. 4. To promote the settlement and improvement of said tribes or bands, it is hereby stipulated and agreed, on the part of the United States, that the following tract or district of land shall be appropriated and set apart as an Indian reservation, and the use and possession thereof forever guaranteed to the said tribes, their successors, and to such other tribes as the United States may hereafter remove from other parts of the valleys of the Trinity or Klamath rivers, or the country adjacent, and settle thereupon, to wit: commencing at the mouth of a stream called John's creek, emptying into Trinity river on the north side thereof, about fourteen miles above this camp; thence running up the middle of the same with its windings, to a distance of five miles; thence north to the summit of the dividing ridge between the waters of the Trinity and Klamath rivers; thence northwestwardly in a straight line to a point on said Klamath river opposite the lower end of what is now known as "Red Cap's" bar; thence due west to the summit of the first ridge lying beyond the Klamath river; thence southwestwardly along the summit of said ridge to a point due north of the mouth of Pine creek; thence south to the mouth of Sand creek; thence up Pine creek with its windings, to a point due south of the place of beginning; and thence north to said place of beginning. The said reservation including, by estimation, a tract twenty miles in length by twelve miles in width, and containing in all six or seven square miles of farming land. It is, however, understood and agreed that the United States reserves the right of way over said lands, and of using for farming purposes any quantity thereof not exceeding one thousand acres; also the right to establish such military posts, erect such buildings, and make such improvements for the accommodation of their agent and other officers or servants as the President may direct; also that said tribes or bands shall never sell or alienate 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 United States Indian agent for the district.

ART. 5. It is further stipulated and agreed that the said tribes or bands shall, within three years from the date hereof, or sooner, if thereto required by the United States, remove to and settle upon said reservation; and that whenever said removal and settlement shall be ordered by the United States or made by said tribes, such farmers, mechanics, and school-teachers to instruct them in the language, arts, and agriculture of the whites as the President may deem expedient and proper, shall be assigned, provided for, and settled among them, so as to place the Indians on said reservation in a situation as favorable for their improvement (being in like manner supplied with facilities for farming, stock-raising, &c.,) as by the treaty of Lu-pi-yu-ma on the 20th day of August, 1851, is stipulated to be assigned to and provided for the Clear Lake Indians. It is understood, however, that if upon examination by the Indian agent it is found that any of the articles or supplies provided in said treaty for the Clear Lake Indians shall be unnecessary for or unsuited to the Indians on the Trinity and Klamath, the President may in his discretion withhold the same, and invest the value thereof in other and more suitable goods. And it is further expressly agreed and understood that if either of said tribes or bands, or other Indians harbored by them shall be guilty of theft, robbery or murder, either upon the persons and property of Indians or whites, the United States may exclude such tribe or band from all the benefits of this treaty.

ART. 6. As early as convenient after the ratification of this treaty by the President and Senate, the United States will deliver to the said Klamath and Trinity Indians, through their agent, during each of the years 1852 and 1853, viz: five hundred pairs two and a half point Mackinaw blankets, five hundred pairs strong cotton pantaloons, five hundred cotton (hickory) shirts, five hundred red flannel shirts, five hundred strong cotton or linsey gowns, three thousand yards of calico, three thousand yards of four-fourths brown sheetings, thirty pounds Scotch thread, five thousand needles, six dozen pairs scissors, two gross thimbles, ten pounds pins, ten dozen nine-inch flat files, thirty-five dozen large size butcher knives, ten mattocks, one hundred garden or corn hoes, two hundred chopping axes, handled, common size, two hundred chopping axes, handled, small size; one hundred sheetiron camp kettles, large size; one hundred sheet-iron camp kettles, second size.

It is understood, however, that the agent shall use a sound discretion as to the time when, and the tribes or persons to whom the said goods shall be distributed, having reference to their peaceful disposition and good conduct.

ART. 7. In consideration of the premises, the United States, in addition to the numerous presents of beef, bread, sugar, blankets, shirts, &c., &c., made to said tribes at this camp, will, within sixty days from the date hereof, furnish them free of charge

at the ferry of C. W. Durkee, in Klamath river, to enable them to rebuild the houses recently destroyed by the whites, with four dozen chopping axes, handled, ten sacks of hard bread, and four bullocks, sixteen pairs heavy blankets, to be distributed among them by said Durkee, according to their respective losses.

ART. 8. These articles to 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 1851.

REDICK MCKEE, [SEAL.]  
United States Indian Agent for California.

For and in behalf of the Wetch-peck tribe, living at mouth of Trinity.

WUCK-UG-GRA, his x mark. [SEAL.]  
WA-PE-SHAW, his x mark. [SEAL.]  
SA-SA-MICH, his x mark. [SEAL.]  
EN-QUA or AMOS, his x mark. [SEAL.]

For and in behalf of the Wuh-si tribe, living three miles below mouth of Trinity river.

MO-RU-KUS, his x mark. [SEAL.]

For and in behalf of the Cap-pel tribe.

MAH-ON, his x mark. [SEAL.]

For and in behalf of the Moc-ri-ahs.

MAH-ON, his x mark. [SEAL.]  
WUS-SUR, his x mark. [SEAL.]  
UP-PER-GASH, his x mark. [SEAL.]

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

UP-LA-GO-PUS, his x mark. [SEAL.]  
MOO-ROO-KUS, his x mark. [SEAL.]  
SA-ET-MA-GEHL, his x mark. [SEAL.]

For and in behalf of the Pak-iran tribe.

CAP-PEL-LA-WAH, his x mark. [SEAL.]

For and in behalf of the Ut-cha-pah tribe, living near the mouth of Bluff creek.

E-NE-NUCK, his x mark. [SEAL.]  
MOW-WEIGHT, his x mark. [SEAL.]

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

KEE-CHAP, his x mark. [SEAL.]  
RED CAP or MIK-KU-REE, his x mark. [SEAL.]

For and in behalf of the Sa-ron-ra tribe.

SA-VON-RA, his x mark. [SEAL.]  
UP-PA-GRAH, his x mark. [SEAL.]  
EX-FIN-E-PAH, his x mark. [SEAL.]

For and in behalf of Cham-ma-ko-nee tribe.

KA-TOP-KO-RISH, his x mark. [SEAL.]

For and in behalf of the Coc-ko-man tribe.

PA-NA-MO-NEE, his x mark. [SEAL.]

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

AK-KA-REE-TA, his x mark. [SEAL.]



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

Principal chief, AH-ROOK-KOS, his x mark. [SEAL.]
TE-NAS-TE-AH or JOHN, his x mark. [SEAL.]
MET-POOKA-TA-MAH, his x mark. [SEAL.]
NIC-A-WA-EN-NA, his x mark. [SEAL.]
WASH-TEN, his x mark. [SEAL.]

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

JOHN MCKEE, Secretary.
C. W. DURKEE, } Interpreters.
GEORGE GIBBS, }
H. W. WESSELS, Brevet Major, U. S. A., commanding escort.
WALTER VAN DYKE, } Interpreters.
GEO. W. ELLSWORTH, }
MORRIS S. THOMPSON, }
WALTER McDONALD.

A TREATY SUPPLEMENTARY TO THE FOREGOING TREATY.

The undersigned chiefs, captains and head men of the Si-wah, Op-pe-o, He-ko-neck and In-neck tribes or bands of Indians, residing at and near to the mouth of the Cor-a-tem or Salmon river, having had the terms and stipulations of the foregoing treaty, concluded at Durkee's ferry on the 6th instant, fully explained to them by Redick McKee, 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 hereby are admitted as parties to the same, and to the advantages thereof, and become bound by the stipulations therein contained as fully in all respects as if they had been parties thereto originally.

In testimony whereof the parties have hereunto signed their names and affixed their seals at Camp Cor-a-tem, near mouth of Salmon river, this twelfth day of October, anno Domini, 1851.

REDICK MCKEE, [SEAL.]
United States Indian Agent.

For and in behalf of the Si-wah band.
ESSE-PISH-I-A, his x mark. [SEAL.]
RES-SOW, his x mark. [SEAL.]
CHEE-FEE-CHA, his x mark. [SEAL.]
PI-RA-TEEM, his x mark. [SEAL.]

For and in behalf of the Op-pe-o band.
CA-POR-U-PUCK, his x mark. [SEAL.]
PEEK-NEETS, his x mark. [SEAL.]

For and in behalf of the He-ko-neck band.
YAH-FEE-PAH, his x mark. [SEAL.]
HON-A-PUCK-IF-MA, his x mark. [SEAL.]

For and in behalf of the In-neck band.
SISH-KAH, his x mark. [SEAL.]

Signed, sealed and delivered after the foregoing treaty of 6th instant, and this addenda had been fully explained in presence of—

JOHN MCKEE, Secretary.
C. W. DURKEE, Interpreter.
GEORGE GIBBS.
H. W. WESSELS, Brevet Major U. S. A., commanding escort.
JOHN S. GRIFFIN, Assistant Surgeon U. S. A.
WALTER McDONALD.

(R.) TREATY MADE AND CONCLUDED AT CAMP, IN SCOTT'S VALLEY, SHASTA COUNTY, STATE OF CALIFORNIA, OCTOBER 6, 1851, BETWEEN REDICK M'KEE, ONE OF THE COMMISSIONERS ON THE PART OF THE UNITED STATES, AND THE CHIEFS, CAPTAINS AND HEAD MEN OF THE UPPER KLAMATH, SHASTA, AND SCOTT'S RIVER TRIBES OF INDIANS.

A treaty of peace and friendship made and concluded at camp, in Scott's valley, Shasta county, California, between Redick McKee, 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, captains and head men now in 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 known as the O-de-i-lah tribe or band, I-shack chief, from the Upper Klamath river; I-ka-ruck tribe or band, Tso-hor-git-sko chief; Ko-se-tah tribe or band, Ada-war-how-ik chief; I-da-kar-i-waka-ha tribe or band, I-da-kar-i-waka-ha chief, from Shasta valley; Wat-sa-he-wa tribe or band, Ar-rats-a-cho-i-ca chief; E-eh tribe or band, An-na-nik-a-hok chief, from Scott's valley.

ARTICLE 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, 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 instead thereof complaints shall be made by the party aggrieved to the other, through the Indian agent or sub-agent of the United States for their district, who shall investigate, and, if practicable, adjust the difficulty; and in case of 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, the party or parties charged with the commission of the crime shall be promptly delivered up when demanded of the chiefs by the said agent or a duly authorized officer of the county, to be tried for the alleged offence 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 all proper measures to bring the offender or offenders to trial in the same way.

ART. 3. The said tribes or bands for and in consideration of the premises, and of the stipulations and promises hereinafter contained, hereby jointly and severally sell, cede, relinquish, and forever quit claim to the United States, all their right, title, claim or interest of any kind which they or either of them have to the lands they now occupy, and to all other lands or soil in California.

ART. 4. To promote the permanent settlement and improvement of said tribes or bands, it is hereby stipulated and agreed that the following described tract or district of country shall be appropriated and set apart as an Indian reservation, and the use and possession thereof forever guaranteed to the said tribes or bands and their successors, equally with such 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 thereupon, 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 southwest side of a bald hill, and midway between the said cedars; thence running in a southwesterly direction across the said valley to a point projecting into the same, behind which stands a conical peak called Seino's peak; thence over the same and over said peak to the summit of the dividing ridge between the waters of Scott's and Klamath rivers; thence following the same to where a divide runs northward to a creek or large brook entering the Klamath from the northward next above the one entering at Murderer's bar, and known as Indian creek; thence along said divide and across the Klamath river to the mouth of said creek; thence up 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 Klamath; thence due south, crossing the Klamath river, to said point; thence following said divide and the divide separating the waters of Scott's river from the waters of Shasta river to a point in a line with the place of beginning, and thence

southwesterly to said place of beginning; said tract being by estimation twenty-four miles in length from northwest to southeast by fifteen miles in average width, and containing between four and five square miles of tillable land. *Provided, however,* That those citizens of the United States who are now engaged in mining, raising, or washing gold upon that part of Scott's river lying between the first creek entering the same from the north, above the town of Scott's bar and the mouth of said river, shall be permitted to hold and work the claims of which they are now in actual possession for the term of two years from the date of this instrument, unless sooner exhausted; and *Provided further,* That such other citizens of the United States as have already thrown up earth or raised ore on any other part of said reserve shall be allowed until the first day of June next to wash the same, and that those having cabins or other improvements already erected on said reservation shall be permitted to occupy and enjoy the same, free from molestation, until said first day of June, eighteen hundred and fifty-two, and no longer. *It is also further provided,* That the said tribes or bands shall never sell or alienate 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 United States Indian agent for the district. It is agreed and understood, however, that the United States reserves the right of way over said lands, and of using for farming purposes any quantity thereof not exceeding one thousand acres; also the right to establish such military post or posts, erect such buildings, and make such other improvements for the accommodation of an Indian agent and other officers or servants as the President may direct.

ART. 5. The said tribes or bands agree and hereby bind themselves to remove to and settle permanently upon said reservation, within two years from the date hereof, or sooner if thereto required by the Indian agent of the United States; and whenever said removal and settlement shall take place, the United States with a desire to encourage them in acquiring a knowledge of letters, agriculture, and the mechanic arts, will employ and settle among them upon said reservation, one principal school-teacher, with three male and female assistant teachers to instruct said tribes in the different branches of a common-school education and in the domestic arts of sewing and house-keeping, upon the manual labor system; also one practical farmer who shall assist said tribes in cultivating the soil and act as superintendent of agricultural operations, with two assistant farmers, one carpenter or worker in wood who shall direct and aid in the construction of houses, repairing wagons, &c., &c., and one blacksmith or worker in iron also to be employed for their assistance and convenience; all of the above teachers, farmers, and mechanics to be paid and maintained upon said reservation by the United States for the period of five years, and as long thereafter as the President may deem advisable; also, that the United States will erect suitable dwellings, school-houses and shops for the accommodation of an agent, and of the teachers, farmers and mechanics above specified, and store-houses for the protection of the public property.

ART. 6. The United States will also appoint and settle among said tribes upon said reservation, an agent or sub-agent of the Indian department to carry out the stipulations of this treaty and the general laws and regulations of the Indian department pertaining to the government and improvement of said tribes; and until the United States shall have established a military post on or in the neighborhood of said reservation, with a regular physician or surgeon attached thereto, the United States Indian agent for the district shall be authorized, and is hereby directed to employ at the expense of 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 each tribe: and when said military post shall be established, the services of the surgeon thereto attached may be substituted by said agent for those of the physician first employed, allowing him therefor a reasonable compensation.

ART. 7. To aid said tribes or bands in their subsistence while removing to and making their settlement upon said reservation, the United States, in addition to twelve head of beef cattle, twenty sacks (one thousand pounds) of flour, and numerous other presents of blankets, shirts, &c., given to them at this camp, will furnish them, free of charge, during each of the years 1852 and 1853, with two hundred head of beef cattle, to average in weight five hundred pounds net, and two hundred sacks (equal to twenty thousand pounds) of flour, five hundred pair of two and a half point Mackinaw blankets, five hundred pairs strong pantaloons, five hundred cotton (hickory) shirts, five hundred red flannel shirts, six hundred linsey gowns for women and girls, three thousand yards of calico, three thousand yards 4-4 brown sheetings, twenty-five pounds Scotch thread, five thousand needles, assorted, one gross of thimbles, ten pounds of pins, twelve dozen scissors, fifty dozen common size butcher knives, five hundred peajackets of heavy, strong cloth, assorted, one thousand pounds of salt, one hundred hatchets, all to be distributed among them by the agent, according to their respective numbers.

ART. 8. 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 also furnish them with twenty-four brood mares and one stallion, thirty milch 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 wagons, one mule wagon, seeds of all proper kinds for sowing and planting, eight 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 sheet-iron camp-kettles, first size, two hundred sheet-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 carpenter's tools, three thousand pounds of iron, five hundred pounds of steel, assorted, fifty dozen pint tin cups, fifty dozen tin plates, fifty dozen iron-lined spoons, three United States flags. The stock enumerated above, and the product thereof, together with the farming utensils and mechanical tools to be held as the joint property of said tribes or bands, the former 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, exchanged, sold, or otherwise parted with, without the assent and direction of the agent.

ART. 9. 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 1853, 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.

ART. 10. It is further understood and agreed that within the line of the reservation referred to and described in article 4, there shall be retained and set apart a belt or border 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 on or remain, or to pass over except by the highways or roads running through the same, but the same shall be exclusively within the jurisdiction of the United States.

ART. 11. The said tribes or bands hereby bind themselves to deliver up within sixty days from the date hereof, all horses, mules, or other property which 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 county of Shasta; all such property claimed but 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-one.

REDICK 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-EH-NE-QUA, his x mark. [SEAL.]  
PI-O-KUKE, his x mark. [SEAL.]  
SA-NAK-A-HA, his x mark. [SEAL.]

*For and in behalf of the I-ka-ruck tribe or band in Shasta valley.*

TSO-HOR-GIT-SKO, his x mark. [SEAL.]  
CHE-LE-NA-TUK, his x mark. [SEAL.]

*For and in behalf of the Ko-se-tah tribe or band in Shasta valley.*

ADA-WAR-HOW-IK, his x mark. [SEAL.]  
QUAP-SOW-A-HA, his x mark. [SEAL.]

*For and in behalf of the Ida-kar-i-waka-ha tribe or band in Shasta valley.*

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

*For and in behalf of the Wat-sa-he-wa tribe or band in Scott's valley.*

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

For and in behalf of E-ch tribe or band in Scott's valley.

AN-NA-NIK-A-HOK, his x mark. [SEAL.]  
SUN-RISE, his x mark. [SEAL.]

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

- JOHN MCKEE, Secretary.
- GEORGE GIBBS, } Interpreters.
- LINDLEY ABEL, }
- W. T. SMITH, }
- F. H. MCKINNEY, }
- C. McDERMIT, }
- SAMUEL FLEMING, }
- WALTER McDONALD, }
- C. FULTON, }
- WM. H. BURGESS, }
- EDWARD HICKS, }
- WILLIAM DAIN, }
- LIRY SWAN, }
- GEO. W. TAIT, }

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 confidence for the use of the Senate.

Then:

January 18, 1905. 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 and entered into at Camp Belt, on Kings River, in the State of California, on the 13th day of May, 1851, 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—

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 have made their investi-

gation, and the Commissioner of Indian Affairs—the Bureau of Indian Affairs—is working on theirs, and it is not complete as yet. Then the Senate committee suggested that we take up in proper time with the committee such legislation as would really determine this question as to the rights of these Indians.

On May 28, 1852, President Fillmore sent these treaties to the Senate. They are found on pages 390 to 394 of the Executive Journal, United States Senate, 1848 to 1852. Then on June 28, 1852, on page 417 of the same book is found this:

The 18 treaties with Indian tribes in California, received on the 7th and reported without amendment the 28th of June, were severally read the second time and considered as in Committee of the Whole, and no amendment being made thereto they were severally reported to the Senate. On the question being stated on each treaty, to wit: Will it consent and advise to the ratification of this treaty, it was unanimously determined in the negative by the following vote on each treaty.

The CHAIRMAN. Why were there 18 treaties presented? Were they treaties with 18 different bands?

Mr. RAKER. With 18 different bands of Indians, and 18 different tracts of land, and 18 different amounts to be supplied the Indians, which I will call to the committee's attention covered provisions for blacksmith tools, it covered provisions for farming implements, for cattle and horses.

The CHAIRMAN. Are those 18 treaties being operated to-day?

Mr. RAKER. They are not. And it included in the neighborhood of 5,000,000 acres of land.

The CHAIRMAN. Are there any of the treaties in operation to-day?

Mr. RAKER. None. And the Indians proceeded to carry out all of their agreements. They never went on the war path; they became attached to the Government; they participated in all its functions, but the Government proceeded to provide nothing at that time, and for years gave them but little if anything. It proceeded to take all of the land and sell it, and practically all of the land—I guess there is none of it in those treaties, that the Indians were to have was turned over to them, and the land was disposed of as other Government's domain.

The CHAIRMAN. Then under those treaties no land was turned over to the Indians as agreed upon in the treaty?

Mr. RAKER. I think the answer to that is it was not. That is about the statement, is it, Mr. Meritt, as near as I can find out?

Mr. MERITT. These so-called treaties were submitted by the President to the Senate for ratification. The 18 treaties were not ratified by the Senate but were returned with resolutions showing the reasons why the treaties were not ratified.

The CHAIRMAN. Then they never were legally in existence?

Mr. MERITT. The treaties are not now legally in existence.

The CHAIRMAN. Have they ever been?

Mr. MERITT. No, sir. I think it would be well, Mr. Chairman, to place in the record the Senate resolutions returning the treaties without ratification.

The CHAIRMAN. Without objection that will be done.

Mr. RAKER. Of course our contention on that is—and I think the department agrees with it—that the treaties were not for want of ratification abrogated. That is a legal question for the court to determine. In other words, the treaties were entered into, were com-

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 represented 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 7,500,000 acres described in said treaties by metes and bounds, worth at the Government price of \$1.25 per acre about \$9,500,000.

Now, it might be said that the cession 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 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 hostility, cost the lives of many innocent settlers and whose subjugation cost large sums, have been greatly favored, some of them with salaries, while Boos Kaieyou, who, through his determined loyalty no doubt helped to save the menaced settlements at the time of Capt. Jack's rebellion in 1872 and 1873, spends his remaining days 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 ethnologists, 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. In other places the deaths from flu have been very great. 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. MERITT. 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—eviction, starvation, and disease.

Dr. Judson Liftchild, 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 several years as superintendent of the county hospital and almshouse, and county health officer; having studied this question, am not giving opinions secondhand. With the exception of a few counties the indigent, sick, or aged Indian receives practically no aid in this State outside of reservations, he being a shuttlecock between State and National authority, each claiming that the responsibilities rests on the other. 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 tubercular spines and hips and many become blind from trachoma and conjunctivitis. The aged, many of them blind, eke 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. Liftchild 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 right at this time to give to the committee than the report of Mr. C. E. Kelsey, special agent for California Indians, dated March 21, 1906, wherein this entire 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, guaranteed Mexican land titles in the ceded territory as they stood at the time of the transfer. Under Spanish and Mexican law Indians had certain rights to the lands they occupied and could not legally be evicted from them.

You could really stop at that statement without going any further, it seems to me, on this 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 of Guadalupe Hidalgo.

The act of Congress which provided for the settlement of the titles to Spanish and Mexican grants imposed upon the commission appointed to make the settlement the duty of first setting apart for Indian use all lands occupied by them. It may therefore be assumed that Congress considered that the Indians had substantial rights. It was the duty of the commission to investigate and confirm the Indian title wherever Indians occupied lands included within the limits of a Spanish or Mexican grant.

Your special agent has found but two cases out of several hundred grants where this was done, Pauma and Santa Ynez, and in the latter case the terms of the settlement were so uncertain that an 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 sustain 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. It is needless to say that the Indians were evicted, the most recent instance being Warner's Ranch.

Four-fifths of the California Indians, however, were not affected by the 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 territory was exactly the same as everywhere else. The Indian ideas of land ownership are radically different from ours. 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 always recognized, and the Supreme Court has held, 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, except in a portion of California, have been acquired 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 was in the beginning recognized in California. The Government sent out a commission 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 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 forever for Indian use the lands described in the treaties and to pay a certain specified price, payable in a great variety of things, such as provisions, live stock, and miscellaneous goods. The value of the goods thus promised the Indians in northern California was about \$1,500,000, and the land reserved was about 5,500,000 acres, worth, at the Government price of \$1.25 per acre, about \$7,000,000. In southern California the goods promised were worth about \$300,000, and about 2,000,000 acres of land was reserved, worth, at \$1.25 per acre, about \$2,500,000. Some of these reservations were laid out in the mining districts and were strongly opposed by the miners. At that time, in 1851, Indian treaties were submitted to the Senate for ratification. As California had gathered men of influence from all over the land, the miners' protest carried such weight that the Senate rejected not only those treaties that affected the mining districts, but all the treaties. No effort seems ever to have been made to make new treaties or in any way to acquire the Indian title from that day to this, nor have the California Indians ever received 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 down to this point, that all came about by the fact that the treaties that 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 history. But to-day 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 private 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 up their heirship, whatever it might be. My theory of the matter is that the Government owes these Indians and should carry

out its agreement. It can not do it in the way of specific performance, and therefore the only thing that can be done is to provide the fund or amount that should be given to the credit of these Indians, and the Indians should be charged up with what the Government has provided for them in the meantime, giving the real value of the land with certain increases at the present time, and deducting the amount that the Government has allowed to them.

The CHAIRMAN. How long ago did the Government begin to do something for those Indians in the way of building schools and furnishing them with rations and things of that sort?

Mr. RAKER. May I say 20 years, Mr. Meritt?

Mr. MERITT. During the last 20 years we have been trying to educate the Indians, and we have also purchased a considerable amount of land for them. Congress has been making appropriations for them annually.

The CHAIRMAN. Then from 1854 down to 20 years ago the only thing the Government did for the Indians was to take their land away from them?

Mr. RAKER. That is it.

Mr. MERITT. There were appropriations made for the Indians prior to 20 years ago, and when I make my statement I will ask permission to insert in the record the appropriations that have been made for those Indians.

Mr. HERNANDEZ. Has a census ever been made of these Indians?

Mr. MERITT. We have a census of the California Indians, and when I make my statement I will also want to place in the record a census for the last 15 years, to show that there has been a very small decrease in the Indian population of California since we have been taking care of them. Prior to that time a great many Indians lost their lives out there from neglect and other causes.

Mr. HERNANDEZ. In connection with this law it would be very necessary to have a census of them, so that other Indians from other sections of the country could not get in there.

The CHAIRMAN. And could not participate.

Mr. HERNANDEZ. Yes; it is an analogous case to that of the Pueblo Indians, except that the Pueblo Indians did retain their lands.

Mr. RAKER. Now, this report covers that matter quite fully, and I think what I have read gives the gist of the matter, and as these reports are quite scarce I would like to have permission to make this part of the hearing.

The CHAIRMAN. It is ordered printed, then, unless there is objection.

(The report of C. E. Kelsey, referred to, appears hereafter in the report on California nonreservation Indians, by Malcolm McDowell.)

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

Do I understand that this bill refers to Indians belonging to a tribe known as the California Indians, or does it relate to Indians—to all Indians in the State of California?

Mr. RAKER. To all Indians in the State of California who desire to participate in such legislation.

Mr. RHODES. Well, suppose a Flathead happened to live in the State of California, would this legislation give such Flathead Indian a right to go into the Court of Claims for the purpose of bringing a suit against the Government with regard to any question that might exist between such Flathead Indian and the Government, as a member of that tribe?

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 imagine 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. RHODES. That is exactly why I asked the question, because offhand, with the first explanation given I would hold that that would give any Indian residing in the State of California the right to litigate any claim that he might have against the United States, regardless of the tribe to which he belonged, or of which he might be a descendant. 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 names.

Mr. RHODES. Then it must be that that 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. RHODES. It also says, "any tribes or bands."

Mr. MERITT. Mr. Chairman, may 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 living in California, to submit his claim.

The bill provides, "that all claims of whatsoever nature which any tribes 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. RHODES. That would shut out any individuals or bands having claims in other States.

Mr. MERITT. Yes, sir; I think the bill clearly limits it to tribes or 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 Starr Jordan, Dr. George C. Pardee, who afterwards became governor of the State; and Mrs. J. W. Dinsmore.

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 lot of people who were only interested to see that proper consideration was given those Indians.

The CHAIRMAN. Without objection that may be inserted in the record.

(The paper referred to follows:)

THE NORTHERN CALIFORNIA INDIAN ASSOCIATION.

To the honorable the Congress of the United States:

The undersigned, the Northern California Indian Association, hereby respectfully renews its petition of last session and prays your honorable body for the relief of the landless Indians in Northern California.

The petitioner is a body corporate under the laws of the State of California, having its principal place of business in the city of San Jose, Calif., and is organized for "benevolent, charitable and missionary purposes for the benefit of the Indians of California," among which purposes are the following:

"To aid the Government and the people of the United States in preventing all oppression of Indians, and securing to each and every Indian the same rights, protection, and privileges under the laws, whether national or State, as are secured to all citizens and inhabitants of the United States of whatever race or color.

"To engage in and aid in educational, missionary, and other work among the Indians of California, for their benefit and advancement in the same manner, as far as may be, as that pursued by the National Indian Association of the United States."

During the last 10 years the petitioner has had occasion to investigate carefully the conditions surrounding the northern California Indians, and the causes of their present state.

We find it to be a fact that elsewhere than in California it has been the universal practice of the Government of the United States to recognize the Indian right of occupancy of the lands claimed by the various tribes, and everywhere but in California this right has been extinguished only by payment therefor. In the greater part of the State of California the Indian right of occupancy has been canceled and the Indians have never received a single dollar for their rights in more than 100,000 square miles of territory.

In the early days of American occupation, commissioners were sent out from Washington to make treaties with the Indians of California, and treaties were actually negotiated with some 80 or 90 bands. These treaties contained the provisions usual to such treaties of the time, but none of them were ratified by the United States Senate, and so in the governmental view never became operative. Nevertheless, although the Government has never recognized these treaties as binding upon itself, it has appropriated every advantage conferred by the treaties without in any manner carrying out its part of the agreement or paying any of the things agreed to be paid. The Government has not only seized the Indian lands which it agreed to purchase in the treaties, but the Indian reservations also and has sold the same to settlers.

The two or three tribes who resisted the occupation of their lands by whites received reservations, which are now either allotted or in progress of being allotted. These Indians number about 1,700. The great body of northern California Indians, who were faithful to their treaty obligations, notwithstanding the bad faith of the Government, have received nothing, not even school privileges for their children or the equal protection of the law. These Indians now number, as nearly as this petitioner is able to estimate, between thirteen and fourteen thousand.

The Indians last mentioned have surrendered their right of occupancy to the United States upon the promise of the Government to pay a stated consideration, and the consideration has not been paid. The Government is in the position of one who has bought real estate and relies upon the invalidity of his own act to escape paying the agreed price. It seems clear to us that the Government can not honestly retain both the land and the price.

The results of the failure of these treaties have been disastrous to the Indians of northern California. They secured the greater part of their living from the soil, and with the loss of their land, which has come sooner or later, their means of securing a livelihood is at an end, and they have been plunged into the extreme of destitution and misery. The vices and diseases imported with civilization have been fatal to the majority, and the mortality has been so great that it is estimated that their number to-day is not more than 12 or 15 per cent of their number 60 years ago. With the loss of their lands the Indians have become squatters and tenants upon sufferance, and have been the victims of a constantly increasing series of evictions as the white population has increased and the pressure for land has grown greater. The uncertain tenure and enforced removals has largely prevented missionary and school work among them, while race prejudice has for the most part debarred their children from the public schools. Their position has year by year been growing more desperate, and the misery to which some of the bands have been reduced is now extreme.

Of the 13,500 nonreservation Indians north of Tehachapi, about 2,500 are scattered in small bands of from one to four families; the great body of them, numbering about 11,000, are isolated in small settlements of from 20 to 150 souls, averaging about 50. In these petty communities the conditions are worse than upon any American reservation, for they are open to all the vicious and demoralizing features of civilization, and cut off wholly from schools, missions, or anything that makes for good, and the Indians living in them are often without protection as to person or property and are liable to eviction at any moment.

The few Indians who have lands are in far better condition. Most of them have received or are in process of receiving their allotments in severalty, and have had educational and missionary instruction for many years past. The present unfortunate condition of the nonreservation Indians of northern California is largely and perhaps wholly owing to their landless condition. And this landless condition results from the seizure of their lands by the Government of the United States without payment therefor. We therefore earnestly petition and pray that lands be granted to the landless Indians of northern California in partial payment, at least, of their just claim against the Nation. We should deprecate the payment of money or goods or household or farming utensils as demoralizing in the extreme. We consider that reservations would be disastrous to the Indians and would put them back 50 years in their advance toward civilization.

It is our belief that individual allotments in severalty under the terms of the general allotment acts and with accompanying citizenship can safely be given to these Indians and will for the most part settle the problem here. As most Indians are unable to use large farms properly, small tracts of a few acres to each family is all that is required.

We are fully aware that there is a provision in the statutes by which Indians are entitled to select allotments from the public domain. From the passage of this act to April 1, 1904, 2,021 such allotments have been made in northern California of which 148 have been canceled, leaving 1,873 now outstanding. The Indians provided for by these 1,873 allotments number about 2,800. Less than 1,000 are provided for by ownership of lands by themselves or by others, leaving about 10,000 Indians who are landless and homeless and subject to eviction any day. More than 1,600 of the 1,873 allotments are in the counties of Plumes, Lassen, Modoc, Siskiyou, and Shasta, where the white population is not as yet very dense.

The petitioner has also made extensive inquiries as to the land available for settlement by these Indians. We find that there is very little land of the class called in California agricultural land available for entry; that the grazing lands are not well suited for the purpose, and are largely in the possession of cattle men; that only steep canyon sides, tops of ridges, barren peaks, and deserts remain in the hands of the Government.

The allotments already made are chiefly of this character. And so barren and sterile are they that more than two-thirds of the Indians receiving allotments are compelled to reside away from their allotments in order to live.

The great body of landless Indians live in places remote from Government lands. Very little of the vacant land is capable of furnishing a living to any one. To place these Indians upon such lands would mean wholesale starvation. The Indians are intensely attached to the localities where they have lived for generations, and refuse to live elsewhere. They also have the acquaintanceship and means of making their own living, such as it is, where they now are, and if they are granted lands in the neighborhoods where they now live they will be no further expense to the United States; whereas if they be sent to any of the Government land now remaining they will be a source of expense for years to come.

We therefore recommend and petition that our landless Indians be given small tracts of land in severalty where they now reside; that their own lands be given them wherever possible; and that a sufficient sum be appropriated to purchase these tracts wherever there is no Government land available. The amount required for this purpose is far less than will be required to relieve their necessities after they are evicted from their present homes, and will be but a very small portion of the sums which the Government has already received from the sale of the Indian lands. We do not ask this tardy justice for the Indians of northern California because they are hungry or poverty-stricken or degraded—and some of them are all these—but because their present miserable condition directly results from the act of the Government of the United States.

The nonreservation Indians of northern California are morally, and we believe, legally, entitled to redress from the National Government; and we venture to suggest a form of relief that will not injure its beneficiaries. A further form of relief is the establishment of schools for the Indian children. The Government has established

and is now supporting six day schools and two training schools, whose pupils are nearly all from these nonreservation Indians. These Government schools have an enrollment of about 350. There are enrolled in the missionary and public schools about 300 more. A few school districts admit Indian children, but in the vast majority of districts racial prejudice debar those of Indian blood. We hope that in a generation or two this prejudice will pass away. In the meantime, fully 2,000 Indian children of school age are growing up without any instruction of any kind.

The nonreservation Indians of northern California are further subject to certain legal disabilities. As these Indians did not become citizens under the treaty Guadalupe Hidalgo, and as there has since been no legislation making them citizens, the State of California has regarded them as subject to the protection of the National Government, the same as other Indians; while since the failure of the treaties, the General Government has repudiated all responsibility for them as wards of the United States. This has left these nonreservation Indians without any recognized legal status, a fact which has, in those parts of California where racial prejudice against Indians is still strong, subjected them to much oppression and abuse.

THE NORTHERN CALIFORNIA INDIAN ASSOCIATION.  
Mrs. T. C. EDWARDS, President.  
C. E. KELSEY, Secretary.

Mr. RAKER. 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. RAKER. 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. RAKER. Now, Mr. Chairman, what I have placed in the record, with what Mr. Meritt has, all of this data, I just want to recapitulate on this one matter.

I think clearly 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 Raker 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 18 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.

I will ask to have included at this point the resolution of the Senate returning the treaties to the President, which will be self-explanatory. (The paper referred to follows:)

The eighteen treaties with Indian tribes in California received on the 7th and reported without amendment the 28th June, were severally read the second time, and considered as in Committee of the Whole; and no amendment being made thereto, they were severally reported to the Senate.

On the question being stated on each treaty, to wit, Will the Senate advise and consent to the ratification of this treaty?

It was unanimously determined in the negative by the following vote on each treaty:

Those who voted in the negative are,  
Messrs. Adams, Atchison, Bayard, Borland, Bradbury, Brodhead, Brooke, Charlton, Clarke, Cooper, Dawson, De Saussure, Dodge of Wisconsin, Dodge of Iowa, Douglas, Felch, Foot, Geyer, Gwin, Hamlin, Hunter, Jones of Iowa, Mallory, Mangum, Miller, Norris, Pratt, Rusk, Shields, Smith, Soule, Spruance, Sumner, Toucey, Upham, Wade, Walker.

So it was respectively determined as follows, to wit:

*Resolved*, That the Senate do not advise and consent to the ratification of the treaty of peace and friendship made and entered into at Camp Belt, on King's River, in the State of California, on the thirteenth 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, the Ta-ches, Cah-wai, Yo-kol, Ta-lum-ne, Wic-chum-ne, Hol-cu-ma, To-e-neche, Ti-hue-maschi, In-tim-peach, Chol-nuck, We-mil-ches, and Mo-ton-toes, of the second part.

*Resolved*, That the Senate do not advise and consent to the ratification of the treaty of peace and friendship made and entered into at Camp Keyes, on the Cahwai 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, Ko-ya-te, Wo-la-si, Nu-chow-we, Wack-sa-che, Pal-wisha, Po-ken-welle, and Ya-wil-hine, of the second part.

*Resolved*, That the Senate do not advise and consent to the ratification of the 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 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, Chu-nute, Wo-wol, Yo-lum-ne, Co-ye-rie, of the second part.

*Resolved*, That the Senate do not advise and consent to the ratification of the treaty of peace and friendship made and entered into at Camp Persier F. Smith, at the Texon 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, Cas-take, Texon, San-Imirio, Uvas, Carises, Buena Vista, Sena-hu-ow, Heio-cla-me, Soho-nuts, To-cia-a, and Hol-mi-uh, of the second part.

*Resolved*, That the Senate do not advise and consent to the ratification of the treaty of peace and friendship made and concluded at Dent and Vantine's Crossings, on the Stanislaus River, California, between the commissioner plenipotentiary of the United States of America, of the one part, and the chiefs, captains and head men of the Iou-ol-umne, We-chilla, Su-caah, Co-to-planemis, Chap-pah-sims and Sage-room-nes, tribes 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 Union, near the Yaba 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, viz, Daspia, Ya-ma-do, Yol-lamer, Wal-de pa can, On-o-po-ma, Mon-e da, Wau-muck, Nem-shaw, Bem-pi, Ya-cum-na, 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 near Bedwell's Ranch, on Chico Creek,



between the United States Indian agent, O. M. Wozencraft, of the one part, and the chiefs, captains and head men of the following tribes, viz. Mi-chop-da, Es-kuin, Ho-lo lu-pi, To-to, Si-mus, Che-no, Bat-si, Yut-duc, Sim-sa-wa, 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 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. Noi-ma, Noe-ma, Y-lac-ca, No-me, Noi-ma, 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, Tar-nah, Cha-doc-duc, Cham-ner-co, Toc-de, 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 Cosumnes 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, viz. Cu-lus, Yaa-shi, Loc-lura-ne, and Wa-pum-nes, 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 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-we-as, and the tribe of Co-com-cah-ras, 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 Diequino 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 eighteen hundred 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 to treat with the various tribes of Indians in the State of California, of the one part, and the chiefs, captains, and head men of the Si-yan-te, Po-to-yan-te, Co-co-noon, Apang-as-se, Aplache, and A-wa-a-che, tribes of Indians, 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 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 headmen of the tribes or bands of Indians now in council at this camp, known as the How-ech-ees, Chook-chanees, Chow-chillies, Po-bo nee-chees, and Nook-choos, which five tribes or bands acknowledge Nay-yah-qua as their principal chief; also the Pit-cat-chees, Cas-sous, Toom-nas, Tallin-chees, and Pos-keas, which five tribes or bands acknowledge Tom-quit as their principal chief; also the Wa-cha-ets, Itachees, Cho-e-nem-nees, Cho-ki-men-as, We-mal-ches, and No-to-no-tos, which six tribes or bands acknowledge Pasqual as their principal chief, 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 Lu-pi-yu-ma, on the south side of Clear Lake, between Redick McKee, 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, captains, and headmen of the tribes or bands of Indians now in council at this camp, known as the Ca-la-na-po tribe, represented by the Julio and captains; Na-bi-no-po tribe, represented by the chief, Pri-e-to, and his captains; Da-do-ha-bo tribe, represented by the chief, Ku-kee; Mo-al-kai tribe, represented by the chief, Moh-shaw, and his captains; Che-com tribe, represented by the chief, Cal-i-a-him and his captains; How-ku-ma tribe, represented by the chief, Chi-pec, and his captains; Cha-nel-kai tribe, represented by the chief, Cou-chu, and the Mo-dam-a-dec tribe, represented by the chief, Co-e-u-re, 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 Fernando Felix, on Russian River, California, between Redick McKee, 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, captains, and headmen of the tribes or bands of Indians now in council at this camp, known as the Sai-nell tribe, represented by the

chief, Chas-kan and captains; Ya-ki-as tribe, represented by the chief Ko-yn-to-wa-sa and captains; Mas-su-ta-ka-ya tribe, represented by the chief Cal-pel-la and captains; Po-mo tribe, represented by the chief Chi-bem, 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 Klamath, at the junction of the Klamath and Trinity Rivers, between Redick McKee, 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 chiefs, captains, and headmen of the tribes or bands of Indians now in council at this camp, representing the Poh-lik or Lower Klamath, the Peh-tsick or Upper Klamath, 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.

*Resolved*, That the Senate do not advise and consent to the ratification of the treaty of peace and friendship made and concluded at camp in Scott's Valley, Shasta County California, between Redick McKee, 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, captains, and headmen now in 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 known as the O-de-i-lah tribe or band, I-shak, chief, from the Upper Klamath River; I-ka-ruck tribe or band, Tso-hor-get-sho, chief; Ko-se-tah tribe or band, Ada-wai-how-ik, chief; I-da-kai-i-waka-ha tribe or band, I-da-kai-i-waka-ha, chief, from Shasta Valley; Wat-sa-he-wa tribe or band, Ar-rats-a-cho-i-ca, chief; E-em tribe or band, An-na-nik-a-hok, 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. MERITT. 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 against the Government adjudicated. We are not at all in sympathy 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.

Now as to the number of the California Indians: It is claimed that there was a very much larger Indian population in California 50 or 100 years ago than there is now. The figures have ranged anywhere from 100,000 up to 700,000. I think the 700,000 figure is greatly exaggerated. During the last 20 years there has been but a slight variation in the population of the California Indians.

The CHAIRMAN. During the last how many 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. MERITT. The matter referred to follows:

*Indian population of California.*

1905.....	15, 519	1913.....	16, 513
1906.....	19, 214	1914.....	15, 226
1907.....	18, 988	1915.....	15, 034
1908.....	20, 010	1916.....	15, 335
1909.....	19, 788	1917.....	15, 362
1910.....	20, 976	1918.....	15, 725
1911.....	16, 371	1919.....	16, 215
1912.....	17, 517		

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:)

States, superintendencies, and tribes.	Total population.	Male.	Female.	Minors.	Adults.	Full blood.	Mixed blood.	
							More than half.	Half or less.
California.....	16,215	8,219	7,996	5,575	10,640	11,172	3,295	1,748
Bishop School.....	1,518	725	793	372	1,148	1,223	187	106
Mosche.....	50	30	20					
Paiute.....	1,378	645	733	372	1,146	1,223	187	108
Shoshoni.....	90	50	40					
Campo School.....	229	115	114	80	149	203	25	1
Mission Indians at Campo.....	139	79	60	49	90	127	12	
Cuyapaipa.....	10	4	6	1	9	10		
Laguna.....	4	2	2	1	3	3	1	
La Posta.....	10	3	7	4	6	9		
Manzanita.....	86	27	39	25	41	54	11	1
Digger Agency—Digger.....	280	143	137	95	185	40	230	10
Fort Bidwell School.....	719	339	380	237	482	707	8	4
Digger.....	5	3	2	2	3	2		3
Paiute.....	208	119	87	92	114	205		1
Pit River.....	508	217	291	143	365	500	8	
Fort Yuma School.....	968	519	449	387	581	933	91	4
Cocopah.....	140	74	66	57	73	140		
Yuma.....	828	445	383	320	508	793	31	4
Greenville School.....	2,924	1,488	1,436	1,027	1,897	1,455	376	1,063
Concow, Digger, and Washo.....	693	369	324	277	416	340	171	182
Redding District—various tribes.....	2,231	1,119	1,112	750	1,481	1,115	205	911
Hoopa Valley School.....	1,712	849	863	719	993	1,082	555	95
Bear River.....	28	19	9	14	14	20	8	
Eel River.....	118	62	56	55	63	98	20	
Crescent City.....	141	74	67	52	89	101	40	
Hupa.....	507	253	254	223	284	230	254	23
Klamath.....	578	288	290	236	342	370	208	
Lower Klamath.....	340	158	187	139	201	243	25	72
Maliki School.....	628	344	284	226	402	510	32	86
Mission Indians at Augustine.....	22	13	9	6	16	21		1
Cabasen.....	29	16	13	7	22	28		1
Martinez.....	122	74	48	38	84	115	2	5
Mission Creek.....	9	7	2	4	5	9		
Morengo.....	246	132	114	106	140	137	30	79
Palm Springs.....	50	26	24	10	40	50		
San Manuel.....	57	28	29	14	43	57		
Torres.....	93	48	45	41	52	93		
Pala School.....	1,054	537	517	373	681	884	160	10
Mission Indians at Pala.....	208	99	109	75	133	181	37	10
Capitan Grande.....	143	77	66	80	83	126	17	
La Jolla.....	240	130	110	90	150	234	6	
Panama.....	57	25	32	20	37	56	1	
Pechanga.....	216	109	107	55	161	178	40	
Rincon.....	141	71	70	49	92	89	52	
San Pasqual.....	4	1	3	2	2	1	3	
Syquan.....	45	25	20	22	23	41	4	
Round Valley School—Concow, Ukia, and others.....	1,342	681	661	496	1,046	1,042	1140	

\* 1910 census.

\* Estimated.

States, superintendencies, and tribes.	Total population.	Male.	Female.	Minors.	Adults.	Full blood.	Mixed blood.	
							More than half.	Half or less.
California—Continued.								
Soboba School.....	896	494	402	313	583	664	185	47
Mission Indians at Soboba.....	128	67	59	37	89	111	15	
Cahuilla.....	124	64	60	34	90	117	7	
Inaja.....	33	13	17	12	23	35		
Los Coyotes.....	110	66	44	41	69	110		
Mesa Grande.....	195	111	84	79	116	96	53	46
Santa Rosa.....	80	35	25	10	50	60		
Santa Ynez.....	71	37	34	24	47	3	68	
Volcan.....	175	98	79	76	99	132	42	1
Tule River School.....	445	235	210	220	245	431	14	
Tule River.....	158	83	85					
Auberry.....	151	76	75	200	245	431	14	
Burrough.....	138	66	70					
Scattered tribes—Digger—under Special agent, Reno, Nev.....	13,000	1,500	1,500	750	2,250	2,400	450	150

1910 census.

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. RHODES. 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 number of acres that have been purchased for them.

(The matter referred to follows:)



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

Mr. MERITT. 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 lands?

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

Mr. MERITT. 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. MERITT. 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 those treaties were not carried out—at least not entirely—by the Federal Government.

Mr. RHODES. What I was just considering was, if some of those lands included the rich gold mining properties of California, a very fabulous sum might be found for these Indians.

Mr. MERITT. 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. MERITT. 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. RAKER. Now, before you leave that, Mr. Meritt, as you have 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. MERITT. 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, because 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. MERITT. 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 educating Indians in these schools we are cooperating with the State of California in educating some of the California Indian children off the reservations. The California Indian has been held by the courts to be a citizen of the State, and we are trying to get the State of California to assume its full share of this responsibility, but we are cooperating with them to the limit with the amount of money that is available.

The CHAIRMAN. There will be no objection to that.  
Mr. MERITT. The matter referred to follows:

Government schools in California, September, 1919, to Mar. 1, 1920.

Name.	Post office.	Capacity.	Average enrollment.	Average attendance.	Kind.
<b>Bishop superintendency:</b>					
Bishop.....	Bishop.....	60	43	34	Day.
Big Pine.....	Big Pine.....	30	19	15	Day.
Independence.....	Independence.....	20	10	9	Day.
Pine Creek.....	Round Valley.....	35	20	17.4	Day.
Campo.....	Campo.....	30	14	14	Day.
Fort Bidwell.....	Fort Bidwell.....	98	82	82	Nonreservation boarding.
<b>Fort Yuma superintendency:</b>					
Fort Yuma.....	Yuma, Ariz.....	180	122	119	Reservation boarding.
Cocopah.....	Somerton, Ariz.....	40	16	12	Day.
Yuma Valley.....	Yuma, Ariz.....	40	114	104	Nonreservation boarding.
Greenville.....	Greenville.....	90	114	104	Reservation boarding.
<b>Hoopa Valley.....</b>					
Hoopa.....	Hoopa.....	165	156	138	Reservation boarding.
<b>Pala superintendency:</b>					
Pala.....	Pala.....	30	25	22	Day.
La Jolla.....	Valley Centre.....	30	15	13	Day.
Rincon.....	Valley Center.....	14	7	6	Day.
<b>Round Valley superintendency:</b>					
Round Valley.....	Ukiah.....	25	18	9	Day.
Pinoville.....	Upper Lake.....	30	21	16	Day.
Upper Lake.....	Ukiah.....	40	18	11	Day.
Yokais.....	Riverside.....	700	699	608	Nonreservation boarding.
Sherman Institute.....					
<b>Soboba superintendency:</b>					
Mesa Grande.....	Mesa Grande.....	30	15	14	Day.
Volcan.....	Santa Ysabel.....	30	20	14	Day.
<b>Tule River superintendency:</b>					
Auberry.....	Auberry.....	32	24	17	Day.
Burrough.....	Toll House.....	24	24	20	Day.
Tule River.....	Porterville.....	30	15	14	Day.

Mr. MERITT. I believe that is all I wish to say, Mr. Chairman. The appropriations made by Congress for the benefit of California Indians are as follows:

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

Acts.	Statutes.	Purpose for which appropriated.	Amount appropriated.	Expended.	
				Year.	Amount.
Aug. 30, 1852	10, 56	For preservation of peace, etc.	\$100,000.00	1852	\$99,951.70
Mar. 3, 1853	10, 238	For removal, subsistence, etc.	250,000.00	1853	250,000.00
July 31, 1854	10, 332	do	300,000.00	1854, 1855	200,000.00
Mar. 3, 1855	10, 638	do	175,000.00	1856	175,000.00
Do	10, 639	do	150,000.00	1856	150,000.00
Aug. 18, 1856	11, 79	do	91,650.00	1857	91,650.00
Mar. 3, 1857	11, 183	do	167,000.00	1858	167,000.00
June 12, 1858	11, 330	do	107,000.00	1859-1862	50,000.00
June 16, 1860	12, 57	do	50,000.00	1861, 1863	50,000.00
Mar. 2, 1861	12, 236	do	25,000.00	1864-1869	25,000.00

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

Acts.	Statutes.	Purpose for which appropriated.	Amount appropriated.	Expended.	
				Year.	Amount.
July 5, 1862	12, 540	For removal, subsistence, etc.: also clothing, cattle, etc.	\$40,000.00	1862, 1863	\$10,000.00
Mar. 3, 1863	17, 730	do.	50,000.00	1863, 1864	50,000.00
June 25, 1864	13, 179	For cattle, subsistence, clothing, farm implements, etc.	55,000.00	1864-65	55,000.00
Mar. 3, 1865	13, 557	do.	55,000.00	1865, 1866	55,000.00
July 26, 1866	14, 278	do.	55,000.00	1866, 1867	55,000.00
Nov. 2, 1867	14, 513	do.	55,000.00	1867, 1868	55,000.00
July 27, 1868	15, 221	do.	40,000.00	1868, 1869	40,000.00
Mar. 2, 1867	14, 513	Crist and saw mill, Round Valley Reservation	5,000.00	1867	5,000.00
July 27, 1867	15, 221	For cattle, subsistence, clothing, farm implements, etc.	5,000.00	1869	5,000.00
Apr. 10, 1869	16, 37	do.	60,000.00	1870	57,822.19
July 15, 1870	16, 357	Goods, farm implements, etc.	75,000.00	1871	75,000.00
Mar. 3, 1871	16, 368	do.	75,000.00	1872	75,000.00
May 29, 1872	17, 187	do.	85,000.00	1873	85,000.00
Feb. 14, 1873	17, 459	do.	85,000.00	1874	79,771.89
Mar. 3, 1873	17, 459	Goods, farm implements, etc. (deficiency)	10,000.00	1872	10,000.00
June 22, 1874	18, 141	Goods, farm implements, etc.	70,000.00	1873	69,867.21
Do.	18, 141	do.	12,753.04	1875	11,444.01
Mar. 2, 1875	18, 445	do.	60,000.00	1876	54,238.40
Aug. 15, 1876	19, 198	do.	30,000.00	1877	29,372.01
Mar. 3, 1877	19, 392	do.	25,000.00	1878	24,784.63
May 27, 1878	20, 85	For incidental expenses, including support and civilization	35,000.00	1879	31,839.17
Feb. 17, 1879	20, 314	do.	35,000.00	1880	35,000.00
July 11, 1880	20, 310	do.	32,000.00	1881	31,711.77
Mar. 31, 1881	20, 500	do.	32,000.00	1882	31,088.99
May 17, 1882	22, 84	do.	32,000.00	1883	31,830.35
Mar. 1, 1883	22, 447	do.	29,000.00	1884	25,574.08
July 4, 1884	23, 93	do.	29,000.00	1885	28,845.80
Mar. 3, 1885	23, 379	do.	28,000.00	1885	25,493.50
May 15, 1886	24, 42	do.	28,000.00	1887	25,345.92
Mar. 2, 1887	24, 462	do.	28,000.00	1888	24,127.96
June 29, 1888	25, 232	do.	27,000.00	1889	25,673.56
Mar. 2, 1889	25, 996	do.	27,000.00	1890	26,624.13
Aug. 19, 1890	26, 352	do.	27,000.00	1891	26,508.24
Mar. 3, 1891	26, 1006	do.	28,000.00	1892	27,394.14
July 1, 1892	27, 62	Lands and improvements for Mission Indians	5,000.00	1893	5,000.00
July 13, 1892	27, 136	Support, etc., Mission Indians	10,000.00	1893	9,963.93
Do.	27, 136	do.	24,000.00	1893	22,315.29
Mar. 3, 1893	27, 828	do.	10,000.00	1894	9,912.65
Do.	27, 828	Support, etc., Digger Indians	10,000.00	1894	10,000.00
Do.	27, 829	Support, etc.	24,000.00	1894	22,542.42
Aug. 15, 1894	25, 302	Support, etc., Digger Indians	10,000.00	1895	8,600.00
Do.	25, 304	Support, etc., Mission Indians	10,000.00	1895	9,735.92
Do.	25, 304	Support, etc.	28,000.00	1895	19,176.00
Mar. 2, 1895	26, 592	Support, etc., Mission Indians	10,000.00	1896	8,566.87
Do.	26, 593	Support, etc.	21,000.00	1896	16,338.17
June 10, 1896	29, 337	Support, etc., Mission Indians	10,000.00	1897	6,495.37
Do.	29, 338	Support, etc.	21,000.00	1897	18,742.95
June 7, 1897	30, 77	Support, etc., Digger Indians	3,900.00	1898	1,088.16
Do.	30, 78	Support, etc.	21,000.00	1898	15,793.33
July 1, 1898	30, 78	Support, etc., Mission Indians	10,000.00	1899	3,032.11
Do.	30, 583	do.	3,000.00	1899	2,909.89
Do.	30, 368	Support, etc.	21,000.00	1899	14,898.70
Mar. 1, 1899	30, 937	Support, etc., Digger Indians	2,500.00	1900	1,441.67
Do.	30, 938	Support, etc., Mission Indians	3,000.00	1900	3,000.00
Do.	30, 938	Support, etc.	21,000.00	1900	14,652.12
Mar. 3, 1899	30, 1234	Support, etc., Digger Indians (deficiency)	500.00	1900	450.00
May 31, 1900	31, 234	Support, etc., Digger Indians	2,500.00	1901	1,567.60
Do.	31, 233	Support, etc., Mission Indians	1,500.00	1901	1,500.00
Do.	31, 233	Support, etc.	15,000.00	1901	12,512.11
Mar. 3, 1901	31, 1071	Support, etc., Digger Indians	2,500.00	1902	1,648.02
Do.	31, 1072	Support, etc., Mission Indians	3,000.00	1902	1,576.66
Do.	31, 1073	Support, etc.	15,000.00	1902	11,485.77
May 27, 1902	32, 255	Support, etc., Digger and Mission Indians	1,500.00	1903	1,500.00
Do.	32, 257	Support, etc., including purchase of land, etc.	100,000.00	1906	100,000.00
Do.	32, 257	Support and civilization, etc.	15,000.00	1903	12,119.19
Mar. 3, 1903	32, 992	Support, etc., Digger Indians	1,500.00	1904	1,014.51
Do.	32, 993	Support, etc.	15,000.00	1904	12,308.12
Apr. 21, 1904	33, 503	do.	12,000.00	1905	10,519.08
Do.	33, 1057	Support, etc., Mission Indians	5,000.00	1905	4,306.69

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

Acts.	Statutes.	Purpose for which appropriated.	Amount appropriated.	Expended.	
				Year.	Amount.
Mar. 3, 1905	33, 1058	Support, etc., Northern Indians	\$10,000.00	1906	\$4,184.75
Do.	33, 1055	Support, etc.	12,000.00	1906	10,518.68
June 21, 1905	34, 333	Support and civilization, etc.	11,000.00	1907	10,690.65
Do.	34, 333	Support, etc., Mission Indians	5,000.00	1907	4,378.56
Do.	34, 333	Support, etc., Northern Indians	10,000.00	1907	104.70
Do.	34, 333	Land, etc.	100,000.00	1907-1909	100,000.00
Mar. 1, 1907	34, 1022	Support, etc.	11,000.00	1903	10,793.27
Do.	34, 1022	Support, etc., Mission Indians	3,000.00	1908	3,367.28
Do.	34, 1022	Support, etc., Northern Indians	10,000.00	1908	10,425.93
Apr. 25, 1908	35, 76	Support, etc., Mission Indians	15,000.00	1909	12,924.05
Do.	35, 76	Support, etc., Northern Indians	20,000.00	1909-1911	20,000.00
Do.	35, 76	Land, etc.	50,000.00	1909-1911	50,000.00
Do.	35, 77	Support, etc.	11,000.00	1910	10,744.49
Mar. 31, 1909	35, 78	Support, etc., Hoopa Valley	10,000.00	1910	9,988.43
Do.	35, 78	Support, etc., Mission Indians	20,000.00	1910	19,419.59
Do.	35, 78	Support, etc., including purchase of land	20,000.00	1910	19,810.32
Apr. 4, 1910	36, 273	Support, etc., including land	11,000.00	1910	10,268.23
Mar. 3, 1911	36, 1062	do.	42,000.00	1911	39,190.03
Aug. 24, 1912	37, 522	do.	57,000.00	1912	55,612.08
June 30, 1913	38, 36	do.	37,000.00	1913	35,932.29
Do.	38, 36	Wagon road, Hoopa Valley	5,000.00	1914	5,000.00
Aug. 1, 1914	38, 589	Support and civilization	42,000.00	1915-16	40,459.27
Do.	38, 589	Purchase of land for Indians	10,000.00	1915-16	10,000.00
Mar. 4, 1915	38, 1228	Support and civilization	42,000.00	1916	40,981.57
Do.	38, 1228	Purchase of lands for Indians	10,000.00	1916	10,000.00
May 18, 1916	39, 132	do.	10,000.00	1917	10,000.00
Do.	39, 132	Support and civilization	42,000.00	1918	41,006.22
Mar. 2, 1917	39, 675	do.	42,000.00	1918	41,054.58
May 25, 1918	40, 570	Purchase of land, etc.	20,000.00	1918	250.80
Do.	40, 570	do.	20,000.00	1919	13,123.00
June 30, 1919	(1)	Support and civilization	42,000.00	1919	41,929.97
Do.	(1)	do.	42,000.00	1920	35,933.67
Feb. 14, 1920	(1)	Purchase of land, etc.	20,000.00	1920	
Do.	(2)	do.	10,000.00	1921	
Do.	(2)	Support and civilization	42,000.00	1921	
Total.....			4,080,503.04		3,925,567.35

Public No. 3, p. 11.

Public No. 141, p. 22.

NOTE.—The foregoing statement includes appropriations made exclusively for Indians in California for support, civilization, etc., since 1852, and the amounts expended therefrom. It does not include any expenditures which may have been made from general appropriations or for schools, etc.

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

Mr. MERITT. 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 out, with 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. MERITT. We think that that language should go into the bill. It is practically covered in the next line, line 9—beginning with line 9—"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." But in order to make it perfectly clear I think the language you suggest, Mr. Chairman, should go into the bill.

I might say that we discussd 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 you 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 the Government agencies went on the theory that there was no necessity for it so long as they were not ordered to do it by treaty or 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 fairly clear case and I can't see right now now any reason why they should not have the opportunity to demonstrate that.

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

time take action on the jurisdictional bill without waiting for further reports from the Indian Bureau.

(Mr. Collett submitted the following paper:)

FOR THE HONOR OF AMERICA AND CALIFORNIA.

In this review of the facts touching the Indians of California the following points will be substantiated:

First. The pledge of the United States to the Indians in the treaty of Guadalupe Hidalgo was violated by a disgraceful subterfuge.

Second. Agreements. The treaties of 1851 and 1852 have not been fulfilled.

Third. Much well-intentioned Federal legislation has met with miscarriage. Why? (1) Conflicting legislation; (2) the failure of Congress on many occasions to properly inform itself as to the facts in the possession of its own committees, and the further failure of Congress and its committees to acquire other facts easily accessible; (3) failure on the part of governmental agencies to put into action the will of Congress, sometimes through incompetency, sometimes apparently through purpose.

Fourth. In many instances lands purchased by special agents of the Government for Indians have been of little value, and in some cases of no value.

Fifth. Solution. (1) Investigation; (2) legislation; (3) supervision.

Sixth. Congress should provide adequate funds (1) to purchase land; (2) to supplement State provision for education; (3) to relieve the indigent.

Seventh. Unification of purpose and effort is necessary.

INDIAN BOARD OF COOPERATION OF CALIFORNIA (INC.).

December 10, 1919.

HON. FRANKLIN K. LANE,

Secretary of the Interior, Washington, D. C.

DEAR SIR: In full recognition of your general knowledge of the Indian situation in California and of your keen sense of justice, the undersigned Special Committee of the Indian Board of Cooperation of California, believes it to be highly in the interest of fair play and an urgent obligation to the dependent and unfortunate Indians of this State to call your attention respectfully and specifically to some items that require a thorough investigation, remedial legislation and congressional appropriations.

That the correctness of our presentation may be easily verified and that the premises for our conclusions may be readily established without delay, we shall confine our compilation of facts chiefly to matters of public records and of common knowledge. The needs are:

First. A Federal commission to make a thorough survey of the entire Indian situation and to supervise congressional undertakings in California relative thereto.

Second. Appropriations. (1) for the expense of a Federal investigation and supervision of California Indian matters; (2) for the purchase of adequate and permanent allotments with improvements thereon for the homeless Indians; (3) for school buildings and equipment for Indian children in districts where their numbers and necessity demand it; (4) for a tuition to be paid to the trustees of school districts in California where Indian children may be admitted, providing, funds for proper equipment are available; (5) for the purpose of aiding county supervisors in caring for sick, aged, and otherwise dependent Indians; (6) for a reimbursable fund to enable industrious Indians to buy farming implements and other necessities for the purpose of making the best use of their land and for the essential house furnishings.

Third. The 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.

Fourth. A more consistent practice of the professed governmental policies regarding the education of Indian children in public schools and of other matters pertaining to Indian betterment, and also a more definite and authoritative understanding and cooperation with the State and county officers concerning the care of sick and indigent Indians and the education of Indian children.

I. 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 laws that are applicable to the Indian questions, 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

may be adduced. The evidence is clear that the United States Congress, notwithstanding its good intentions to deal justly with these Indians, has signally and pitifully failed. So far as these Indians are concerned, our guarantee in the treaty of Guadalupe Hidalgo, to preserve to them their rights in land, etc., has proven to be a worthless "scrap of paper."

The report of a special agent of the Department of the Interior, 1906, concerning this matter is worthy of note. It should be stated that he was a duly qualified attorney and had given special attention to delving into records pertaining to land titles. The report in part follows:

"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 law the Indians had certain rights to the land they occupied and could not be legally evicted from it. The acts of Congress 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 for Indian use all lands occupied by them. It may, therefore, be assumed that Congress considered that the Indians had substantial rights. It was a duty of the commission to investigate and confirm the Indians' title wherever Indians occupied lands included within the limits of Spanish and Mexican grants. Your special agent has found but two cases out of several hundred grants where this was done. Pauma 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 prompt to appeal to the American law to evict the Indians, something they could not legally do under the terms of their grants."

The powers discovering this continent, England, France, Spain and little Portugal, each claiming sovereignty of the soil by right of priority of discovery, all recognized the Indians' right of 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; until which they are entitled to be protected in their possession." In fact, in one of the earliest records of the Supreme Court of the United States, in the case of the removal of the Cherokees from Georgia, we find the following sentence: "The Indians are acknowledged to have unquestionable rights to the land which they occupy until such rights shall be extinguished by voluntary cession to the Government." 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 explicitly recognized.

In this connection it is worthy of especial note, that in 1851-52 a duly authorized United States commission secured the signatures of about 400 California Indian chiefs and heads of bands to treaties. These chiefs represented approximately 150 bands or tribes. There were 18 of these treaties, all similar in tenor. 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 ceding reservations, 18 in number, aggregating about 7,500,000 acres, described in said treaties by metes and bounds, worth at the Government price of \$1.25 per acre, about \$9,500,000.

The Government agreed (a) to pay the Indians certain sums in goods amounting to about \$1,300,000; (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 wood-work, supervisors and such assistants as should be found necessary. Said instruction to be continued as long as might be found necessary by the President.

The Senate of the United States failed to ratify these treaties, and the Government, therefore, quite properly, considered them inoperative. But why did the Senate fail to ratify? Because certain influential gold miners, whose mining claims might be affected, used their influence against it. Yet it should not fail to be noted that while the Senate failed to ratify these treaties, the agents of the Government in California, by their official acts, practically assumed that they were ratified and allowed the land of the Indians to be settled upon and the Indians to be evicted as though they had no rights whatever. The consequence was that the Indians lost their lands and received absolutely nothing in return but abuse, persecution, and bodily injury when they sought redress.

The failure of the United States to ratify the 18 treaties negotiated by the said commission in 1851-52, or to have settled with the Indians in some other suitable way for their rights in lands and their native opportunities, together with the facts that the

Federal statute prohibiting the Indians the right to homestead until the passage of the Indian allotment act in 1887, have placed insurmountable difficulties in their way of progress, of development and of becoming the useful citizens they might have been. The United States again by its superficiality in dealing with these Indians at the time of the awakening caused by Helen Hunt Jackson's "Century of Dishonor" and "Ramona," 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 agent to investigate conditions in California in 1905 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 really 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 13 treaties negotiated by the Senate's commission in 1851-52, the treatise on the matter by Helen Hunt Jackson and others intimately familiar with the Indian situation of California, recommended, after investigation of conditions among these Indians throughout the State, that \$60,000 would be ample to settle justly with them. In pursuance thereto, strange as it may appear, Congress on June 21, 1906 (34 Stat., 325), appropriated \$100,000 for the purchase of land for the homeless Indians in California. On April 30, 1908 (35 Stat., 70), Congress appropriated an additional \$50,000. It was at that time so clearly and definitely understood by Congress and its committees that this amount would be sufficient to complete the work, that the phraseology employed by Congress in this act was to the effect that it was enough, and that that sum should be so expended as to make unnecessary any further provision.

In the five subsequent annual Indian appropriation bills the language employed by Congress was changed in the item providing "for the support and civilization of Indians in California, including payment of employees." It provided, in substance, that a portion of the respective sums appropriated might be used to purchase additional lands for homeless Indians in California. The tabulation of the respective amounts given were as follows:

Mar. 3, 1909 (35 Stat., 787).....	\$20,000
Apr. 4, 1910 (36 Stat., 273).....	42,000
Mar. 3, 1911 (36 Stat., 1062).....	57,000
Aug. 24, 1912 (37 Stat., 523).....	57,000
June 30, 1913 (38 Stat., 77).....	57,000
Total.....	233,000

Out of this total sum of \$233,000, \$30,000 was expended for the purchase of land for the California Indians, according to Commissioner Meritt's statement to the Senate Committee on Indian Affairs. Since the dates noted above, appropriations were made during the next five subsequent years (as shown by the figures in the following tabulation) amounting to \$70,000. The grand total, \$250,000 appropriated by Congress for homeless Indians in California as indicated by the preceding statements and shown by the following tabulation does not include the \$20,000 appropriated in June, 1919, for this same purpose:

June 21, 1906 (34 Stat., 325).....	\$100,000
Apr. 30, 1906 (35 Stat., 70).....	50,000
See preceding paragraph.....	30,000
Aug. 1, 1914 (36 Stat., 582).....	10,000
Mar. 4, 1915 joint resolution (38 Stat., 1288).....	10,000
May 18, 1916 (39 Stat., 123).....	10,000
Mar. 2, 1917 (39 Stat., 123).....	20,000
May 25, 1918 (Pub. 159).....	20,000
Total.....	250,000

In this connection, it is worth while to note that according to Commissioner Meritt's statement to the Senate Committee on Indian Affairs, February 14, 1919 (Senate hearings, p. 196), it has taken \$250,000 to buy 8,380 acres of land for 4,662 Indians and that more than 12 years have been consumed for the transaction. It is shown (by House hearings, p. 36, Dec. 5, 1919), that the average amount actually paid per acre

for land was \$11.74, and that the per capita was \$15.10. At this rate the total land value involved is \$93,381.20. This leaves \$151,618.80 to be accounted for in overhead expenses, etc. It also means that only 36 per cent of the total appropriations proved to be of actual service to the Indians. The benefit derived by the Indians is ridiculously small. We should not lose sight of the fact that the land already purchased is in most cases inadequate in quantity and in numerous cases valueless; some being on the sagebrush plains without water or the hope of water. "Six hundred allotments are located in the Sierra Nevada Mountains, where the land, or rather rocks, incline up at an angle of 45 degrees or more, and the snow falls often from 30 to 40 feet deep, and lies from October to June," said the special land agent, in his report to the Department of the Interior in 1906. Still other allotments are found in inaccessible places and comprise land that no United States Congressman, not even the Government agent who made the purchase, would be willing to pay taxes on if the property were assessed for \$1 per acre. Other portions of the land purchased, though insufficient in amount, are of but little value to the Indians, due to lack of water, school facilities, and inaccessibility.

As an example of this we refer to one of many cases coming directly under the notice of the Indian Board of Cooperation, that of the Rancharia at Hoplands, bought by special agent in 1907. There were 630 acres, with absolutely no water, the nearest spring being about 2 miles away. The Indians were compelled to reside elsewhere during the summer months until recently, when, through the efforts of the Indian Board, the Office of Indian Affairs arranged for the expenditure of about \$1,000 for the purpose of securing water. That the land is worthless in many instances is evidenced by the fact, already shown, that only \$11.74 as an average has been paid per acre. However, in each of the Indian appropriation bills providing for the purchase of land for the homeless Indians in California it expressly provides, "including improvements thereon." The improvements seldom reached the Indians and then only after much effort on the part of the Indians and their friends.

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

It was also authoritatively stated to Congress (February, 1914, House hearings, p. 144), that there were 1,568 Indians without land, and that the appropriation still needed was \$50,000. On this presentation an appropriation of \$10,000 was made, leaving, according to that estimate, a balance of \$40,000 needed.

This 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 for the completion of the land settlement of these Indians.

In the House hearings under date of December 5 and 6, 1916, page 136, the following appears: "It is believed that with great care it will be possible to complete this work with the amount asked for, \$25,000." However, there were then, as recorded in the same paragraph, 2,782 Indians to be provided for, while in the following paragraph the same authority claims that there were between 3,000 and 4,000 without land. The number of homeless Indians seems to have been established to be 4,000, as shown by more recent records.

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

Mar. 4, 1915, joint resolution (38 Stat., 1288).....	\$10,000
May 18, 1916 (39 Stat. 123).....	10,000
Mar. 2, 1917 (39 Stat. 269-86).....	20,000
May 25, 1918 (Pub. 159).....	20,000
Total.....	60,000

In spite of the fact that, since the hearings on the Indian appropriation bill for the year ending June 30, 1916, \$60,000 (not including the \$20,000 given by Congress in June, 1919) has been made available, the Senate hearings recorded February, 1919, 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 has cost \$250,000, 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 wrongs having been perpetrated against the Indians of this State, and with information so inadequate that Congress can not act intelligently and justly, is it not a matter of simple justice to the Indians and of economic importance to the Government that a Federal



commission be appointed to investigate the situation and to supervise all Federal undertakings in their behalf? The needs and justifications for the Federal commission are manifold and self-evident, as we may readily conclude, not alone from the land situation but from the educational and other phases of the California Indian problems that are yet to be presented in this letter under separate headings. The American Government is too rich and self-respecting to allow a stain of this character to remain on its escutcheon.

II. APPROPRIATIONS.

The appropriations required for work among the Indians of this State, as set forth in this communication, are six in number and are numerated in succession under this heading.

1. *Expense of Federal commission.*—As the item concerning the expense of the Federal commission has already been sufficiently gone into, we need not concern ourselves further with it.

2. *Purchase of land.*—Even though this land item has been dealt with at considerable length under the head of "A Federal commission of investigation and supervision," it is worthy of further and very definite attention. An adequate appropriation for land is of great importance to the homeless Indians and of economic consequence to the Government as land values are continuously increasing in California at an enormously rapid rate. It has been recognized by your department and is well known to all familiar with the expenditure of small appropriations for large purposes, that there is, at best, much waste and great perplexity in the wise and economical use of such appropriations. In this connection we call your attention to page 143 of the House hearings to the analysis of the expenditures for land for the year ending June 30, 1914, which shows that the cost of utilizing \$1,125 for land of a small appropriation totaled \$1,297.90 for the expense of the agent to make the purchase.

According to the best records available, to expend the total appropriations of Congress of \$250,000 for land during the last 12 years, it has cost, for overhead expenses, etc., as previously shown, 64 per cent of the total appropriation. In the hearings referred to, the economic breach was acknowledged to be on account of the smallness of the appropriation which caused perplexity as to its wise expenditure. We are confident that with adequate appropriations for land and an efficient agent in the field, giving his whole attention uninterruptedly to the work of purchasing land, supervised by a competent commission, the maximum results could be obtained with the minimum of cost. The peculiar needs of the Indians make imperative that in selecting land for them there be sufficient wood, that there be arable, as well as pasture land and plenty of water. Since it has taken, according to the Indian Department's own records, as previously shown, \$250,000 to buy land for 4,662 Indians, it will require at least \$214,500 to provide land for the remaining 4,000 homeless Indians in a manner similar to the way their kinsmen have been dealt with. The showing, with reference to those who have been furnished with land, is that it is inadequate and in many instances not suitable. This makes evident that a greater appropriation than \$214,500 will be required for anything like a just and reasonable settlement with the California Indians for their rights in land alone. We, therefore, urge that the appropriations for land be suitably large.

3. *School buildings and equipment.*—The day has gone by, if there ever was one, when it was wise to herd Indians away on to a reservation and subject them to the demoralizing and stunning influences of such a 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.

The need and justification of a Federal appropriation for the erection and equipment of school buildings for the education of Indian children under the public-school system of California, do not seem to have been recognized by the Office of Indian Affairs, judging from its opposition to the amendment pertaining thereto in the Indian appropriation bill for the year ending June 30, 1920 (p. 207, Senate hearings). Because of that fact and because the item is an important one and can not be handled jointly, as proposed by Assistant Commissioner E. B. Merritt, by the State and Federal Governments, it is necessary for us to deal specifically with it.

The Indian population in California is stationary, about 20,000 in all, distributed throughout 45 counties, in approximately 300 bands or groups. Twenty to twenty-five per cent of them of school age, between 4,000 and 5,000. There are no reliable statistics available as to the exact number of Indian children in school, but according to the best available information, there are at least 2,500 not in school, chiefly from lack of adequate facilities, race prejudice, indifference, etc.

The school laws of California would seem to indicate to the casual reader, without a knowledge of their workableness, that in these laws we had a panacea for all our

Indian 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 account of local conditions, a "separate school" may be established for them; (3) when it occurs that there are 15 or more children living at a greater distance than 2 miles from any other school, a "new school district" may be formed.

To each newly formed district the State of California and the county in which the district is located will jointly pay \$900 for the maintenance of the school for the first year. The State and county will thereafter pay \$800 annually on "teachers' basis" and from \$15 to \$30 additional per capita, this latter item being based on the average daily attendance of the preceding year. There is, therefore, available from the State and county sources from \$900 to \$1,100 annually for each public-school district, and from \$15 to \$30 toward the education of each child who shall have attended that school the preceding year. There is also from \$15 to \$30 available toward the education of each child who shall have attended a public school with the "whites" or in a "separate school." To provide adequately for the admission of Indian children who have not previously been admitted to established schools this latter sum usually proves insufficient and in no case is available for the first year's expense.

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 by the residents thereof. Where new districts are formed for Indians it is usually necessary, in order to avoid serious objections from their white neighbors, who do not wish to be taxed for them, to have these districts comprise only land recently allotted by the Federal Government to the Indians, which is exempt from taxation and often without taxable value.

With reference to the proposition that the State and Federal Governments share jointly in the expense of school buildings, as suggested by Commissioner Merritt to the Senate Committee on Indian Affairs, February 14, 1919 (Senate hearings, p. 207), it should be remembered that there are serious legal difficulties in the way of such joint transactions. The State authorities could not permit the use of funds for the erection of a building that was not on its own property and under its own control, neither would Federal officials consent to the use of Federal funds for this purpose, unless the building was on its property and under its jurisdiction. The justifications in the premises are wholly in favor of the appropriation by the Federal Government for the erection and equipment of the needed buildings. Firstly, the Federal Government is chiefly responsible for the pauperous condition of the Indians, because of its failure to effect a just settlement with them; secondly, the recently allotted land is the logical site for these buildings; thirdly, it is held to be unconstitutional for the State legislature to make an appropriation for school buildings for Indian use, as it would be considered "class" legislation. The State authorities have and are willing to cooperate, to the extent of their ability, where children may be admitted to established schools or where schools may be organized, buildings equipped and provided, and permission allowed for maintaining a public school for Indians on Government land. Funds will be made available to the amount of \$800 on teachers' basis for a new school district, and from \$15 to \$30 per pupil per year based on the average daily attendance of the preceding year, toward the maintenance of a school under California laws. These funds will, proportionately to the attendance, and almost automatically, be released from the State and county treasury each succeeding year.

Both the educational administration of the State and the Indian board of cooperation are strongly in favor of providing for the Indian children, so far as possible, in the districts already established, but are also anxious to solve the Indian educational problem of the State as rapidly as it can be done. To do this some additional school districts must be established for Indians now, but it is our expectation, as California becomes more settled, for these districts finally to become mixed, by later changing boundary lines, to take in the new white neighbors and Indians, thus keeping to the ideal of the assimilation of the races.

Through the efforts of the Indian board of cooperation several new school districts have been formed; in each case, because of local conditions, the boundary lines have taken in only land recently allotted to the Indians by your land office, which is of course nontaxable. It is in providing school buildings and equipment for newly organized districts and for other districts that should be formed, for additional facilities in communities where Indians reside near established schools, but who are debarred on account of lack of adequate equipment, that an appropriation is needed. The approximate amount needed to erect and fully furnish a school building is about

\$2,000. There are at least 10 or 12 buildings required now. It is therefore just and reasonable that Congress make an adequate appropriation for the erection and equipment for the buildings that are needed.

4. *Tuition.*—It is frequently found that Indians, living near a school already established, are not admitted, because of lack of proper equipment, of race prejudice, or because of indifference on the part of the teacher, school authorities, and the Indians themselves. When a tuition toward the education of Indian children in the public school is paid, provision for the Indians is made and race prejudice usually vanishes. It is noticeable that the teacher and the trustees become interested in the education of the Indian children and make them welcome and in every way encourage their regular attendance, because funds are thereby made available for better school privileges for their own children as well as for those of the Indians. More money is available for teachers' salary and general expenses of the school, for only as the children actually attend are these funds available because they are paid on the actual average attendance of the Indian children. This tuition is highly important and justifiable, because of the benefits derived therefrom, by the Indians and because the educational privileges of the public school could not be accorded to the Indians unless they are provided by the levy of a special tax within the district. The whites object to being taxed for the Indians since the Indians' property is not taxable, it being the property of the Federal Government, and in many instances does not possess taxable value. The Indians are not, therefore, in a position to share the educational burden. It is frequently found necessary and advisable for a tuition to be paid to the school trustees for the education of Indian children, attending, with the whites, a "separate school" or a newly formed district. In some instances an unusually large tuition the first year will enable a district to maintain an average attendance that will entitle it to additional funds, on teachers basis as well as to extra funds, because of the actual attendance of the preceding year, thus making it therefore unnecessary thereafter to pay more than nominal tuition to provide amply for their education.

By the erection of school buildings and by the payment of a tuition where necessities require it, the Federal schools for Indians in California may in a few years be abandoned; in fact they will be abandoned if the declared policy of the Department of the Interior is actually adhered to, which is to provide Indian children with school facilities and supervision. According to the report of the Commissioner of Indian Affairs for the year ending June 30, 1918, page 82, it costs from \$200 to \$225 per pupil to educate an Indian in a Government school, while a per capita cost of the education of a child in the elementary schools of this State for 1917-18, including all expenses for salaries of teachers, janitor, fuel, repairs, equipment, books, charts, etc., was \$30. If we were to include in this the salaries of the State and county superintendents of schools, their office expense, the investment of property with the interest thereon, the per capita cost would then be below \$40 per year. From these figures it is clear that the cost of educating an Indian child in the normal way in a public school is at least 80 per cent less than under the present prevailing Federal régime. By the policy outlined for the education of the Indian children under the public school system of California, assisted by the Federal Government, the State school will rapidly supplant the day and boarding schools of the Government and the National Government will ultimately and eventually release itself from the responsibility and support of all of its schools for Indians in California. Besides, it will cost the Federal Government during the period of readjustment for all expenses involved from 50 to 80 per cent less than it now costs.

5. *Indigent Indians.*—It is urgently important that provision be made to aid county supervisors in providing properly for the sick, aged, and temporarily indigent Indians. The conditions that have prevailed among them heretofore have been and are disgraceful and reflect disparagingly upon a Nation that appropriates at will \$100,000,000 for the relief of foreign nations.

By the policies pursued heretofore the Indians of California have not only been swindled out of their rights in land, but they have been criminally kept dependent and illiterate, and allowed to die without medical aid literally by the thousands from entirely curable diseases. 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 ethnologists, who claimed that there were over 700,000 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. 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—eviction, starvation, and disease.

Dr. Judson Liftchild, 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 several years as superintendent of the county and hospital and almshouse, and county health officer, having studied this question, am not giving opinions second-hand. With the exception of a few counties, the indigent, sick, or aged Indian receives practically no aid in this State 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 almshouse or county hospital, although there are many instances of piteable poverty among the aged, and cases of curable diseases which go untreated. Children die of tubercular spines and hips, and many become blind from trachoma and conjunctivitis. The aged, many of them blind, eke 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. Liftchild 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."

Commissioner Cato Sells, of the Office of Indian Affairs, in his report (1914, pp. 13-14) 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, heretofore, mainly by insufficient funds. I am fully aware of the fact that to perpetuate the Indian race, the inroads 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, if necessary. On account of the failure to recognize trachoma, the lack of facilities for handling the disease, and the small amounts of money formerly appropriated, the disease has wrought great havoc among the Indians of every tribe, except those of New York. Trachoma is only second to the tuberculosis scourge, and spreads 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. 142 of report of commissioner of Indian Affairs) there were 2,962 Indians examined, and 562, or 19 per cent of that number, were found to have tuberculosis or trachoma, while in the commissioner's report of 1917, page 133, 3,890 Indians were examined, of which 2,174, or 55 per cent, were rated as having tuberculosis or trachoma. 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 records of the Office of Indian Affairs show that large sums are paid for hospitals, for physicians, salaries, etc. It should be noted, however, that the majority of the Indians of this State, about three-fourths, do not live on reservations, and that the work done to stay the tide of disease is done for reservation Indians and that those living in scattered bands throughout 45 counties, are usually left to die without any care whatsoever. 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 \$5 to \$25 or more per trip, according to the remoteness and inaccessibility of the case. On 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, 1912 (p. 20), "when a physician frequently has to drive a day or more out and a day or more back, to reach one family."

In this, as in the school question, we believe that the Indians should be provided for under State supervision. This can be done by Congress appropriating an adequate fund with which to provide additional room and equipment in county hospitals, where necessary, and by reimbursing the supervisors to the amount of 50 per cent of the sum paid by the State and county, for Indians receiving care and sustenance.

This method accords with that of the Federal Government in cooperating with the public school authorities in the education of Indian children, by the payment of a tuition, and with the policy employed by the State of California in providing aid for orphans and half-orphans under the widow's pension act.

The cost of care of the indigent, sick, and aged in a county institution for all services required, was \$275 per capita per annum for the year ending June 30, 1919. Our experience and knowledge warrant the assertion that if the supervisors had the room and equipment required and knew that their efforts would be supplemented, that they would be reimbursed in part, they would be willing to cooperate heartily in this work in accordance with the method involved in the policies referred to. By this system

the Indians could receive medical aid, who would otherwise go unaided, to spread infectious and contagious diseases not only among themselves but throughout the community at large.

The national fund could be safeguarded by a contract (similar to the tuition contract) by requiring the supervisors to render the service and then to be reimbursed, upon a proper showing of services rendered, and by requiring them to bear 50 per cent of the expense. The Federal fund would be further safeguarded under the present State law requirement, by which the supervisors must pass on all worthy cases and must meet monthly to consider all matters pertaining to the county.

6. *Reimbursable fund.*—There are many instances in California where Indians have been furnished with land but are not able to make use of it because they have not the farming implements and other necessities essential to make the best use of their land and to provide the ordinary house furnishings.

Indians not on a reservation have frequently been denied assistance from existing reimbursable fund, because they were nonreservation Indians. We would, therefore, urge that this matter be given suitable 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 they are entitled to. It would, therefore, be highly in the interest of humanitarian assistance and justly important to the Government in developing Indian citizenship and independence, to place a Federal agent in the field who is thoroughly familiar with California problems and the laws that are applicable to the care and education of Indians. He should be charged with the task of making a thorough study of Indian conditions throughout the State, county by county, conferring, at all times, with the county and State executives specifically concerned, who shall also use every 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 POLITICS AND INTELLIGENT COOPERATION OF THE COUNTY, STATE, AND FEDERAL OFFICIALS.

Much confusion has arisen on account of the failure of the Government representatives to deal consistently and in accordance with the declared governmental policies and intelligently cooperate with the State officials. For instance, it is understood that it is the policy of the Office of Indian Affairs to cooperate heartily with the county and State officials. In some counties agents deal with the trustees of school districts, the only legal authorized persons with whom to enter into contract and transact school matters pertaining to their district, while other agents are knowingly allowed to persistently and contemptuously disregard the law which makes illegal a contract with county superintendents of schools and which gives special detailed authorization to trustees.

The white people who live near Indian communities often labor under the misapprehension that the Indians are wards of the Federal Government and that it is, therefore, the duty of that Government to educate them. For instance, two schools have been erected and equipped recently by Federal authorities in Mendocino County, Calif., one at Pinoleville, at a cost of \$3,500. Here a teacher's house has also been erected at a cost of \$1,800. At Carroll, nearby, a schoolhouse has been constructed, costing \$1,200. At each of these points the Government maintains an independent school, and there seems to be absolutely no justification for this unreasonable independence, so out of accord with the professed policy of the Office of Indian Affairs. In the best interest of the Indians, public-school facilities could be arranged under which conditions the State would bear a liberal share of the expense of the school maintenance now, and its entire responsibility ultimately.

The confusions and misunderstandings that arise concerning the legal status of the Indians, the source from which they should receive educational and other advantages, should be eliminated by more definite and authoritative understanding and cooperation with the State and county officials concerning their betterment. As to this confusion and the ill it works, we cite you a recent specific instance at Manchester, Mendocino County, Calif. Here, when influenza was raging, the Indians asked the county supervisor for medicine and food for the sick. He claimed that the Indians, being wards of the Federal Government, would have to obtain aid from that source. However, he kindly phoned to the Government agent at Round Valley, who responded to

the call. This trip to interview the Indians and to ascertain their needs, could only be made by a round trip of four full days and three nights involving 160 miles by stage, 14 miles by livery and 56 miles by rail. With expenses of \$37 and allowing four days' salary at \$3 per diem (the rate given in 1913) the cost would come to about \$50. Please note that this expenditure of time and money was only for an interview, and that the superintendent, arriving after five Indians had died, as he was neither a practicing physician nor an undertaker, could do practically nothing. He had not even the authority to pay the funeral expenses or doctor's bills, and left saying he would see what he could get the Government to do, especially in regard to the funeral expenses of the father and mother of two minor orphans left to the care of Indian friends.

The lack of cooperation is further evidenced by the fact that on two occasions large numbers of Indians have been examined by the medical representatives of your department, who found, on one occasion, 39 per cent, and at a later date 55 per cent of the Indians examined to have tuberculosis and trachoma. The State law provides that all contagious and infectious cases shall be reported to the State board of health. The records concerning the case referred to are to the effect that the State officials were not advised at all concerning the matter.

Another case that bears materially upon this point is that arising out of an accident that occurred in one of the counties, when some Indians under the influence of liquor (that had been obtained in dry territory) shot off the chin of one of their number. The authorities, upon notification of the tragedy, immediately arrested the person supposedly guilty and took him to the county jail to await trial at the expense of the county, while his father, the injured person and aged man, was left alone in his cabin to bleed to death and die unaided. The same authorities claimed that he was a ward of the Federal Government and that it was, therefore, the duty of that Government to care for him.

The Indian Board of Cooperation has been able, in a large measure, to have settled the legal status of the Indians in California, by securing opinions from the attorney general of the State concerning different matters, such as their right to vote, to attend the public school and to receive county and State aid when in indigent circumstances. The most far-reaching result in this respect has been caused by the decision of the Indian Board of Cooperation to put an end to the aimless dispute between State and Federal authorities, for upwards of 70 years, as to whether California Indians are citizens or wards. It initiated a test case in which the Supreme Court of California definitely declared the Indians to be citizens (*Anderson vs. Mathews*).

We wish to note in this connection that the Supreme Court of the United States has declared that Indian citizenship and wardship are not incompatible. Our conclusion is that the Federal Government has a responsibility to these Indians, its wards, because of its failure to honorably preserve to them their rights under the treaty of Guadalupe Hidalgo, and to compensate them for their rights in land, in accordance with the 18 treaties of 1851 and 1852 or in some other suitable manner. It is plainly a matter of economic import to the Government to make this year's appropriation for the California Indians sufficiently large to speedily accomplish their relief and compensation.

The hopelessness of the Indians for a settlement may be tersely summed up in the language of an old chief who recently replied to a white friend who inquired after the welfare of his people, "Fifty-two years white man make promise, no keep 'em—hope all gone."

Many of the aged and needy Indians are numbered among those who, as chiefs of their tribe, either signed or witnessed the signing of the 18 treaties which were made in good faith, at least by them, with a commission duly authorized by the Government of the United States, under the Stars and Stripes, the flag which should have spoken to them of liberty, of equal rights and opportunities, and of fair play to all. Yet not one of the treaties was ever kept, and these Indians, with all their priority of right, suffer and die, homeless and landless, without claim even to the 6 feet of soil in which they are buried.

### Recommendations.

First. That Congress be asked to authorize the Secretary of the Interior to appoint a commission to investigate the conditions among the Indians of California and to supervise the expenditure of all appropriations and work that may be undertaken or authorized by Congress, (1) to investigate as to the number of Indians inadequately provided for with land; (2) those who have none at all; (3) as to the needed provision for Indian education in the public schools, with reference to Federal aid, where it may be necessary; (4) as to the aged, sick, and indigent Indians, with regard to what should be done for their relief; to report to Congress the actual conditions

and recommend policies to be pursued; and also to estimate the amount that should be appropriated to provide school privileges for the Indian children, and proper aid for the needy. We would also recommend that the said commission be composed of seven members, as follows: A representative of the Office of Indian Affairs, a member of the Board of Indian Commissioners, and five representative California citizens, who shall serve without pay, and that said commission be authorized and instructed to remain active and responsible until such task as may be assigned to it shall be accomplished.

Second. That adequate items be placed in the Indian appropriation bill for the year ending June 30, 1921, (1) for the expense of a Federal commission to investigate and supervise California Indian matters; (2) for the purchase of additional land for those inadequately provided for and for those who are still homeless and for improvements that may be necessary; (3) for the erection and equipment of school buildings where they may be found essential, and also for additional equipment in established school districts, that may be necessary for the education of Indian children in the public schools of California; (4) for a tuition to be paid to the trustees of school districts in California where Indian children may be given educational advantages, which could not otherwise be amply provided, due to the fact that the Indians' lands are not taxable and that they, therefore, do not contribute to the expense of such privileges; (5) for the purpose of reimbursing county supervisors to the amount of 50 per cent of the amount they may actually have paid for the relief of sick and indigent Indians, when such supervisors shall be under contract with the Department of the Interior; (6) for a reimbursable fund to aid nonreservation Indians in providing themselves with the ordinary house furnishings, horses, and implements, for the purpose of making the best use of their land.

Third. The appointment of a Federal agent, thoroughly familiar with California problems and the laws that are applicable, with reference to the care and education of Indians, who shall be charged with the task of helping Indians to secure the privileges that are now withheld from them because of the lack of proper application for such rights. The agent should also be instructed to consult at all times with the State and county officials especially concerned and to use every available means to secure to the Indians their rights and privileges. We would also recommend that, (1) arrangements be made, so far as possible, with the authorities of each county, where necessary, for such additional room and equipment, in the county institutions, that may be needed to care for the sick and aged Indians; (2) that the Federal Government render such assistance and aid as may be justifiable; (3) that each county be encouraged to provide and maintain one or more free dispensaries, assisted financially by the Federal Government; (4) that there be appointed in each county where the number of Indians warrant it, a field matron, who shall be registered nurse and otherwise generally qualified to do social service work, such services to be compensated by the Federal Government.

Fourth. That the commission and all agents of the Department of the Interior be instructed to consult and keep in close touch with the State and county officials concerned with the community welfare: that your department or the Office of Indian Affairs arrange a conference with the State board of education, the State board of public health, and the State board of charities and corrections and such other organizations as may be constructively laboring for Indian betterment.

We, therefore, ask you, honorable Secretary, both as a Californian, and also as one interested in the cause of humanity, to urge adequate appropriations this year, and to lend your valued assistance in each of the matters we have brought before you.

Yours, in the cause of justice and humanity.

Will C. Wood, Sacramento, Calif., State superintendent public instruction; F. G. Collett, San Francisco, Calif., executive representative Indian board of cooperation; George Wharton James, Pasadena, Calif., celebrated explorer and author, authority on Indians of Southwest; J. W. Henderson, San Francisco, Calif., attorney at law; A. C. Jensen, San Francisco, Calif., State board of charities and corrections; Guy P. Jones, Sacramento, Calif., assistant secretary State board of health; Elizabeth F. Arnold, Riverside, Calif., State chairman Indian welfare committee federation women's clubs; Dorcas J. Spencer, Alameda, Calif., 20 years national superintendent Indian work, W. C. T. U.; Dana W. Bartlett, Los Angeles, Calif., member of California Housing Commission; A. L. Kroeber, Berkeley, Calif., anthropological department, University of California; J. C. Pinkerton, Los Angeles, Calif.; State executive Federation of Churches for California; George F. Kennigott, Los Angeles, Calif., superintendent congressional conferences of southern California; J. E. Pemberton, San Francisco, Calif., attorney at law; C. R. Fisher, San Francisco, Calif., State secretary of Sunday

school association: Francis J. Van Horn, Oakland, Calif., minister Congregational Church; Raymond C. Brooks, Berkeley, Calif., minister Congregational Church; Beryl B. Collett, Palo Alto, Calif., field secretary Indian Board of Cooperation; E. K. Taylor, Alameda, Calif., attorney at law, special committee Indian Board of Cooperation.

We, the undersigned, are deeply interested in the foregoing statement by the special committee of the Indian Board of Cooperation and would urge that a thorough investigation be made of the situation set forth therein: that suitable remedial legislation be enacted and adequate appropriations provided.

Ray Lyman Wilbur, president Stanford University; David Starr Jordan, president emeritus Stanford University; David P. Barrows, president University of California; Aurelia Henry Reinhardt, president Mills College; George F. Bovard, president University of Southern California; James A. Blaisdell, president Pomona College; Silas Evans, president Occidental College; Tully C. Knoles, president College of Pacific; Ralph P. Merritt, comptroller, secretary of the board of regents and land agent, University of California.

The 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 it was going to be brought up here at all, but in making the report, I went back into the record and 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, which I think might 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 cessions 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 blacksmiths and farmers and teachers. Mind you, this was all Indian land through here [indicating]. Each of these is a group, maybe ten or a dozen or fifteen bands. 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

or band of Indians—there might have been a dozen or twenty bands—had used all of that land for years and years, generations and generations. They gave up all that and they reserved this little patch in here in the treaty [indicating].

Mr. RHODES. Pardon me, but about how much land do you estimate that these Indians have been deprived of?

Mr. McDOWELL. Nobody has figured that out.

Mr. RHODES. Don't you think it would be proper to give the committee an idea, not so much for our particular information as for that of the House.

Mr. McDOWELL. It is practically all of California excepting that strip which lies east of the Sierra Nevada Mountains.

Mr. RHODES. I have in mind what our colleague, Mr. Hernandez, said a few days ago, that there will be some very searching questions asked on the floor of the House if we undertake to pass this bill, and the more complete the record is on all these points the better it will be.

The CHAIRMAN. He says practically the entire State of California.

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, Tulle River, these 29 missions down here, and these little spots around here—some of those Government owned rancherias. 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. Meritt?

Mr. MERITT. 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 water on it; yet that all figures 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 they are 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.

Now, I haven't anything more to say, sir.

The CHAIRMAN. What do you say as to the general condition of those Indians?

Mr. McDOWELL. I think it is miserable. 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 rancherias 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 how many 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 wintertime, up north, a few of them go into the woods. Some of them are working 365 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 not 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 no 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. Raker, 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 get 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 cuddled 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. That is pure philanthropy. 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

down there and find men who have got thousands and hundreds of thousands of dollars—white men—capital invested in hop fields who will make contracts with Indians to go out and work that hop field for them for the year at so much an acre, and go away and leave them. Now, there is the answer to that. But you take some other Indians—you take now, for instance, the Blackfeet Indians, they could not do that, because they are not naturally farmers. You can't compare all the Indians in the same way at all. It is absolutely impossible.

The CHAIRMAN. I am not asking for a comparison of them; I thought I made my question rather specific.

Mr. McDOWELL. Well, did I answer it?

The CHAIRMAN. I think you have.

I think you have given us a splendid answer to the thing, and just the kind of an answer we expected to get from you.

Mr. McDOWELL. Now, you take the Blackfeet Indians, the Crow Indians; they are horse Indians, plains Indians. They can not farm. They will herd cattle, but they can not farm.

The CHAIRMAN. What is the use of spending millions of dollars up there clearing land for the Indians to farm when it has been demonstrated that he can not farm?

Mr. McDOWELL. Well, that may all be true. I don't know anything about why they did it. That happened a great many years ago.

The CHAIRMAN. No; that is being done right now.

Mr. McDOWELL. No; pardon me; you are preparing bills for contracts entered into a great many years ago, and you are carrying out an irrigation project entered into a great many years ago, and you have to complete it because there is said to be a need for it.

Mr. RHODES. What is the necessity for it?

Mr. McDOWELL. You are talking about the irrigation up at the Blackfeet?

The CHAIRMAN. Well, all of those reservations.

Mr. McDOWELL. My personal opinion is there is no necessity for it.

The CHAIRMAN. Then, since it is now 12 o'clock, I think we will declare the hearing closed with this understanding, that when the hearings are printed the committee will be advised after distribution of the hearings and will be called together again to take final action upon the bill.

Mr. MERITT. May I make one statement in regard to these alleged starving Indians? I want to say that there are no Indians in California on Indian reservations and under the jurisdiction of the Indian Bureau that are starving now or have starved in the past.

Mr. McDOWELL. That is right. I have never heard of reservation Indians starving; those reported were non-reservation Indians.

Mr. MERITT. And also that there is every opportunity for the California Indians to obtain employment in California. In southern California there is not any excuse for an Indian being idle, because every Indian can get from three to four dollars a day for every week day in the year if he wants to work.

Mr. RHODES. Mr. Chairman, is that report the gentleman refers to to go into the record?

The CHAIRMAN. Yes; if there is no objection the report of the Indian Commission will be printed in the hearing.

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 BOARD OF INDIAN COMMISSIONERS, DECEMBER 31, 1919.

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 items of the Indian bill for 1920, last February, in the Senate Committee on Indian Affairs, the suggestion was made that the Board of Indian 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 for the Senate Committee. Agreeable to that suggestion Commissioner Sells detailed Mr. Oscar M. Lipps, 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. Also I went to Reno, Nev., to confer with Col. L. A. Dorrington, special agent in charge of thousands of nonreservation Indians in Nevada and California, and to see the colony of landless Putes 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 Putes and Washoes.

4. 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. Lipps and Dr. Michael at Ukiah, where we spent some time in conference and I was much impressed with the comprehensive program laid out for them in their instructions from Commissioner Sells. 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 locality, tribe, degree 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 whites in 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 therefor, as to the wisdom of the Government providing schools in localities where enough Indians are grouped to afford the required average of school attendance and if such schools would be practicable or should the education of such children be undertaken by the State.

5. The general health condition of each group of Indians; how medical attention now is obtained and should the Government undertake to furnish aid and, if so, how and the approximate cost.

6. A numerical summary of the results of the survey giving the number of non-reservation Indians, the degree of Indian blood and the number of children in each county.

Obviously it will require several months for the two special investigators to complete their survey and it is earnestly hoped that they will be given every facility and ample time to finish their important task. It is doubtful if two better men could have been selected to conduct such an investigation. Both have had long and varied experience in the Indian Service; both understand the Indian people and both are sympathetic and close observers. Their reports and conclusions will be authoritative and the information they set forth may be accepted as authentic.

As I had made two rather close surveys of the homeless Indians of western Nevada and northeastern California and the rancheria Indians in Mendocino, Sonoma, and Lake Counties, Calif., under the supervision of the Round Valley Agency, I knew there were certain factors, of what might be called the human equation, of the California Indian problem which ought to be studied to arrive at conclusions and recommendations that could supplement the report of Mr. Lipps and Dr. Michael. Therefore, after consulting with these gentlemen, I selected a number of points in the State where landless Indians live and where it was believed that the several factors I had in mind could best be studied.

There does not now seem to be any justification for a special commission to make a survey of the landless Indians of the State. When Mr. Lipps and Dr. Michael make their reports, with recommendations, the Senate Committee on Indian Affairs will have the findings of the two special investigators, my report and other reports and data in the files of the Indian Office and the board's office which, I think, will give the committee sufficient information, and of a character which will enable it to intelligently and with ample knowledge, take such action as respects these Indians as it may deem best.

Taking everything into consideration there seems no escaping the conclusion that before any more appropriations are made for the purchase of lands for these non-reservation Indians, a comprehensive, sympathetic, and practical California Indian policy should be adopted with legislation to make it effective. And this policy, it seems to me, should not be based upon any sentimental ideas of charity or philanthropy but instead upon the principle of exact justice toward the remnants of tribes which were dispossessed of their homes and lands by the Government of the United States and the citizens of California, contrary to law and the ordinary dictates of humanity, in the middle of the last century.

Even a cursory reading of the reports of hearings of the congressional Indian committees on the California Indians discloses the fact that the predominating sentiment back of appropriations for land purchases for nonreservation Indians and for the relief of distress among them, was simple pity for a lot of unfortunate people. Occasionally one can find a slight reference to the wrong done when the Senate refused to ratify the 18 treaties made with these Indians in 1851 and 1852, but I have been unable to find anywhere an acknowledgment from any national legislator or Government official of the legal debt due these Indians—a debt which has a money value of millions of dollars. These people are unfortunate because the United States Government took from their fathers and grandfathers land which they owned as truly, legally, and absolutely as the Sioux, Blackfeet, Cherokees, and other "treaty" Indians owned their lands. If gold had not been discovered in California in 1849 it is almost certain that the Indians of that State to-day would be extensive landowners and land users. For it seems to be accepted that it was the influence of the Forty-niners which prevented the ratification of the treaties which the Government commission made with the Indians in 1851 and 1852.

But whatever may have been the reason for nonratification, the cold fact is the land which was occupied by thousands of the original native sons of California and by their ancestors for generations, was taken from them, turned into the public domain to be later turned over to white people, and this sequence of transactions made thousands of landless Indians on the Pacific coast, and started the California Indian problem. It is this bald, historical fact which ought to be faced and recognized in the framing of a new California Indian policy even though the adoption of a policy based upon exact justice, and not upon pity, charity, philanthropy, or that convenient

camouflage "moral obligation," should call for the expenditure of a large sum of money.

The United States, in 1851, undoubtedly recognized the possessory rights of these California Indians to the land they occupied. This categorical statement is justified by the records of the Senate which show that the 18 treaties, signed in good faith by the Government's treaty commission and the Indians, together with letters and reports from the Secretary of the Interior, the Commissioner of Indian Affairs, and the Superintendent of Indian Affairs in California, were laid before the Senate by President Fillmore in 1852. In his report on these treaties to the Commissioner of Indian Affairs, Mr. E. F. Beale, Superintendent of Indian Affairs for California, writes under date of May 11, 1852: "It is evident that if allowed to roam at pleasure their (the Indians') early extinction is inevitable and I am slow to believe that the Government, recognizing as it does, their 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 was in progress of receipt."

The 18 treaties were signed on the part of the Government by Redick McKee, George Barbour, or Oliver Wozencraft and were signed on the part of the Indians by 401 chiefs, captains, and head men of 119 tribes, bands, and nations, comprising practically all the Indian population of California and almost all the treaties carried the signatures of United States Army officers as witnesses. The treaties were not ratified. They were read in the Senate January 7, 1852, and, with the attached documents, referred to the Committee on Indian Affairs and ordered to be printed in confidence for the use of the Senate. On January 18, 1905, 53 years later, the injunction of secrecy was removed, and the next day 50 copies of the treaties were ordered reprinted for the use of the Senate.

While these unratified treaties lay forgotten by all but the Indians in the secret archives of the Congress, all but 517,113 acres of the several million acres which the Government treaty commissioners told the Indians would be set apart for the sole use and occupancy of the Indians were acquired by the white people of California. The records of the middle decade of the last century, which tell the story of the decline of the California Indians, do not make pleasant reading, for they chronicle atrocious happenings, massacres, murders, heartless evictions, and brutal treatment of an inoffensive people who happened to be in the way of the adventurous, determined gold seekers from all parts of the United States who rushed to California by the tens of thousands in 1849.

The accompanying colored maps, prepared in the board's office from authentic data ("Indian Land Cessions in the United States," compiled by Mr. Charles C. Royce and published, in 1900, by the Bureau of American Ethnology and from other official documents and maps) graphically, and it seems to me completely, tell the story of the looting of the Indians' lands by us, the white people of the United States.

Map No. 1 shows the land areas occupied by the California Indians in 1851, which they quit claimed, in good faith in the unratified treaties, to the United States and the restricted districts which were set apart, in good faith for the Indians with their signed consent.

Map No. 2 shows these reservations again, the home lands reserved for the Indians for their sole use and occupancy forever, and, in red, the comparatively small areas which are the Indian lands in California to-day.

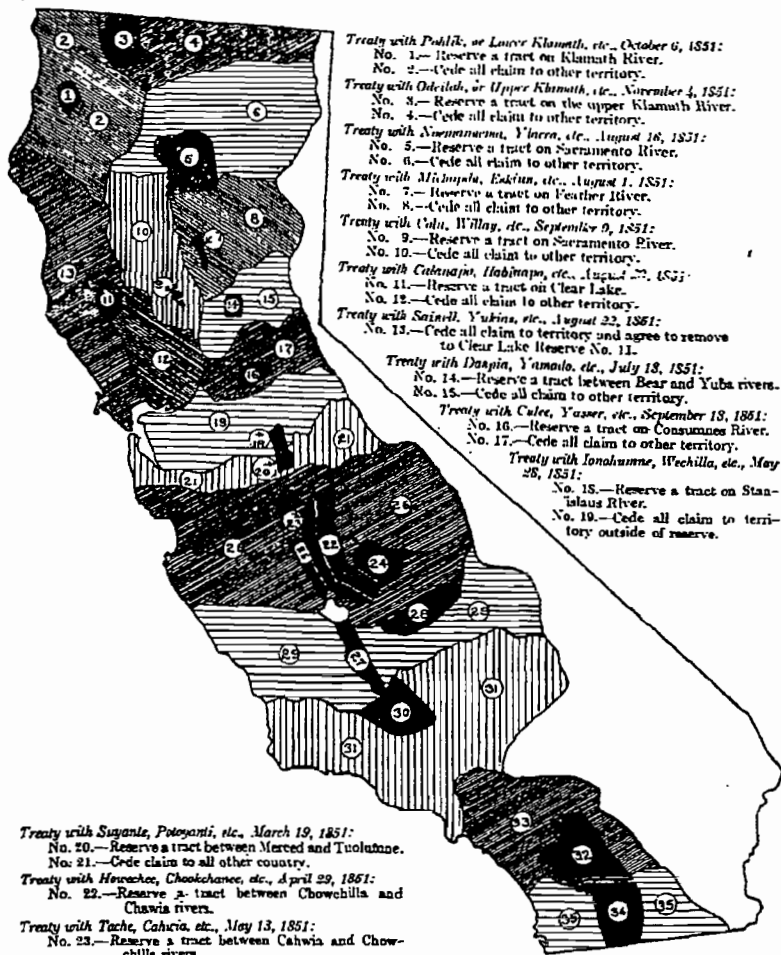
These maps require scarcely any explanation; they picture a shameful record, they call for something more than pity and niggardly charity, they present a strong appeal for exact, even though it may be belated, justice.

It has been estimated that the lands reserved in the treaties for the Indians aggregated 7,500,000 acres, which, at the Government price for public domain lands was worth \$9,375,000. The total land area to-day of Indian reservations and Government owned rancherias is 517,113 acres as given in the last annual report of the Commissioner of Indian Affairs which, at \$1.25 an acre, amounts in value to \$646,397 and all this land is for reservation Indians and Indians who, under the supervision of agencies, live on rancherias. There were about 1,700 allotments made nonreservation Indians in the national forests and on the public domain but a large proportion of such allotments is useless because of the poor character of the soil, remoteness, lack of water or other reasons. The nonreservation Indians, as distinguished from reservation and rancheria Indians, practically, have had no land given them.

On the other hand the net proceeds of sales of the public domain in California, received by the United States through the General Land Office to June 30, 1918, amounted, in round numbers, to \$22,785,000, and the State of California received from the Government, for the purpose of education, of making public roads and improvements, up to June 30, 1918, \$1,139,243.57 or 5 per cent of the sales of public lands lying within the State. The value of the lands reserved out of the public domain



Map 1—SHOWING AREAS INVOLVED IN THE 18 UNRATIFIED TREATIES OF 1851 AND 1852 WITH CALIFORNIA TRIBES

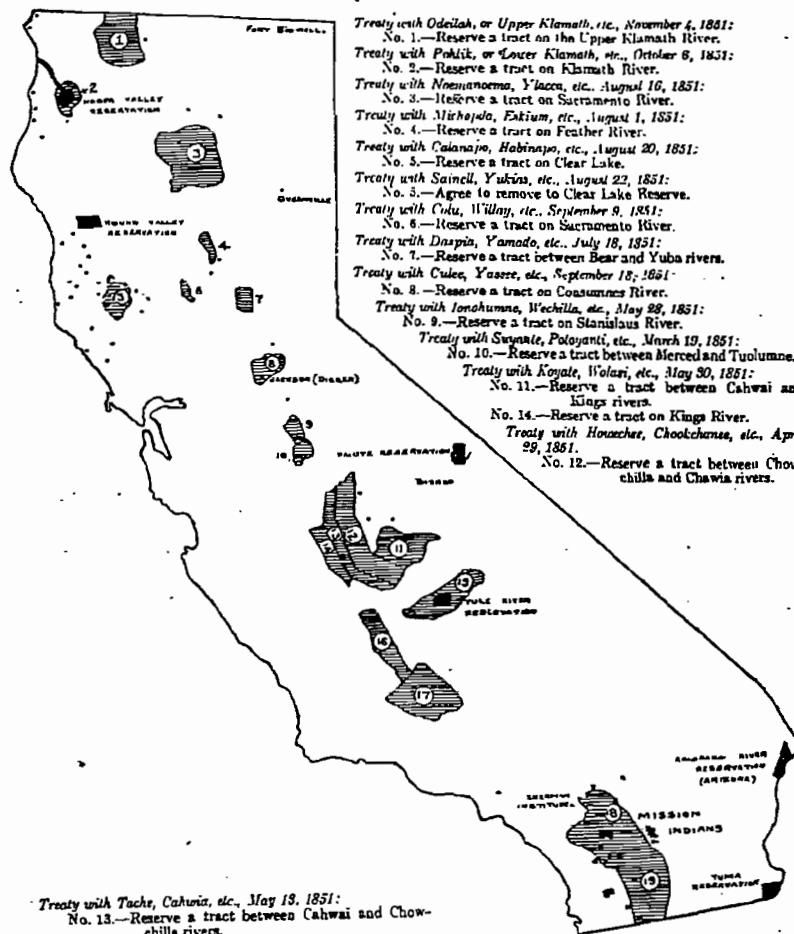


- Treaty with Pohik, or Lower Klamath, etc., October 6, 1851:*  
No. 1.—Reserve a tract on Klamath River.  
No. 2.—Cede all claim to other territory.
- Treaty with Odelah, or Upper Klamath, etc., November 4, 1851:*  
No. 3.—Reserve a tract on the upper Klamath River.  
No. 4.—Cede all claim to other territory.
- Treaty with Nomenanoma, Ylaca, etc., August 16, 1851:*  
No. 5.—Reserve a tract on Sacramento River.  
No. 6.—Cede all claim to other territory.
- Treaty with Alahuyala, Edilin, etc., August 1, 1851:*  
No. 7.—Reserve a tract on Feather River.  
No. 8.—Cede all claim to other territory.
- Treaty with Calu, Willay, etc., September 9, 1851:*  
No. 9.—Reserve a tract on Sacramento River.  
No. 10.—Cede all claim to other territory.
- Treaty with Calanajo, Habinajo, etc., August 27, 1851:*  
No. 11.—Reserve a tract on Clear Lake.  
No. 12.—Cede all claim to other territory.
- Treaty with Sainell, Yukins, etc., August 22, 1851:*  
No. 13.—Cede all claim to territory and agree to remove to Clear Lake Reserve No. 11.
- Treaty with Dasypia, Yamado, etc., July 18, 1851:*  
No. 14.—Reserve a tract between Bear and Yuba rivers.  
No. 15.—Cede all claim to other territory.
- Treaty with Culeo, Yasser, etc., September 18, 1851:*  
No. 16.—Reserve a tract on Cosumnes River.  
No. 17.—Cede all claim to other territory.
- Treaty with Ionahumne, Wechilla, etc., May 28, 1851:*  
No. 18.—Reserve a tract on Stanislaus River.  
No. 19.—Cede all claim to territory outside of reserve.

- Treaty with Suyante, Potoyanti, etc., March 19, 1851:*  
No. 20.—Reserve a tract between Merced and Tuolumne.  
No. 21.—Cede claim to all other country.
- Treaty with Howachee, Chookchance, etc., April 29, 1851:*  
No. 22.—Reserve a tract between Chowchilla and Chawia rivers.
- Treaty with Tache, Cahucia, etc., May 13, 1851:*  
No. 23.—Reserve a tract between Cahwia and Chowchilla rivers.
- Treaty with Koyate, Wolari, etc., May 30, 1851:*  
No. 24.—Reserve a tract between Cahwai and Kings rivers.
- No. 25.—Reserve a tract on Kings River.
- No. 26.—Parties to treaties of April 29, May 13, and May 30, 1851, cede all territory not reserved by said treaties.
- Treaty with Chunule, Wowol, etc., June 5, 1851:*  
No. 27.—Reserve a tract for Chunule and Wowol tribes.
- No. 28.—Reserve a tract for Yolumne and Coyatie tribes between Tule River, Paint Creek, Emigrant road, and Sierra Nevadas.
- No. 29.—Cede all claims to territory outside of reserve tracts.

- Treaty with Castake, Tejon, etc., June 10, 1851:*  
No. 30.—Reserve a tract between Tejon Pass and Kern River.
- No. 31.—Cede all claim to territory outside of reserve tract.
- Treaty with San Luis Rey, Kahwoe, etc., January 6, 1852:*  
No. 32.—Reserve a tract in S. W. California.
- No. 33.—Cede claim to all other territory.
- Treaty with Diqugno tribes, January 7, 1852:*  
No. 34.—Reserve a tract on S. line of California.
- No. 35.—Cede claim to all other territory.

Map 2—SHOWING AREAS THAT WERE TO BE CEDED BY THE 18 UNRATIFIED TREATIES WITH CALIFORNIA TRIBES IN 1851 AND 1852



- Treaty with Odelah, or Upper Klamath, etc., November 4, 1851:*  
No. 1.—Reserve a tract on the Upper Klamath River.
- Treaty with Pohik, or Lower Klamath, etc., October 6, 1851:*  
No. 2.—Reserve a tract on Klamath River.
- Treaty with Nomenanoma, Ylaca, etc., August 16, 1851:*  
No. 3.—Reserve a tract on Sacramento River.
- Treaty with Alahuyala, Edilin, etc., August 1, 1851:*  
No. 4.—Reserve a tract on Feather River.
- Treaty with Calanajo, Habinajo, etc., August 27, 1851:*  
No. 5.—Reserve a tract on Clear Lake.
- Treaty with Sainell, Yukins, etc., August 22, 1851:*  
No. 6.—Reserve a tract on Clear Lake Reserve.
- Treaty with Calu, Willay, etc., September 9, 1851:*  
No. 7.—Reserve a tract on Sacramento River.
- Treaty with Dasypia, Yamado, etc., July 18, 1851:*  
No. 8.—Reserve a tract between Bear and Yuba rivers.
- Treaty with Culeo, Yasser, etc., September 18, 1851:*  
No. 9.—Reserve a tract on Cosumnes River.
- Treaty with Ionahumne, Wechilla, etc., May 28, 1851:*  
No. 10.—Reserve a tract on Stanislaus River.
- Treaty with Suyante, Potoyanti, etc., March 19, 1851:*  
No. 11.—Reserve a tract between Merced and Tuolumne.
- Treaty with Howachee, Chookchance, etc., April 29, 1851:*  
No. 12.—Reserve a tract between Chowchilla and Chawia rivers.
- No. 14.—Reserve a tract on Kings River.

- Treaty with Tache, Cahucia, etc., May 13, 1851:*  
No. 13.—Reserve a tract between Cahwai and Chowchilla rivers.
- Treaty with Chunule, Wowol, etc., June 5, 1851:*  
No. 15.—Reserve a tract for Chunule and Wowol tribes.
- No. 16.—Reserve a tract for Yolumne and Coyatie tribes between Tule River, Paint Creek, Emigrant road, and Sierra Nevadas.
- Treaty with Castake, Tejon, etc., June 10, 1851:*  
No. 17.—Reserve a tract between Tejon Pass and Kern River.
- Treaty with San Luis Rey, Kahwoe, etc., January 6, 1852:*  
No. 18.—Reserve a tract in S. W. California.
- Treaty with Diqugno tribes, etc., January 7, 1852:*  
No. 19.—Reserve a tract on S. line of California.

NOTE.—Indian reservations shown in black. The Paiute Reservation is not occupied by Indians. Small black dots indicate location of Government-owned rancherias, varying in size from 2 to 800 acres, averaging about 100 acres in size. Elsewhere such tracts are among the Mission Indians, southern California.

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 to them were recognized by the United States Government.

It is worthy of note that the two most important areas of land which 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 coralling prisoners of war—Indians who, driven to desperation by the cruelties and aggressions of the white intruders, dared to fight and so to-day own land. The Government practically ratified the treaties made with the Indians who resisted.

On the other hand, Indians who peacefully trusted the great Government which had made treaties with them in good faith, as they believed and as their descendants still believe, quietly moved into the restricted areas, carrying out their treaty stipulations, only to be driven away, evicted from their own home lands, knocked from pillar to post, and scattered apart until to-day most of the names of tribes and villages are lost. These are the landless 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 unratified treaties, horses, mules, plows, 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 handicraft; also school teachers "to live among and work for and teach said tribes and such others as they may be required to work for and teach" so long as the President of the United States should 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 32 acres. There are no "treaty" reservations in the State. All lands occupied by reservation Indians and Indians under Federal supervision, who live on Government-owned rancherias, were set apart from the public domain by acts of Congress, by Executive order, or bought from congressional appropriations. About 1,700 allotments, of not over 160 acres each, have been made nonreservation Indians.

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 517,118 acres, making the per capita acreage 32. If there is included in the Indian land acreage the public domain allotments, and the land bought for nonreservation Indians since 1906, the per capita acreage will be about 50.

Included in the 517,118 acres of California Indian land 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 not water there and no way to get water.

The small per capita acreage of Indian land in California seems to shrink to even smaller dimensions when compared with the per capita holdings of Indians in other Pacific coast and the Mountain States. The following schedule is compiled from the 1919 report of the Commissioner of Indian Affairs and shows 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:

States.	Indians.	Acreage.	Acres per capita.
California.....	16,215	517,118	32
Oregon.....	6,600	1,718,000	260
Washington.....	11,000	2,700,000	245
Idaho.....	4,000	682,000	170
Montana.....	12,000	6,000,000	500
Wyoming.....	1,700	2,100,000	1,235
Colorado.....	821	468,000	570
Utah.....	1,600	1,640,000	1,025
New Mexico.....	20,000	4,700,000	235
Arizona.....	42,000	18,000,000	440
Nevada.....	5,800	735,000	127

Before concluding this effort to justify the proposition that the United States not only is morally and in good faith bound to go further than it has gone to right the wrong done the nonreservation Indians of California but, also, is legally their debtor, I would like to call your attention to this point, viz: The nonreservation Indians were the same, in all respects, in 1851, as 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 carry out a part of the unratified treaties with part of 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 impracticable and unavishable, to even approximate the promises as respects 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 Indian Office can show that it has spent large sums of money in California and accomplished much good results for the Indians but the great bulk of the expenditures, and most of the activities, were for reservations administration, for the operation and maintenance of three nonreservation schools and for the benefit of reservation Indians. The nonreservation Indians, having identical rights with the reservation Indians as creditors of the United States, have had comparatively little done for them.

And I am not forgetting that since 1906 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 these Indians by the Government and of the obligations imposed on the Government by such 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 so through no fault of ours.

The solution of 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 for a time to place in California an Indian service organization particularly 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 in general of looking after the interests of the nonreservation Indians.

The home life of these Indians must be considered in any scheme to assure 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 apart from communities. Whether living in bands or alone most of the Indians are squatters on white men's land liable to eviction at any time.

But few of these nonreservation Indians, so few that the number is negligible, derive their entire support from their own farms and the common opinion of white people of the State who have had much to do with the Indians is that any efforts to make self-supporting farmers out of them, of this generation at least, will be futile. And this opinion is soundly based on the knowledge that the nonreservation Indians have not reached that point in their progress where they have a real appreciation of land ownership and the value of self discipline. In many respects they are child-like; in many ways dependent. They are unused to accepting responsibilities and assuming the initiative. They are unlearned in farm and property management.

They are uneducated, illiterate, and ignorant of white men's ways, although they have been living among white people for several generations. But more than all else they have for generations been treated by their white neighbors as an inferior people and have been accepting that appraisal quite as a matter of course, and yet they are a self-supporting people. They get their own living by the work of their own hands. But it seems they must work for others, for, as a rule, they are incapable of carrying on any kind of business—agricultural, industrial, or commercial—for themselves.

With apparently few exceptions the California Indians are seasonal, or casual, work people. The earning time for the great majority of them is the growing seasons—spring, summer, and fall. Most of them are idle during the winter months. In the beginning of their work season they migrate to the hop fields, vineyards, the prune, apricot, and other orchards, to the citrus groves, ranches, and rice fields. When

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, olives, etc., are canned.

A large number of them find employment in sawmills, on the surface of mines, in logging camps, and on railroads, and public roads. During sheep shearing these Indians 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 by the day as domestics and laundresses.

I have said they migrate to the places where they find work. This literally is the fact, for during the earning season the Indians take their families with them to the fields, ranches, and orchards and are there for months at a time. The Indian villages are deserted by all save a few of the old folk, who stay at home as caretakers.

Indian labor generally is preferred by white employers of the State. The Indians are regarded as faithful, honest, and fairly reliable work people. It is true they will knock off work for what seems to their employers to be trivial reasons, and sometimes their social gatherings, fiestas, and religious demands interrupt important labor at critical times, but, as a rule, the Indians work without requiring watching and carry out their contracts and orders.

The exact number of Indians in California is not known. Estimates range from 15,000 to 25,000. The reports of superintendents having jurisdiction in the State, and which are contained in the 1919 report of the Commissioner of Indian Affairs, give a total Indian population of 16,215, of which 5,231 is frankly put down as an estimate of the number of "scattered" or nonreservation Indians. From what I have seen and heard in this survey, I am of the opinion that this estimate of 5,231 is most conservative.

Every superintendent and agent in California told me he did not know how many nonreservation Indians were in the district under his supervision, and that he was constantly meeting Indians he never had heard of before. It is not at all surprising that these Indian Service officials can not definitely report the number of their nonreservation Indians; the reason is clearly apparent to one who goes into the nonreservation Indian sections of the State. Most of this class of people live in the mountain regions. Those who live apart from known bands or communities are scattered over great areas of rugged country where the roads are nothing but faint trails which lead over foothills and mountain sides, through valleys and canyons, and into the deep woods. These Indians ever are on the move; many of them have two names, Indian and the nicknames given by white people. They seldom come in contact with Indian Service people. A county official told me it would be easier to take a census of the jack rabbits in his county than of the scattered Indians, and a man who undertook to enumerate these Indians for the last Federal census said he made every endeavor to secure an accurate count, but was satisfied he had missed a large number because he could not reach them.

A curious paradox is presented by the nonreservation Indians. Among them are "landless" Indians who, living on Government-owned rancherias, practically have land, and land-owning Indians, who, having allotments which are worthless to them, practically are "landless." Rancherias, so called, are tracts bought by the Indian Service some years ago, upon which bands of Indians quarters were located. No Indian owns a foot of Government rancheria soil, but they are assured of undisturbed possession of assigned lots—home sites—so long as they occupy and use them. There are rancherias which were owned by Indians before the Government bought contiguous acreage to care for the too congested colonies, and there are Government-owned rancherias whose colonists have bought in common adjoining lands for themselves. The best examples of rancherias are found in Mendocino, Lake, and Sonoma counties north of San Francisco. Most of the allotted nonreservation Indians live in the northern part of the State.

The California Indians may be divided into the following groups:

Reservation Indians.....	6,058
Nonreservation Indians who live on rancherias, approximately.....	4,300
Nonreservation Indians, including about 1,700 allotted.....	5,857
<b>Total Indian population.....</b>	<b>16,215</b>

Census by counties.

County.	United States census, 1910.	Northern California Association census, 1906.	County.	United States census, 1910.	Northern California Association census, 1906.
Alameda.....	41	30	Orange.....	21	.....
Alpine.....	94	200	Placer.....	102	103
Amador.....	143	146	Plumas.....	380	485
Butte.....	298	349	Riverside.....	1,590	.....
Calaveras.....	161	125	Sacramento.....	62	15
Colusa.....	169	95	San Benito.....	.....	40
Contra Costa.....	3	.....	San Bernardino.....	572	529
Del Norte.....	337	261	San Diego.....	1,516	.....
El Dorado.....	177	291	San Francisco.....	46	.....
Fresno.....	313	445	San Joaquin.....	8	.....
Glenn.....	32	67	San Luis Obispo.....	14	.....
Humboldt.....	1,622	1,718	San Mateo.....	1	.....
Imperial.....	682	.....	Santa Barbara.....	45	.....
Inyo.....	792	1,062	Santa Clara.....	16	.....
Kern.....	229	300	Santa Cruz.....	15	.....
Kings.....	32	132	Shasta.....	756	699
Lake.....	435	618	Sierra.....	54	85
Lassen.....	410	474	Siskiyou.....	1,109	902
Los Angeles.....	97	.....	Solano.....	1	.....
Madera.....	419	610	Sonoma.....	340	369
Marin.....	26	100	Stanislaus.....	30	.....
Mariposa.....	192	190	Sutter.....	18	.....
Mendocino.....	1,170	1,425	Tehama.....	94	115
Merced.....	.....	753	Trinity.....	227	278
Modoc.....	545	536	Tulare.....	204	231
Mono.....	386	123	Tuolumne.....	186	201
Monterey.....	29	.....	Ventura.....	3	.....
Napa.....	6	.....	Yolo.....	32	42
Nevada.....	52	66	Yuba.....	16	56

Note.—Census of Northern California Indian Association covered 38 of the 58 counties. Total Indian population, United States census, 1910, 16,371; report of Commissioner of Indian Affairs, June 30, 1919, 16,215.

The Indian population remains about stationary, for the United States census of 1910 gives 16,371 as the total number of Indians in California. The attached statement shows the number of Indians in each county according to the United States census of 1910. It will be noted that in each of 27 counties the Indian population is less than 100; in each of 11 counties the population is between 100 and 300; in 10 counties between 300 and 600; in 3 counties between 600 and 1,000, and in 5 counties the population is over 1,000 in each.

Landless Indians (nonreservation Indians who do not live on rancherias and who have no allotments) are found in almost every county of the State, but they are more numerous in the northern part and on both sides of the Sierra Nevada Range down the eastern length of the State, and no one knows how many there are of them. The reservation Indians proper are those who live in the Hoopa Valley Reservation in Humboldt and Del Norte Counties, in the Round Valley Reservation in Mendocino County, in the Tule River Reservation in Tulare County, in a little reservation near Bishop, Inyo County, in a small reserve of 330 acres near Jackson, Amador County, in another small reserve at Tuolumne, Tuolumne County; in the Fort Yuma Reservation, Imperial County, and in the 29 Mission Indian Reservations in Riverside, San Diego, and San Bernardino Counties in the southern part of the State. The Indians who live on the Colorado River in the Colorado River Reservation in the southeastern part of the State are under the jurisdiction of the superintendency in Arizona.

Local prejudice against the public school coeducation of Indian and white children is not so strong in California as it was. Nearly everywhere in the State I found those who are interested in the welfare of the nonreservation Indians more encouraged because of the increased public school attendance of Indian children. In some places the feeling against teaching Indians in white schools still is strong but there is no doubt that, in general, the old time antipathy is passing. This, of course, is largely due to the payment, begun a few years ago by the Indian Office, of tuition for Indian children in public schools whether in separate schools established under the State law for Indians or in those where the white and Indians are taught in common.

In 1915 the superintendents of California reservations and agencies reported only 316 Indians attending public schools; in 1916 this number jumped to 1,469, increased to 1,541 in 1917, to 1,820 in 1918, and to 2,199 in 1919, 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 the children to school. There is a provision in the law, though, which gives the governing authorities of school districts the power to establish separate schools for Indian children and requires them to attend such schools. But if there are no separate schools then the Indian children can not, lawfully, be barred from white schools. There are a number of schools established exclusively for Indians in the State.

The question whether it would be better to send Indians to public schools established exclusively for them or to send all Indian children to schools where they would be taught in common with white children is debatable. There are those who hold that in the elementary school years Indian children should be segregated in separate schools. The advocates of separate schools for Indian children in the elementary grades argue that a full-blood Indian child is seriously handicapped by its limited knowledge of the English language, by its sluggish mentality, by its natural bashfulness, by the economic conditions which compel its parents to migrate, with the families, to the fields, orchards, and other places where the parents labor, thus keeping the child out of school a 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 is 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 precisely known. In the commissioner's 1919 report the total number of Indian children attending Government, mission, and public schools is given as 3,897 out of a total of 4,579 who were eligible for school attendance, apparently leaving 682 eligible children out of school, but the figures include an estimate of the children of an estimated 3,000 "scattered" Indians, so that the total of school attendance includes both the known and estimated attendance. The public school attendance is given in the report as 2,199, 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 jurisdictions: Hoopa Valley, none; Round Valley, \$873.68; Fort Bidwell, \$74.48; Greenville, \$2,339.92; Digger, \$240.90; Bishop, \$163.80; Tule River, none; Campo, none; Malki, \$391.74; Yuma, none; Pala, \$378.85; Soboba, none; Reno, Calif., \$1,767.90; total, \$6,131.27.

At 15 cents a day, the common Government rate of pay for public-school tuition, this amount would call for 40,875 school days, or for about 100 days tuition for 408 Indian 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 their tuition by the Government.

I was unable at Sacramento 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 few county superintendents of schools knew how many Indian children of school age were in their counties and how many attended public schools, for Indian school attendance is not segregated in school statistics.

When I was in that State a census of minors was being taken by county superintendents of schools under the direction of the State superintendent of public instruction. This census will be more than a mere counting of noses, for its inquiries will develop much of the home life, living conditions, health condition, etc., of children of school age. The county superintendents were instructed to segregate the data touching Indian children. All this information will be available in February and will afford a sound basis for arriving at the number of nonreservation Indian children of school age in California. These data, with the census figures of the two special investigators of the Indian Office, should furnish the Indian Office and Congress with

sufficient information to permit the adoption of a practical policy designed to furnish ample school facilities for all the Indians in California.

At Sacramento I had an interesting conversation with Mr. Job Wood, jr., deputy superintendent of public instruction, and found that the State's directors of the public school system are heartily in favor of doing all the State can to advance the interests of the Indian children.

Mr. Wood told me that the new compulsory educational law, passed at the last session of the legislature, applies to any child, irrespective of race or color in the State, who is between the ages of 5 and 18, unless the child is exempted by the county superintendent of schools. Thus, all Indian children outside of the reservation can be compelled to attend the public schools.

Before a new school district can be formed there must be a minimum of 15 census children living in the proposed district who are between the ages of 5 and 17 years. There is no law which authorizes the expenditure of State or county funds to build a district schoolhouse. It must be put up by the district and the school must be maintained at least a year by the district before it can secure State aid to pay the teacher.

In the mountain districts where much of the land, being public domain or national forest, is untaxed and therefore provides no revenue, the school districts are poor. It is in such sections where most of the nonreservation Indians live and if a new district school is built for them it would stand in a place so remote from a white community that it would be necessary to build a home for the teacher in addition to the schoolhouse, for no white woman would live with an Indian family.

This requirement, Mr. Job thought, practically prohibits the organization of new school districts in the mountain country where the Indians live, for the expense of building the school and teacher's house and of maintaining the school during the probationary period of a year would be too large for a poor school district to handle and the board of supervisors simply would not attempt to build the school, even though the members might be willing to help educate the children.

It would appear, then, from Mr. Wood's statement, that since neither the State nor county can build a district school and State aid toward the payment of the teacher can not be had until after the school has been running for a year, at least, that some way will have to be devised by which the United States Government can erect a new school building and maintain the school for a year. This matter is an important one and should enter largely into any consideration of ways and means to accelerate the education of nonreservation Indian children.

I have seen two public schools, maintained by the State, using buildings which had been erected by the Government; one near Ukiah, Calif., and the other in Browning, Blackfeet Reservation, Mont., and, probably, there are others. The question of adopting the policy of aiding new school districts in California to open public schools for nonreservation Indians is a large one, for it would involve the expenditure of a considerable sum of money not only for the building of schoolhouses and the maintenance of the schools during the probationary period, but, in many cases, it would require the building, also, of homes for teachers.

In an effort to ascertain the sentiments of county superintendents of schools in regard to public school attendance of nonreservation Indians, letters of inquiry were written a number of them. Ten replied, and if they share the common state of mind of California's school authorities, then the general feeling of most of the county superintendents is that the Government and State should cooperate in the education of the Indians.

There is some difference of opinion as to the capabilities of Indian children in schoolrooms, for some county superintendents find they are but indifferent scholars, lazy, mentally sluggish, and far below the average of white children, while others write 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 noted, the objections being based on the fear of white parents that the Indians may bring trachoma, tuberculosis, and even social diseases to school with them.

An abstract of the replies has been prepared and is appended to this report as an exhibit to which your attention is respectfully directed.

Permanent home sites for landless Indians, grouped in colonies on tracts of land in every way suitable for villages, to be bought and, for a time, held by the Government, will go a long way toward solving the problem under consideration. Bearing in mind that such Indians are but common laborers who seek employment at varying distances from their living places; that though some rent patches of land for home sites the larger proportion are squatters, ever facing summary eviction and, therefore, practically forced to live in shacks and huts built of odds and ends, necessarily of the most tempo-

rary construction: that it is the nature of the Indians to live in bands or communities; that their mode of living, imposed upon them by economic conditions, breeds filth, squalor, and diseases, retards progress by killing ambition and discouraging the development of self-respect, and that all such evils can be directly traced to the fact that the Indians have not the slightest assurance of home site permanency, the colony system presents the most practical, the most economical, and the most promising way to hasten the progress toward civilization of these Indians.

The Government-owned colony or rancharia is no novelty. A large number of landless Indians have been living, and progressing, in such communities for years in California and Nevada. But the instant success of the two colonies established near Reno, Nev., and Yerington, 75 miles south of Reno, within two years by the Indian Office has emphasized so distinctly the great constructive value of home sites, with favorable environment, for the Indians which they know are permanent, that I beg leave to describe the colony between Reno and Sparks.

About two and a half years ago I visited the western part of Nevada, inquiring into the conditions of the Paiutes and Washoes and found hundreds of them living under the most distressing conditions. What they called "homes" were but hollow scrap piles of alley and ash barrel odds and ends thrown together upon patches of land so barren of everything regarded as prime necessities for man's habitation that they were utterly wretched. The Indians were a degraded lot, despised, treated with contempt by their white neighbors, their children were barred from the public schools; they simply were tolerated because their labor was useful and cheap.

A few weeks ago I saw the same Indians, living on 20 acres of land midway between Reno and Sparks, land which had been bought by the Indian Office for \$300 an acre and worth more: land with water for irrigation and domestic use; land surrounded by a substantial wire fence with a wide street down the center of the tract with young trees planted on both sides; level land, every foot available for home lots and gardens. I saw Indians whom I had pitied a few months previously living in neat cottages which they, themselves, had built; cottages having from three to four rooms; wood floors; brick chimneys; doors; windows with lace curtains, shades and fly screens; cottages with gardens behind. I saw an automobile bus taking Indian children to the Reno public school. And all this change came almost immediately after the Indians began to move onto the colony tract about two years ago.

When I first saw this tract it was an alfalfa farm adjoining Reno. The entire cost, to the Government, of this project up to last November—and this practically includes everything excepting the necessary house for the matron and a community house, was as follows:

Land, 20 acres, at \$300.....	\$6,000.00
Division fence.....	126.00
Survey.....	17.50
Well, for domestic water.....	346.85
Culverts, drainage and irrigation.....	96.54
Trees and shrubbery.....	158.40
Outhouses, 20 at \$8.....	160.00
Total.....	6,905.09

Less than \$7,000 used to lift over 100 wretched Indians out of the city dump, the alkali swamp, and the sewer in which they had been existing.

To complete the plans for this colony will require only \$8,600, of which \$4,000 is estimated for a matron's house and \$2,600 for a building, to be used as a community center, warehouse, and village hall. The colony will take care of at least 100 families, each having a lot 50 by 150 feet, so that each family can have a garden patch and room for a horse or cow. The purchase of the land carried with it 60 shares in the Scott Rancho Ditch Co. for water rights and it will cost about \$20, which the Indians are expected to pay, for ditch maintenance.

A street 40 feet wide has been laid out through the center of the village. When the Indians first came on the tract their temporary shacks were built on the backs of the lots where the alley will run. The permanent houses are being placed on the building line in the front of the lots. Fruit trees, apples, pears, plums, and crab apples, have been planted for shade trees on both sides of the street and the shrubbery is currants, gooseberries, and raspberries. Asparagus and rhubarb are to be planted in each lot and a row of fruit trees will be planted along the alleys.

The outstanding difference between the Reno-Sparks colony and the rancharias heretofore established in California is that the Reno-Sparks colony has been laid out as a village and not as an aggregation of little farms. The fact that landless Indians in Nevada and California are not and, for years to come, will not be self-supporting

farmers, has been recognized in planning the Reno-Sparks colony which has been established primarily as a village for laborers who will have comfortable homes to come to from their work.

The Yerington colony uses 10 acres of irrigated land adjoining the city limits. The land cost about \$1,200 and is colonized by about 150 Paiute Indians, or 30 families. The children are not admitted, as yet, to the public school at Yerington but are taught in the Catholic mission school. A number, however, attend the Carson nonreservation school. This colony was opened in the fall of 1918 and all the Indians moved to the tract the day it was opened. The village has three wells and is arranged much after the fashion of the Reno-Sparks colony.

About a mile from the statehouse in Carson City is 160 acres which is being developed into the Carson Colony and Home for Old Washo Indians. It will take care of 200 Washoes, the money for its purchase and development coming from the Washo Indian appropriation. A good eight-room house on the property will be used as the matron's cottage and other buildings are being remodeled for the old folk's home. This tract, with improvements, cost but \$3,500.

At Lovelock, northeast of Reno, is the first of the Nevada colonies founded about 1910. It provides for 30 families and has a day school with houses for the teacher and matron. This land is not irrigated but the Indians have water for home uses. It was the Lovelock colony which demonstrated the success of establishing villages for Indians with the idea that they need only permanent home sites, with the right kind of environment, to encourage them to go ahead. Other colonies in Nevada, which are in the making, are at Battle Mountain, Winnemucca, and Elko.

These Nevada colonies might well be taken as models for colonies or villages for the landless Indians of California for they represent the latest development in the activities of the Indian Service which are used to encourage Indians who have "lost out." Until recently the purpose of buying land for Indians seems to have been to make farmers of them, and large tracts were bought so as to give 10 to 20 acres to a family. In some cases, where the land was of good soil, with water for irrigation, this purpose might have been realized, but too much of the land heretofore purchased for California Indians is waterless, and in California land without water is of little value except for rough grazing and of no value for that unless tracts of very large acreage are used.

Since 1906 the Indian Service has brought 8,300 acres of land for 4,500 California Indians at a land cost of \$161,200. Of this amount about \$34,300 was used to buy land for the Mission Indians in the three southern counties of the State; \$95,100 was spent for land for new rancharias and to augment the areas of rancharias owned by Indians in five contiguous counties in the northwestern part of the State; and \$51,800 went for small tracts for bands living in 15 scattered counties.

Almost all of this land was purchased out of appropriations, aggregating \$150,000, authorized in the acts of June 21, 1906, and April 30, 1908, and the appropriations were predicted on an investigation of the condition of California Indians by Mr. C. E. Kelsey, a special agent of the Indian Service. So far as I have been able to learn this investigation is the only survey ever made, prior to the one in progress, of the nonreservation or landless Indians of the State.

Mr. Kelsey's report has been the basis of practically all appropriations made for nonreservation Indians in California and properly so. He went thoroughly into the situation, made as good a census as one man, in the limited time given him, could make, and his conclusions and recommendations substantially are as timely to-day as they were 14 years ago and might well be considered in connection with the survey now being made of the landless Indians. A copy of his report is appended hereto as an exhibit.

Among the recommendations he made are the following:  
 "That those Indians who are landless through an act of omission of the National Government, shall receive land in lieu of any claims they may have against the Government, moral or otherwise; that the land shall be of good quality with proper water supply, and shall be located in the neighborhood in which the Indians wish to live; that this land shall be given under some such plan as that pursued at Fort Independence, each family being consigned to not exceeding 10 acres, or such small tracts as the conditions may warrant; this land to be purchased and assigned by a commission appointed by the Secretary of the Interior, the majority of the members to be experts in northern California land conditions.

"That those Indians who have received worthless desert allotments shall have the privilege of exchanging them for the same size and character as proposed for the landless Indians in northern California, and that the allotments so surrendered shall be restored to the public domain; that those Indians who have received mountain or timber allotments shall have the privilege of exchanging them for allotments of the

same size and character as those appropriated for the landless Indians of northern California and the allotments so surrendered be added to the forest reserve."

Mr. Kelsey's recommendation that a commission be appointed to buy the lands was not adopted. Instead he was detailed by the Commissioner of Indian Affairs 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:

Band.	County.	Number Indians.	Acres.	Amount.
San Manuel	San Bernardino	56	12.63	\$1,995.50
Pechanga	Riverside	179	235	6,650.00
Palm Springs	do.	35	300	6,000.00
Santa Rosa	do.	70	640	2,560.00
Los Coyotes	San Diego	165	160	800.00
Campo	do.	165	1,040	14,500.00
San Pasqual	do.	66	200	1,800.00
Smith River	Del Norte	163	163	7,200.00
Crescent City	do.	50	100	3,500.00
Trinidad	Humboldt	43	60	1,198.00
Blue Lake	do.	45	26	1,500.00
Lower Eel River	do.	60	20	3,000.00
Bear River	do.	29	15	1,500.00
Hopland	Mendocino	120	630	5,750.00
Laytonville	do.	98	200	2,500.00
Guidiville	do.	92	50	2,000.00
Coyote Valley	do.	48	100	2,484.00
Potter Valley	do.	72	16	2,000.00
Redwood Valley	do.	51	80	2,000.00
Manchester	do.	84	75	4,908.75
Sherwood	do.	92	230.72	5,750.00
Ukiah	do.	130	95.25	8,500.00
Point Arena	do.	40	40	800.00
Guilleville	do.	74	74.12	2,100.00
Sherwood	do.	41	67	431.81
Upper Lake	Lake	285	44	5,000.00
East Lake	do.	134	58	6,600.00
Middletown	do.	51	108.70	2,650.00
Scotts Valley	do.	60	56.68	2,900.00
Big Valley	do.	92	80	12,000.00
Alexander Valley	Sonoma	74	24	1,800.00
Wappo	do.	30	30	2,500.00
Dry Creek	do.	75	75	1,875.00
Stewart's Point	do.	118	40	1,100.00
Sebastopot	do.	76	40	1,600.00
Pitt River	Shasta	85	120	1,795.00
Montgomery Creek	do.	62	72	400.00
Etna	Siskiyou	56	450	2,208.00
Cedarville	Modoc	82	17	1,000.00
Mooretown	Butte	33	50	700.00
Enterprise No. 1	do.	51	40	160.00
Enterprise No. 2	do.	3	40	162.56
Strawberry Valley	Yuba	14	5	203.90
Colusa	Colusa	63	40	3,300.00
Cortina	do.	47	460	4,800.00
Grindstone	Glenn	56	80	1,050.00
Rumsey	Yolo	49	75	2,000.00
Colfax	Placer	64	40	800.00
Eldorado	Eldorado	53	50	1,500.00
Sheep Ranch	Calaveras	12	2	150.00
Tuolumne	Tuolumne	78	289.32	3,500.00
Millerton	Madera	55	140.86	1,500.00
North Fork	do.	200	80	550.00
San Joaquin	Fresno	114	280	2,800.00
Table Mountain	do.	90	160	1,600.00
Bishop	Inyo	15	15	1,125.00

Nonreservation Indians are citizens of California so declared to be in a decision of the Supreme Court of the State, handed down March 8, 1917, in the case of Ethan Anderson, an Indian of Scott Valley, Lake County, against Shafter Mathews, 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 gave the Indians the right to vote—a few of them have taken advantage of the right—placed the sick, indigent, old, and helpless in a perilous situation; it 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 exclusively by the Government; that the Indians, being citizens of the State should be taken care of, exclusively, by the State; that as the Indians are both wards of the Government and citizens of the State they should be taken care of by both Government and State.

I found the popular idea to be that the Government and State should cooperate in the care of the sick, indigent, old, and helpless Indians. The difficult factor in this proposition is cooperation between the Government and local authorities, how can it be effected. There would be no trouble if the county authorities clearly recognized 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 take 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 on the same footing as other citizens; that at least the County should be willing to pay half of the expense for their care in hospitals, poorhouses, etc.

The Indian Office may be right, but what if a sick, indigent Indian is refused medical and hospital attention by the county and the Government refuses to give him needed care because 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 county.

Congress can appropriate money for the care of the sick and distressed Indians and the Indian Office can use the money for that purpose, but neither Congress nor the Indian Office can force the county authorities of California to do their part at the risk of Indians dying because neither party to the controversy pays any attention to him. Every Indian official in California told me his allotment of funds for the care of the old, destitute, sick, and helpless Indians never is enough; that every year the demand exceeded the allowance.

In this connection I respectfully direct your attention to some letters I wrote a number of county physicians and health officers in California with the purpose of developing their ideas in regard to the care of needy Indians. A number replied and their observations have been abstracted and are attached hereto as an exhibit. It will be noted that the health officials are about evenly divided between those who think the Government should take care of the Indians and those who are in favor of Government and county cooperation.

I feel certain that the white people of California are beginning to take a decided interest in their Indian neighbors: evidences of a change in public sentiment toward the Indians are found all over the State. Womens' clubs, social service organizations, churches, associations formed for the single purpose of helping helpless Indians, and men and women working on their own initiative are in the field, and there is small doubt, in my mind, that in a comparatively short time, the Indian Office will have the active and effective cooperation of some 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, 1851, BETWEEN GEORGE W. BARBOUR, COMMISSIONER ON THE PART OF THE UNITED STATES, AND THE CHIEFS, CAPTAINS, AND HEAD MEN OF THE TACHES, CAH-WAI, 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, 1851, 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: The Ta-ches, Cah-wai, Yo-kol, Ta-lum-ne, Wia-chum-ne, Hol-cu-ma, To-e-neche, Tu-huc-mach, In-tim-peach, Choi-nuck, We-mil-ches, and Mo-ton-toes, of the second part.

ARTICLE I. 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 individuals of either party to 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 a district of country between the Cah-wai River, or the first of the four creeks, and the Chou-chille River, to be laid off as follows, to wit: Beginning at the point in the Cah-wai River where the southwestern line of the land set apart for the Indians at the treaty made and concluded at Camp Barbour, on the San Joaquin River, leaves said river for the Chou-chille River: running thence down the middle of the Cah-wai River to the Tulere or Tache Lake; thence along the same in the direction of and to the mouth of Kings River thence up said river to a point 6 miles below where the said southwestern line of the lands set apart for the Indians at the treaty made at Camp Barbour on the San Joaquin River as aforesaid, crosses said Kings River; thence a line to the Chou-chille River to be run parallel to the aforesaid line crossing the San Joaquin and Fresno Rivers, and intersecting the Chou-chille at the distance of 6 miles from said southwestern line; thence up the Chou-chille to said line and with it to the beginning, on the Cah-wai River, shall be set apart and forever held for the sole use and occupancy of said tribes of Indians; in consideration of which, and the further consideration of permitting said tribes to hunt wild game and gather wild fruit, nuts, etc., in the hills and mountains between the Cah-wai and Chou-chille Rivers the said tribes hereby forever quitclaim to the Government of the United States to any and all lands to which they or either of them may ever have had any claim or title.

ART. 4. In further consideration of the premises, and for the purpose of aiding in the subsistence of said tribes of Indians during the years 1851-52, it is agreed by the party of the first part to furnish said tribes jointly (to be distributed in proper proportions among them) with six hundred head of beef cattle, to average five hundred pounds each, and five hundred sacks of flour, to average one hundred pounds each, for each year.

ART. 5. It is further agreed that as soon after the ratification of this treaty by the President and Senate of the United States as may be practicable and convenient, the said tribes shall be furnished jointly and free of charge with the following articles, to wit: Fifty brood mares and two stallions, sixty cows and five bulls, twenty-four plows, twelve sets of harness complete, twenty-four work mules or horses, twenty-four yoke of California oxen, two hundred axes, two hundred hoes, one hundred spades or shovels, one hundred picks, all the necessary seeds for sowing and planting for one year, three thousand pounds of iron and six hundred pounds of steel, two thousand blankets, two flannel shirts and two pair of coarse pants for each man and boy over fifteen years of age, three thousand yards of linsey cloth and the same quantity of cotton cloth, and the same of coarse calico for clothing for the women and children, fifty pounds of thread, five thousand needles, five hundred thimbles, and twelve dozen pairs of scissors, and one dozen good grindstones.

ART. 6. The United States agree further to furnish 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 skilled in working in wood (wagon maker or rough carpenter), one superior and such assistant school-teachers as may be necessary, all to live among and work for, and teach said tribes and such others as they may be required to work for and teach; said farmer, blacksmith, worker in wood, and teachers 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 all other buildings necessary for the persons mentioned in this article to be furnished by the Government, and for the purpose the Government of the United States hereby retains and reserves to herself in the lands herein set apart for the Indians, not only the right to erect said buildings, but also the right to erect any military post or posts, houses for agents, officers, and others in the service or employment of the Government, and the right of way over any portion of said territory.

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

In testimony whereof, the contracting parties have hereto signed their names and affixed their seals this 13th day of May, Anno Domini 1851.

G. W. Barbour, Taches: Quintin, chief; Jose Antonio, Sulio, Elarion, Gregorior. Notontors: Manuel, chief; Santiago, Inocente, Estanislao, Jose Quintin, Juan. We-mil-ches: Julian, chief; Jose Martin, Pedro, Jose Antonio Nicolas. Choi-nues: Valentine, chief; Jose, Ebon, Francisco, Satronine. Intimpeaches: Antonio, chief; Sisto. Tu-huc-maches: Sylvester, chief; Cervantes. Tor-neches: Castro, chief; Jose Antonio. Holcumas: Hamuch, chief; Tomas. Wic-chum-nes: Eahal, Manuel, Ignacio, Chilo. To-lum-nes: To-hil-na, Joaquin. Cah-wais: Francisco, Bautista, Rafael. Yo-kols: Echa, Juan Tamato, Jose Maria.

Signed and sealed in duplicate, after being read and explained, in the presence of H. S. Burton, interpreter; N. H. McLean, secretary; W. S. King, assistant surgeon, United States Army; Y. Moore, second lieutenant, Second Infantry; H. G. J. Gibson, 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 reach; 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?

If Indian children do not attend school, why? Is it really because of racial prejudice; is it because they are uncleanly; is it because white parents fear Indians may spread tuberculosis, or trachoma: is it because of difference in standards of morality?

How many Indians are there in your county and what is their general condition?

Please give your candid views on this query. 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 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 Gord, 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 for them. 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 leaving school and also because they are backward. They have not the interest in schools which white children have and this I think is due to their inheriting a sluggish mind and the low standards of education and immorality held before them. Most children in Mendocino County do either attend a public school or an 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 care 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 because of so many small schools which necessitates paying a great number of teachers, making the cost of education very large as 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, Siskiyou County:

"Number of Indian children of school age in Siskiyou County unknown, but they attend public schools with white children. They reach the eighth grade, are very good scholars and many finish the elementary schools.

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

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

"About 75 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 a rule the children can not grasp the work of the higher grades and

lose interest; does not know the number of Indians in Butte County but considers their condition to be fair.

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

John L. Dexter, superintendent of schools, Mariposa County:

"About 65 Indian children of school age in Mariposa County, and all attend public schools with white children; go as far as high school. As scholars they are usually slow; they belong to the Digger Tribe; the Government pays tuition in some cases. As a rule the Indians are poor scholars, but in some cases are bright; 225 Indians, full and mixed bloods, in Mariposa County. Their condition, in most cases, is not the best.

"The State and Federal Government should cooperate in the work of educating and caring for these Indians. The Government should provide an easy method for rural districts to secure some aid in educating children. It is impossible in some of the remote districts to have the three trustees go miles and miles to appear before a notary public to comply with all the requirements laid down by the Government."

G. P. Morgan, superintendent of schools, Tuolumne County:

"About 75 children of school age in Tuolumne County; some of them attend public schools with white children, possibly 25; they reach about the fifth grade; are fairly good scholars and belong to the Digger Tribe; the Government pays for tuition. Indian children do pretty good work; seem intelligent, but are slow and diffident; approximately 200 Indians in Tuolumne County; general condition fairly good; some have adopted many ways of the whites, have good homes and live well; others still live in shanties and are unclean. The children who do not attend school apparently do so for two reasons—some live too far from schoolhouses and some are indifferent.

"It seems to me that the Federal Government should assume the responsibility for the full care of Indians in California, but from another angle it would seem that State and Federal governments should divide the care and expense. It might be more equitable the latter way, as some States have very few Indians, and they could then contribute to the support of those States with large Indian populations. Here is but one school district in Tuolumne County (Summerville district) that derives Federal aid for the Indians. These are supposed to live on the reservation near by."

Mrs. Nettie B. Harris, superintendent of schools, Modoc County:

"About 10 Indian children attend the public schools with white children; they make fair progress, but are not as good as a normal white child; usually reach the fourth or fifth grade; they are Pit River Indians; in some cases the Government pays 15 cents a day tuition; Indian children are obedient and studious; the principal objection to Indian children attending white schools is trachoma and uncleanliness; some are very clean; some have symptoms of tuberculosis; some racial prejudice can be found in some sections.

"It seems to me the State and Government should cooperate in the care of the Indians."

Craig Cunningham, superintendent of schools, Madera County:

"Approximately 100 Indian children of school age in Madera County; approximately 75 attend Madera County schools, reaching the third, fourth, and fifth grades as a rule, though there are exceptions where they reach the sixth and seventh grades and one or two cases graduated from the grammar schools; these are Digger and Chick-chansie Indians; the Federal Government has given substantial help in the way of tuition.

"As far as the schools of this country are concerned I believe that they add materially to the better living and enjoyment of life to the Indians. I have a few cases where trustees of school districts are part Indian blood. In my county there seems to be no prejudice against Indian children attending school. On the contrary my school boards in the mountain districts have encouraged them to attend. I could make only a guess at the Indian population in my county, it is probably 200. I think their general condition good. Most of the Indians secure employment in the vineyards in the valley in summer months. In most all cases they purchase winter supplies from moneys earned.

"I believe that the Federal Government should always bear a part of the responsibility for caring for and educating the Indians. I am heartily in accord where the Federal Government aids in giving tuition to Indians in the California public schools. Under the present plan the State and Nation are doing their part. I have encouraged my districts where Indian children are enrolled to enter into contracts with the Federal Government. Many districts have done so and material assistance has been received from the Indian Department. I want to express my appreciation for this aid as it has meant a great deal to my mountain schools."

Lucy M. Young, superintendent of schools, Trinity County:

"About 110 children of school age in Trinity County and about 95 attend public schools; most of them reach the eighth grade and are average scholars; they are Wintoon Indians; one school district is aided by the Government, paying tuition charges for four children; Indian children are average in scholarship, but not quite as ambitious and, generally, do not have the means to attend as regularly as the white children.

"The reason some Indian children do not attend school as a rule is because they live too far from school, and some of them must work and help support the family; nonattendance at schools is not on account of racial prejudice, disease, nor morality. There are about 250 Indians in Trinity County and all are comfortable, but none have more than a living excepting a few. I think the State and Government should cooperate in caring for the Indians who do not live on reservations."

Mrs. Eugenia M. Burns, superintendent of schools, Alpine County:

"There are about 25 Indian children of school age in Alpine County, and 20 attended school during the term 1918-19. They reach the fourth grade; scholarship is fair; Government pays Indian tuition; Indian children will be fairly good scholars in the future if proper interest is taken in them; the Indian children in this county are told they must either attend public schools or be sent to United States Government Indian school at Carson; they prefer to stay home, so start to the public school, but do not attend regularly; the white parents do not care to have the Indians attend school with their children because of the frequent cases of tuberculosis among them and their uncleanliness; there are about 75 Indians in the county, but there are possibly 300 Indians in the community just across the State line in Nevada.

"I think the State and United States Governments should cooperate in caring for the Indians who do not live on reservations. I have lived in this community for 20 years and have noticed an improvement in the Indians in as much as they are getting more anxious to take up the customs of the whites. The young Indians are losing the superstitions and customs of their fathers; so, for this reason, it will be an easier matter to educate them in the future. The question of tuberculosis and other diseases among them is very serious, and steps should be taken immediately by the Government to help eradicate them. I desire to call particular attention to the fact that the Indians of the Washoe Tribe need assistance to help eradicate tuberculosis.

"The farmers in this community depend almost entirely upon Indian labor for the farms. However, there is scarcely an Indian family of the tribe in which there has not been a death from tuberculosis in the last few years. So the disease not only spreads among them, but endangers the whites also. I would recommend that a village for Indians (such as the one to be started in Elko County, in Nevada) be established for the Washoe Indians in Alpine County in California, or just across the line in Douglas County, Nev., in which they could live in the winter time. In the summer the Indians here sell their baskets at the mountain lakes or work on the farms; but in the winter they crowd into their insanitary huts and contract the diseases that are causing many deaths each year."

M. M. Gregory, superintendent of schools, Mono County:

"Part of the Indian children, number not given, attend public schools with white children, probably 30 of them; some are graduated from the elementary schools; as a usual thing Indian children are quiet, obedient pupils and are apt in any study not requiring much abstract reasoning. The Government helps the county by paying for Indian tuition.

"In reply to your inquiry, What is your candid opinion of Indian children as scholars? I fear I do not quite grasp the question. If you mean scholars as being able to profit by education I might refer you to Charles Light, Stockton, Calif., district attorney of San Joaquin County, who is a full-blood Indian of one of our mountain tribes. My opinion is that these children should receive an education to fit them for a place in the life of the age in which they live, as any other children should. The reason the Indian children do not attend school in this county is because of their indifference, lack of encouragement, some racial prejudice, more especially as we now have few pure blood Indians. Some are uncleanly.

"White parents do fear tuberculosis, trachoma, and social diseases. There is some prejudice because of the different moral standards, but perhaps more as a prevention of miscegenation. I can not estimate the number of Indians in this county. All have plenty of work, therefore food and clothing. They could be educated to manage much better. They gamble, and even in this dry country some manage to get drunk occasionally. Many are marrying Basques and Portuguese.

"My opinion is that Indians should be cared for by both State and Federal Governments—not as paupers, but as citizens, or, at least, as our other nonwhites are. The Indian should receive the sort of education which would fit him to earn a living.



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."

QUESTIONNAIRE TO COUNTY HEALTH OFFICERS AND PHYSICIANS IN CALIFORNIA IN REGARD TO NONRESERVATION INDIANS.

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

What are the general health conditions among the Indians in your county (particularly as to tuberculosis and trachoma)?

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?

Please give your candid views of this query: 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 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:

"Indians are admitted to Trinity County Hospital, poorhouse, and other county institutions: very little tuberculosis or trachoma among the Indians: about seventy-five nonreservation Indians in the county, many of whom are indigent from age. No organized social service efforts to help Indians.

"In my opinion the care of the Indians should be entirely Federal. The Federal Government has taken from the Indians the best of their lands and should care for them as long as they need help.

"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 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 where they could have made but a poor living even if they were the best of workers. Being Indians and hereditarily disinclined to manual 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 \$5 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, it is surely our duty to care for such of them as are old and helpless. I wonder if you will pardon me if I make a suggestion that has been in my thought many times. Why not establish a home for the aged, sick, crippled and helpless Indians at some rather central point, where the climate is not too severe and have all those needing the care of such a home sent to that place? Appoint an inspector to visit all places where there are Indians living at least once a year and gather in those who need to be sent to the institution and give them better food and living conditions than they have ever had in their lives and, in that way, pay to them a little of that we have taken from them.

"The younger Indians are glad to get rid of the old ones 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 are actually starved when food is a little scarce and sometimes when it is not. An old, sick Indian gets little if any care from his 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.

"Surely our great Government can afford to do something really helpful. It will do but little good to have things done locally for if money, food or shelter are given

them where they are living, the young and strong take from that which is given for their comfort.

"Pardon this long letter but the Indians have a lot of my sympathy and this is the first time I have had a chance to air my views, at least the first time I have had anything like an invitation to do so."

Dr. M. A. Craig, health officer, Lake County:

"Indians are admitted to the county hospital and other institutions; general health conditions are good; a small percentage have tuberculosis of the lungs, never knew of any to have trachoma: no organized social service efforts in behalf of Indians.

"Taking it from the broadest possible view probably the State and Government had better divide responsibility for the care of Indians. The California Indian question is a hard one to lay before you in a personal letter. What I may say on the subject is my view after talking the matter over with some of our county officials and reliable business men.

"From a broad point of view, remembering that the Federal Government has taken up their lands, it would seem that the Federal Government should take care of them, but considering it from an economic point and the quick dispatch of business it has proven too slow and expensive. The members of the Board of Indian Commissioners from the southern and eastern States are not familiar with our California and Pacific coast Indian affairs much more than they are with our Japanese question, neither are the members from California familiar with such questions in the south so that, viewing it from that point, I believe the different States are better qualified to care for their own Indians.

"The field matron idea here in California for each county I think is a mistake from an economic point of view and without adequate results. Whether they are to be cared for by the State or Federal Government it appears to me that the appointment of a male Indian agent for each county, instead of the field matron, would be productive of better results, the male agent to act in conjunction with the county health officer, the superior judge, or the board of supervisors, and all bills to be subject to the approval of them and be paid by the State if they are to be cared for by the State.

"The Indian children here in Lake County are admitted into the common or public schools with the whites and have all the advantages of white children, but it is an exception for any of them to complete the course in school. They seldom continue with their schooling until they graduate. I am of the firm opinion that the Indians should not be educated beyond the common public schools at the expense of State or Federal Government for the good and sufficient reason that they are not mentally capable of a higher education. Some of our reservations have Indian schools, the teachers being paid by the Government; where they do not have schools they attend school with the white children. The Indians here are as healthy as the white population; some of them are afflicted with tuberculosis, pulmonary in nearly every instance, and, owing to their habits of living, they never recover. It is absolutely impossible to teach them the importance of hygienic conditions; contagious diseases are more fatal with them than the whites because they will not follow instructions and be properly treated.

"Those on the reservations especially do not make the best of what is provided for them by the Government. They are naturally indolent, and, to a certain extent, the more that is done for them the more indolent they are. The field matron helps them some to the extent of her ability and finances. In cases of necessity our county board of supervisors make cash appropriations out of our county funds to help them in case of need and sickness, which I do not think is just toward our taxpayers. I think that should come direct from the State funds as above suggested to you. There is no need of an Indian being in want here if he is able to work. There is plenty of work for them of all kinds and wages are as good for them as is paid white labor, but the habit of our Indians is not to be constantly at work; they keep at it for a short time and then lay off to eat up and spend what they have made.

"To furnish a modern dwelling for each Indian family would certainly be a serious financial mistake. The Indians here in Lake County, Calif., who are not on reservations have no just cause for complaint; they can get work at the same pay for any unskilled labor on the same basis as a white man. Labor is scarce and wages are good, and if they are short of the necessities of life it is their own indolent habits to blame for it. Still there are isolated cases where they actually need help financially and be cared for otherwise, which they always receive by our supervisors.

"In our mountain counties we have a larger pro rata population of Indians than some other counties where there are large cities and towns, like, for instance, San Francisco and Sacramento, and for that reason I think it an injustice that they should be cared for by a county. It should be borne by the different individual States preferably.

or by the Federal Government. I think it entirely unnecessary, in fact, will say it is a mistake for the commissioners to deal differently with those not on the reservations than those that are on them.

"To abstract the above opinion, I would say from an economic point of view, quick dispatch of business and results and for the better service to the Indians who are certainly entitled to much care and attention from 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 results.

"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 supervisors; let him have an annual salary, hold office for four years, get away from graft, 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 case. The county physician looks after them as at 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.

"Trusting the above will meet with your approval, and if there is any other point that I could enlighten 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 organized 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. In fact, if one is sick and has no visible means of support and has no place to go, we admit any person regardless of sex or color.

"The general health of our Indians is on a par with our white people, except tuberculosis is more prevalent among them than among whites. We have from 1,100 to 1,150 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, I would advise that physicians be furnished by the Federal Government and that a field matron or matrons be furnished, instructing them in better 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 nurse or nurses; physicians, and field matrons, plus 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 impressed 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 become citizens and that they must be honest and industrious; that they will soon be expected to care for themselves, and that the Government will not aid them any longer."

Dr. E. M. Fine, 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 the Indians than 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. Hood, Tuolumne County, physician:

"Indians are admitted to county hospital and other institutions; tuberculosis common; trachoma rare; there is some 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 an Indian elects to live on the reservation, he is a ward of the Government. 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 institutions; general health conditions are good; no organized social service efforts in behalf of the Indians.

"There is no Indian problem in this county. The few Indians are well and contented. I am, therefore, unable to offer any suggestions."

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

"Indians are admitted to county hospital and other institutions; general health conditions are good.

"There are no more than 25 or 30 (excepting in Yosemite) pure-blood Indians in the county but many half breeds; there are no social service efforts being made in behalf of the Indians. State and county cooperation would guarantee to the Indians the best protection of his interest."

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. Desrosier, Colusa County, physician:

"Indians are admitted to county hospital and other institutions; general health conditions very good except tuberculosis is quite prevalent; no organized social service efforts are being made for the Indians.

"The Indians in this county work out on the farms. Those 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; general health conditions good; no cases of tuberculosis or trachoma have been reported to the county physician; about 25 Indians are working in the eastern part of the county (Sierra Valley) during the summer; most of them go to Reno, Nev., for 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. Rantz, Eldorado County, physician:

"Indians are admitted to county hospital and other institutions; general health is fair; 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. B. J. Laswell, 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 tuberculosis and trachoma; 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. Fryor, 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 properly dealt with, 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; no organized social service efforts are being made to help 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 or Government."

"If they had assistance from the State or Government, it would only encourage 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."

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

MARCH 21, 1906.

HON. COMMISSIONER OF INDIAN AFFAIRS,  
Washington, 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 at the next session some plan to improve the same."

Pursuant to the said provision the undersigned was duly appointed to make the investigation. The letter of instructions was received on the 8th day of August, 1905. Two days later the actual work in the field began and has been prosecuted uninterruptedly to the 5th of March.

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 practically day and night during the whole time. About December 25, 1905, your special agent received further instructions to investigate conditions pertaining to the southern 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 less than 12,000 miles' travel to visit these settlements, and as most of them are 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 hut to hut canvass, as that seems the best way to insure complete accuracy.

Your special agent has made a family census of the Indians north of Tehachapi, which he believes to be as complete as possible under the circumstances. Working under a great pressure as to time and being of necessity dependent upon third persons in a large measure for information, it is not expected that every Indian in the State has been enumerated.

Your special agent finds an Indian population in California of a little more than 17,000, of which 5,200 are reported as living upon reservations. Thirty-five hundred of these are in southern California. There is thus a nonreservation population of about 11,800. Your special agent has examined their situation and can not see that their condition is such as to be a matter of satisfaction either to the Government of the United States or to the people of California. The Indian population of California a century ago can not be stated accurately, as data for an accurate estimate are wanting. The census estimate of 1850 was 100,000. The estimates for 1800 vary all the way from 100,000 to 750,000. No well-informed person estimates less than 150,000.

Dr. Hart Merriam, of the Biological Survey, whose opportunities for examination have been exceptional, estimates 260,000. Every locality has its tale of hundreds of Indians 50 or even 30 years ago, where there is one now, and making due allowance for exaggeration, your special agent is inclined to believe Dr. Merriam's estimate well founded. A decrease in the Indian population of 94 per cent in a single century, and mostly within 40 or 50 years, is certainly exceptional and would seem to be a fact in which we can neither take pride nor escape responsibility.

In order to understand the present state of affairs, it is therefore necessary to go somewhat briefly into the history of Indian matters in this State. California is a very 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 of the rest of the United States. There was also a conglomeration of Indian races. More than 200 more or less distinct dialects were spoken, classified by ethnologists into 22 or 23 distinct linguistic stocks, as distinct from each other as the Chippewas are from the Sioux, or the Iroquois from the Narragansetts. Two of these distinct stocks disappeared prior to the American occupation, and one other is now confined to Oregon. Representatives of all of the remaining stocks survive to this day, as shown in the census schedule accompanying this report. The different stocks are almost without exception antagonistic and were formerly in a state of perpetual warfare. The Cali-

ornia Indians were not very warlike, and their wars were very small affairs in comparison with those of the Indians of the plains. Indians speaking dialects of the same stock were usually friendly. Each California village was independent of all others, and there seem to have been but little idea of tribal organization.

The mission period began in 1769 and ended with the secularization of the missions by the Mexican Government in 1834. The region covered by the missions extended from the Mexican line to Santa Rosa, and from the Pacific Ocean to the San Joaquin Valley. The completion of the great work done by the Franciscan Fathers in civilizing the Indians was not allowed by the Mexican Government. The Indians had complained bitterly of their state of dependence, and yet when the dependence ceased they proved utterly unable to maintain themselves. Upon the spoliation of the missions, a scramble took place for lands, and a feeble attempt was made to reserve some land for the Indians, which proved ineffective.

In the year before the secularization, 1834, the mission records showed some 34,000 converts in the mission strip. There were probably some unconverted Indians termed gentiles. Only about 3,000 descendants of these mission Indians are alive to-day. Most of the decrease is understood to have taken place between 1834 and 1849. A few of the Indians who had come from the San Joaquin Valley returned there. In southern California those who were able to return to the mountains thus saved themselves from extinction, but the great body of the mission Indians undoubtedly perished where they had lived. Most of them died during the Mexican period, and not under that of the United States.

The treaty of Guadalupe Hidalgo, which ceded California to the United States, guaranteed Mexican land titles in the ceded territory as they stood at the time of the transfer. Under Spanish and Mexican law Indians had certain rights to the lands they occupied and could not legally be evicted from them. It would seem that this right was an interest in land and one entitled to protection under the provisions of the treaty of Guadalupe Hidalgo.

The act of Congress which provided for the settlement of the titles to Spanish and Mexican grants imposed upon the commission appointed to make the settlement the duty of first setting apart for Indian use all lands occupied by them. It may therefore be assumed that Congress considered that the Indians had substantial rights. It was the duty of the commission to investigate and confirm the Indian title wherever Indians occupied lands included within the limits of a Spanish or Mexican grant.

Your special agent has found but two cases out of several hundred grants where this was done, Pauma and Santa Ynez, and in the latter case the terms of the settlement were so uncertain that an 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 sustain 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. It is needless to say that the Indians were evicted, the most recent instance being Warner's Ranch.

Four-fifths 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 territory was exactly the same as everywhere else. The Indian ideas of land ownership are radically different from ours. 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 always recognized, and the Supreme Court has held 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, except in a portion of California, have been acquired 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 was in the beginning recognized in California. The Government sent out a commission 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 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 forever for Indian use the lands described in the treaties, and to pay a certain specified price, payable in a great variety of things, such as provisions, live stock, and miscellaneous goods. The value of the goods thus promised the Indians in northern California was about \$1,500,000, and the land reserved was about 5,500,000 acres, worth at the Gov-

ernment price of \$1.25 per acre, about \$7,000,000. In southern California the goods promised were worth about \$300,000, and about 2,000,000 acres of land was reserved, worth, at \$1.25 per acre, about \$2,500,000. Some of these reservations were laid out in the mining districts and were strongly opposed by the miners. At that time, in 1851, Indian treaties were submitted to the Senate for ratification. As California had gathered men of influence from all over the land, the miners' protest carried such weight that the Senate rejected not only those treaties that affected the mining districts, but all the treaties. No effort seems ever to have been made to make new treaties, or in any way to acquire the Indian title from that day to this, nor have the California Indians ever received one cent for their rights in the lands which they have lost.

The Osages, Cherokees, and other eastern tribes have received millions for precisely the same rights in land, not nearly so valuable, and no reason has been advanced why the California Indians alone of all the Indians of America should receive no compensation for their lands, except that as Spain did not acknowledge the land rights of any Indians who had not accepted the sovereignty of the King of Spain, and as we have come into the Spanish title through Mexico, therefore the United States is not bound to acknowledge the land rights, though why the Indians should be bound by the laws of Spain now, when they never were during the period of Spanish dominion, is inexplicable to your special agent. The United States has, however, already acknowledged the Indian right of occupancy of nine-tenths of the Indians of the territory ceded by Mexico, and the Supreme Court seems to have settled the status for all the Indians in the said territory in the Pueblo cases. Moreover, the laws of Spain as to Indian land rights in the territory acquired via Mexico were precisely the same as in the territory of Louisiana in the lands acquired from Spain via France. The laws of France as to Indian lands in America did not differ essentially from those of Spain, or for that matter of England, though the English colonists early discovered the practical advantages of buying the Indian rights. Just why this comparatively small band of Indians in California should be selected as the only one in the United States to be deprived of their land rights is still unexplained. The Indians did not understand the intricacies of our Governmental system, or the meaning of senatorial ratification of a treaty. The Indians certainly understood that they had made a solemn agreement with the United States; and that they had sold their lands for a price. The Government has taken their lands and their reservations and paid nothing, and from an Indian standpoint this constitutes a deliberate breach of faith without palliation or excuse.

The consequences of this violation of faith have been disastrous to the Indians. The reservation system of today is an evil which we trust will be eliminated in time, but which had the merit of protecting the Indians from the first fierce on-rush of a frontier population. Deprived of such protection in California, the Indians were at a serious disadvantage, greatly increased by the fact that there was no legal way in which an Indian could acquire title to the land he occupied. For nearly 40 years after the American conquest of California, that is from 1848 to 1884, an Indian could not acquire land under the Federal land laws. He was not a citizen and therefore could not take up land. He was not an alien and therefore he could not be naturalized and become a citizen. Hence the settlers had what might be termed a "cinch" on the Indian, and by the time the Indian allotment act was passed in 1887, there was no land left to allot, except in the extreme northern and eastern parts of the State. Something concerning Indian allotments will be said hereafter in this report.

In 1849, the great gold rush began. Within a year or two a considerable portion of the State was overrun by probably 200,000 miners. They were mostly men of the strongest and most vigorous type, well armed and masterful. A majority of them had 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 warlike Indians of the plains. They were, therefore, in no mood to acknowledge that Indians had any rights whatever, and as a rule acted consistently upon this theory. Opposed to the miners was a practically defenseless people (they had no fire-arms), and the entire Indian population of the mining regions could not have mustered 30,000 warriors. Under the circumstances, it is not strange that one of the most shameful chapters of American history ensued. Among the Argonauts there were some desperate characters, who were as willing to commit an outrage upon an Indian as upon any one else. The Indians would retaliate in the aboriginal fashion by killing the first white man they met. Then followed swift and sure retribution. The miners would organize and the offending village would be "wiped out." Sometimes, especially east of the Sierras, conflict would arise from attacks upon caravans. The most frequent cause of these conflicts was the accusation that the Indians had stolen stock.

The accusation was not always proved, but the nearest band of Indians usually suffered for it. Sometimes the charge was well founded and the Indians had made

away with the stock. 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 effects alone, and the miners 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 surrounded and rushed, usually at dawn, and men in ambush would shoot every Indian that appeared.

At first few were spared, but as no one wished to kill the children, they were usually sold into slavery: Quite a number of raids are reported, especially into the coast range, their sole object, it seems, having been to secure slaves. Some Indians are reported to have been so held even after the legal extinction of slavery in the United States. More than 100 of these affairs between whites and Indians have been reported, and there is scarcely a locality from Yuma to Yontocket that has not its story of an Indian "battle." If all the stories told could be believed, they would indicate that more than 15,000 Indians were killed in these affairs, but the suspicion is strong that the white participants in telling the tale afterwards may have exaggerated the number of Indians involved as they did the dangerous character of the clubs and bows and arrows which constituted about the only weapons the Indians at that time possessed.

This state of affairs was not wholly unknown to the National Government. At first there were Government agents who made due reports to headquarters, and one of them issued a strong appeal to the people of California, but the agents were soon legislated out of office, and thereafter the Federal Government had little knowledge of the California Indians. The State Government also disclaimed any responsibility for them. An Indian could not sue in the State courts and his evidence was not admissible in a court of justice until 1872. As might be expected the Indian spirit was soon crushed, and no Indian now dreams of attempting to protect his own rights in any way. There are no legal discriminations to-day against the Indians in California, but the temper of white juries in many counties is such that an Indian can seldom obtain justice.

One noticeable effect of the white settlement of California has been the introduction of many diseases theretofore unknown to Indians, and from the effects of which they are not free to this day. Smallpox has been very destructive to them in the past, and tuberculosis is prevalent among them now. Thousands of Indians have died of all sorts of these imported diseases, and the sanitary and other conditions under which Indians live, and which will be referred to hereafter, are such that death usually follows closely upon the attack of disease.

Another feature of civilization unknown among Indians prior to their acquaintance with the white race is the use of intoxicating liquors, and as the thirst for liquor seems innate among Indians the problem of handling the liquor traffic among them is difficult.

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 practically all the Indians in northern California from the scope of the Federal laws. A large increase in open liquor selling is noticed, and the remnants of some bands seem to be trying to drink themselves to death before the law is changed. It is a pleasure to find that a majority of the California Indians are sober. The Indians who are addicted to liquor are apt to hang around the towns, and thus fill a much larger place in the public eye than the sober Indians who usually stay at home and are seldom seen. If a recommendation upon this subject is allowable, your special agent would earnestly recommend that the act be amended so as to meet the suggestions raised by the Supreme Court. It may also be feasible to provide for the summary cancellation of the Federal liquor license when the holder thereof shall be convicted of the offense of selling liquor to Indians, in any court of United States, or of any State or Territory. It is not expected that this would put an end to illicit liquor selling, but it would tend to throw the traffic out of the hands of the saloon-keepers who have friends on juries and political influence, into the hands of go-betweens who are not usually so circumstanced. It is but fair to say that a majority of the California saloon-keepers obey the law, but there are usually one or two in each locality who are willing to take the risk.

But neither the open slaughter of the California Indians in the period of "war" nor the ravages of disease, nor the effects of drunkenness, considerable as they all are, can explain the tremendous decrease of 94 per cent in the number of California Indians in but a little over one generation. We are so familiar with the idea that the Indian race is fading away before our own that inquiry is seldom made into the details of the process by which we fade them. In the case of the California 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 absorption 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, other than the Pueblo Indians. Each tribe was restricted within narrow limits. Usually each band 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 these limits. Game was abundant but did not hold a very great part in their bill of fare, as they had no firearms, and were restricted to what they could kill by means of bows and arrows and pitfalls. Fish formed a much greater share of their diet, and all the California tribes were large fish eaters. Hardly a band was without its source of fish supply. The Indians also made a large use of edible roots. Grass seeds and larvae and pupae of some insects, and also grasshoppers were often on the bill of fare, and angle worms were resorted to in times of scarcity, as they are occasionally to-day. The largest single item in their menu was composed of acorns and other nuts. The Indians grind the acorns, leach out the bitter principle, and make various forms of mush and bread, both nutritious and palatable. These sources of food supply may be averaged about as follows: Acorns and other nuts 35 per cent, fish 25 per cent, game 15 per cent, roots, etc. 20 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 needed gardens, 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 white families would not feel the pinch of poverty if they lost one-half or three-quarters of their subsistence, and it is not strange that the Indians suffered. This absorption of the Indian's means of making his living did not take place simultaneously all over the State, but everywhere there was the same steady, sure occupation by whites of everything that will yield a living to a human being. It is not to be expected that a savage people could at once adapt themselves to such changed conditions, or that they should at once see the necessity or reason for any change at all. There was little or nothing available to take the place of what the Indians had lost. Very few people in those days wanted Indian labor on any terms, and there was very little work to be done at that time which an Indian fresh from barbarism was competent to do. Generally speaking, the California Indians have been not far from the line of destitution ever since, and few have been able to rise above their environment.

All this could not have occurred had the promises made by the Government in the rejected treaties been given effect in any form, however modified. Why the Government never made any further attempt to require the Indian right of occupancy has not been stated. It is suspected that interested parties had more influence at Washington than the Indians did. The Indian Bureau did, it is true, attempt for a time to protect 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 reservations. Others were occupied by settlers who had political influence enough to have the reservations canceled. One or two were abolished by act of Congress, apparently because they contained timber which was desired by some lumber concerns. Only four reservations in northern California were finally saved to the Indians. The Hupa Reservation and the Klamath strip became Indian land as a result of an expensive Indian war brought on by encroachments on their lands. The Round Valley Reserve was confirmed to the Indians as a result of similar trouble hardly important enough to be called a war. These two reservations have a total population of about 1,550 Indians. The Tule River Reserve and the reserve near Jackson, formed subsequently, have about 170 Indians. The rest of the northern California Indians who have kept the peace and killed nobody have received nothing but writs of eviction.

At first, and before the country was thickly settled, if a landowner objected to the presence of Indians, they could move to some adjacent tract, but very soon the 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 Indians to take up Government land, much misery would have been saved them. In many instances the Indian arranged with some white friend to take up the land, upon the promise that the Indian should remain there as long as he desired. This promise was usually kept by the white man as long as he lived. When

he died his successors were very apt to evict the Indian. Some of the evictions were from Spanish grants, and some distressing occurrences of this kind in southern California attracted the attention of Helen Hunt Jackson and others, and as a result of their agitation reservations were assigned to the Indians of southern California. Since that time the situation in southern California and the problems arising there have been different from those arising in northern California, and will be discussed hereafter in this report.

At first the Indians occupied pretty fair land and had usually neat little gardens and orchards, especially of peach trees. These tidy little places would attract the attention of some frontiersman who would then file on the place and summarily kick the Indian out. Several hundreds of these cases have been reported. One man still in middle life has been evicted seven times in this manner. It is not strange that the northern California Indians have ceased to try to have gardens, when any appearance of thrift is warrant for their ejection from the premises. Indeed, most of them at the present time are living on land where, for lack of water or worthlessness of the soil, gardens are impossible. Most of the Indians have now been crowded out of anything like good soil and are found in waste places not having value enough to attract anyone else. It is now a matter of difficulty for an evicted Indian to find any place of refuge, except in other Indian settlements already overcrowded.

The Indian allotment act did not come in time to be of much use to the greater number of California Indians, though its value has been great in the northern and eastern parts of the State, notwithstanding some defects in the application. There have been issued in California 2,058 Indian allotments, of which 261 have been canceled for one cause or another, leaving 1,797 now valid and outstanding. Of these 1,797 allotments now outstanding, 1,439 are in the counties of Modoc, Lassen, Plumas, Shasta, and Siskiyou in the northeastern corner of the State, leaving but 358 for the rest of the State. Every allotting agent sent out by the department seems to have visited this corner of the State and hardly any other. Two or three visited Humboldt County, and one is reported in the southern Sierras, but almost their entire attention seems to have been concentrated on this one section of the State.

The allotting agents first sent out were from the East, and to them California conditions were an insoluble enigma. Some seem to have come expecting a soft snap. When it became evident that allotting the lands to Indians required arduous labor in the mountains in all sorts of weather (there is a suspicion that some of them did not know how to run a section line), they preferred the much easier plan of making the allotments from the map.

The Golden State is widely known as a land of fruit and flowers and mild climate. It does not seem to be well understood that a considerable portion of the State of California, larger than most Eastern States, has a severe winter climate with heavy snow falls, and that there are also extensive deserts. The allotments referred to are in this portion of the State. Over 300 allotments are absolute desert, being sagebrush plains without water or the hope of water. Six hundred more allotments are located in the Sierra Nevada Mountains, where the land, or rather rocks, incline up at an angle 45 degrees or more, and the snowfalls often 30 or 40 feet deep and lies from October to June. It would seem that even a special agent from the Atlantic littoral ought to have known better than to allot either kind of land to anyone for a home, and yet that is just what was done. More than three-fourths of the allotments in that section are absolutely unfit for human habitation, and it is not strange that the Indians have been unable to do anything with them. The small number of allotments which are fit to live upon have been the salvation of the Indians there, and the distress, disease, and death which follows in the wake of eviction has been unknown among them. If the allotment act had nothing more to its credit than the saving of these Indians, its enactment would be justified. This, however, does not help those Indians who have received the worthless allotments. The present allotting agents in the field are competent, but they can not create land or undo the mistakes of their predecessors. The desert allotments have some scanty pasturage and could probably be sold to sheep or goat men. Five acres of good land with water (land without water is worth very little), is worth more than an entire quarter section of desert land. I would recommend that the Government buy enough land with adequate water supply to give each family 5 acres of land and exchange these 5-acre tracts for the quarter-section allotments of desert land. This would require a nominal appropriation of from \$25,000 to \$30,000, but it would be only nominal, as the value of the land received in return at the Government price of \$1.25 per acre would probably exceed the value of the land purchased.

The mountain allotments referred to, some 600 in number, are in much the same situation as the desert allotments, except that most of them have more or less timber, and some of them very good timber, indeed. This fact has kept the Indian allottees in hot water most of the time. There is a constant succession of squabbles over 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 specifically provides that an Indian may select his allotment "upon any surveyed or unsurveyed lands of the United States not otherwise appropriated." Hence there seems little doubt but that the Indians are entitled to hold the land. If these allotments were fit for human habitation, your special agent would be inclined to stand by the Indians at all costs as against the timber speculators (who are usually eastern gentlemen with large experience in absorbing timberland) or their California agents, who sometimes seem to be selected for their supposed unfamiliarity with the Ten Commandments.

The time has gone by when either the desert allottees or the mountain allottees can secure other allotments from the public domain. Hence your special agent would recommend action in favor of the mountain allottees similar to that proposed for those on desert lands. The Government has held these lands at \$2.50 per acre. Those with timber on are worth much more. The Government would be a large gainer in exchanging 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 nominal appropriation of an amount which can not be stated exactly without further examination, though probably not to exceed \$40,000. 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. Most of these lie in the territory between the Diamond Mountain and the Plumas Forest Reserves, which should, apparently, be included in these reserves. There would therefore seem to be no good 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.

There is a defect, apparently, in the allotment system as developed in California in that no provision seems to be made for protecting an allottee after he has received the allotment either in the use of the land itself or, what is more important, the water supply when there is one. As it stands now, anyone can jump an Indian's allotment, and there seems no practical remedy, or anyone can move the fence over onto the Indian's land, or divert his water, and it is not even a misdemeanor. Theoretically, the Indian can appeal to the State courts. Practically such remedy is illusory. The Indian would have to pay court and attorney fees, often jury fees, and would have to put up a bond for costs, all beyond the power of most Indians. The same is true of encroachments upon an Indian's water supply. Many cases have been reported to your special agent where white men have deliberately diverted a stream of water from the Indian with full knowledge of the Indian's priority of right, but secure in the knowledge that the Indian was helpless, and that the offense could be committed with impunity. The Indian could do nothing but watch his trees die and his garden dry up, and be forced to abandon his holding.

There is very little use in giving an Indian an allotment if anyone who is a little loose in morals can deprive him of the use of it. The Indian has no confidence in the white man's courts, and it must be confessed that in times past he has had little reason to have any. The title to the land in these allotments is still in the United States, and it is the United States that is technically the party interested. It therefore seems entirely within the province of the Federal Government to interfere and to see that its interests are not wantonly injured.

Your special agent would therefore recommend additional legislation for the protection of Indian allottees: that trespassing or encroaching upon an Indian allotment be made a misdemeanor; and that it shall be made the duty of the United States attorney for the district to appear whenever the boundaries, title, or possession of the land or water appertaining to an Indian allotment is in question.

Very few Indians have been able to rise above the distressing conditions they live under and to acquire land by purchase. Still there are a number of Indian communities owning land in common. Indianola, Humboldt County, Upper Lake, Lake County, Potter Valley, Coyote Valley, Pinoleville, Guidiville, Carroll, in Mendocino County, are all inhabited by Indians who own their own land, though it was purchased by white friends in most cases. The conditions in these settlements are far from satisfactory. They are sadly overcrowded, and are becoming more so as the Indians evicted elsewhere join the communities. At Potter Valley 52 Indians are living upon 14 acres of land that would not support a single white family. At Coyote Valley 36 live upon 7 acres, and at Guidiville 59 live upon 5 acres. At Upper Lake they have 90 acres of land, of which but 25 is level enough to build a house on. The hill land is good grazing land, but the whole place would not be large enough for more than one white family. One hundred and seventy-seven Indians live there and there are more than 250 in the band. There are also three communities living upon

land owned by religions or private associations; one near Chico owned by the Presbyterian Board of Missions; one near Kelseyville owned by the Roman Catholic Church; and one near Manchester owned by the northern California Indian Association. In these three settlements conditions are much better, as they are not so overcrowded, and there is some attention paid to the welfare of the Indians themselves.

An interesting experiment has been under way at Fort Independence, Inyo County, which seems to be giving much better satisfaction than the allotments under the general allotment act. The old military reservation at Fort Independence has been turned over to the Indian Bureau and has been allotted or rather apportioned among the Indians of that settlement. There are 20 tracts of from 2½ to 5 acres per family, and 43 families, or 122 souls, have homes on the tract. The land is of good quality and the water supply ample. The Indians are making good use of the land and the conditions among them seem excellent. In fact the experiment is so successful that your special agent suggests it for consideration as a model in the proposed relief of the northern California Indians.

There are also quite a number of Indians located within the boundaries of the forest reserves. According to the figures of your special agent, they number 1,181. They have, of course, no title to the land they occupy, and since the establishment of the forest reserves, it is uncertain whether the lands within the boundaries can legally be allotted to them. These bands have mostly been in their present location from time immemorial, and there seems to be no occasion for any action in respect to any of them. The Forest Reserve officials do not seem to object to the Indians, though some of them desire to extend their hold by means of leases or permits which it is proposed to have the Indians secure to entitle them to reside upon the reserve. This seems hardly necessary, and any rules or regulations for Indians alone are objectionable. There is no apparent reason why the Indians should be upon any different basis from other people, and any attempt to enforce arbitrary rules is sure to result in friction. Your special agent would therefore recommend that no action be taken in respect to Indians on the forest reserves until action seems more necessary than at present.

In the matter of schooling for their children, the Indians in California have not been much favored. For many years all Indian children were refused admission to public schools, and today, in a majority of school districts where Indians live, public sentiment is against their admission. About the only districts in which Indian children are welcome are those small ones which are likely to lapse if the Indians do not attend. It is impossible to give exact figures as to the number of Indian children attending the public schools, as the school registers do not distinguish them and only partial statistics could be obtained. As near as can be estimated, the number is about 500 out of a possible school population of 2,700. The laws of California in regard to school matters make no distinction as to race or color. The trouble has been in local public sentiment. All counties have for years drawn the full quota from the State School Fund for the education of nonreservation Indian children, but most of the counties have refused the Indian children admission to the schools, seemingly with no conception of the morals involved in drawing money from the State treasury for one purpose and using it for another. The method of school apportionment has, however, been changed recently, and hereafter no money can be drawn for Indian children unless they actually attend the district school. The National Government has to a limited extent entered the educational field and is now maintaining reservation boarding schools at Hupa and Round Valley, training schools at Greenville and Fort Bidwell, and day schools at Bishop, Big Pine, Independence, Ukiah, and Manchester. These have a capacity of about 560, and the attendance of nonreservation children has not exceeded 350. Private schools have about 50 more nonreservation children. There are thus at least 1,800 Indian children without opportunity of any schooling whatever.

In endeavoring to ascertain the present condition of the Indians of northern California, your special agent has availed himself of all information offered from any and every source, but he has preferred to rely chiefly upon his own investigations, and for that purpose has visited almost every Indian settlement in Northern California. He feels in a position to speak with some degree of assurance in regard to what he has seen. The most surprising feature of the situation is the absolute ignorance of 90 per cent of the inhabitants of California in regard to the Indians in their own neighborhoods. Very few persons really know much about Indians in their person, or in their circumstances, or in their manner of living. Those who are best informed are usually the storekeepers with whom the Indians trade, and whose information is usually accurate.

Your special agent finds considerable diversity in the Indian conditions in different localities, they being usually in better condition in the northern part of the section,

and worse off in the central valleys and along the southwest flanks of the Sierras. The Indians are for the most part settled in little villages called in California rancherias. These little settlements contain all the way from 20 souls up to 250, the usual size being about 50. A schedule or census accompanying this report gives the location of each such settlement and the name of each head of a family and the number dependent upon him. These Indian settlements are for the most part located upon waste or worthless land as near as possible to their ancestral home. These remnants of each stock or tribe or band occupy to-day almost exactly the same territory their ancestors did a century ago.

In the native religion of the Indians, a sort of shamanism, intercommunication with the spirits of the dead is one of the chief features. The Indians continually make offerings to the names of their deceased ancestors and friends, especially at the annual feast of the dead, and they expect to receive in return protection from all manner of spiritual and earthly terrors. The desire of the Indian to remain by the bones of his ancestors is therefore much more than a mere sentiment, and the feeling is still strong, even among those who have been Christians for a generation or so. An Indian will endure great extremities rather than abandon his locality, a trait that has not always been given proper weight in attempting to handle Indians.

The sanitary condition of the Indian rancherias is bad, but the feeling of helplessness and despair is worse. Most of the Indians seem to have lost all hope of escape from their present situation and have become familiar with the idea that they will all die off soon anyway. It is evident that if the Indian is to keep alive he must have some means of making his living. He must do so by his own labor, either for himself or for others. Most of the northern California Indians being landless, the opportunity to work for themselves is wanting, and they must of necessity work for others. If the supply of labor for Indians was sufficient in all localities and well distributed during 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 8,000 souls are dangerously near the famine line. This does not mean that they are all suffering at the same time, or all times, or every year, but each of the landless bands is liable to suffer a time of famine, and during such a season the old people and children die. The healthy and able-bodied can survive a period of starvation, but in the weakened state caused by insufficient nutrition, almost any disease, even common colds, will carry off most of 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 of almost any locality who do not know the Indians well are apt to deny that their Indians ever 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 his white neighbors are that he has all the work that any well-regulated Indian could desire. The storekeepers, however, generally know better, and quite a number have told me that in employing an Indian it was necessary to feed him up for two or three days before he was able to work satisfactorily; and that the Indian scale of living was so low that the Indians were often weak from lack of proper food. The Indian is not competent for all kinds of work and usually is restricted to the roughest labor. The need of industrial instruction is great, and the need of field matrons to teach ordinary household economy and common sanitation is even greater.

Your special agent will take pleasure in recommending 25 or 30 places as proper locations for industrial instructors or field matrons.

It can hardly be expected, however, that either can teach very much while the Indians are subject to eviction at any time or are being harassed from place to place. It can hardly be claimed that the nonreservation Indians are advancing very much, or that any very effective steps are being taken to improve their condition or to teach them anything that an Indian must know if he is to take any part in our civilization. There are missions at Fall River, Chico, North Fork, Kelseyville, and Carroll. These with the Government work at the schools altogether do not reach 20 per cent of the nonreservation Indians. The reservation Indians are all fairly well cared for. Your special agent would therefore recommend an increase in the number of day schools in northern California, and especially an increase in the number of field matrons and industrial instructors. He will, if desired, submit reports hereafter, specifying locations and giving more details than seem proper in this report.

The California Indian both north and south has a good reputation as a hard-working, trustworthy, honest laborer. His greatest defect is that he will sometimes leave his work without regard to the position in which it leaves his employer. In some localities the Indians have all the work they can do. In more localities a very curious race prejudice, different from that against Asiatics, militates against their employment.

In other places there is very little work of any kind to be had, and the Indians often have to go 50 or 100 miles to work. Then he can work but a short time, picking fruit or hops. This is often all the work they get in the year, and how these bands live is a mystery to their neighbors.

In making the family census of the Indians of northern California, a very puzzling question was the status 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 half-breeds who are brought up, educated, and acknowledged by their white fathers, little trouble is experienced, but the majority of the mixed bloods never knew their white ancestors and have grown up in the Indian camps. They are more intensely Indian in sentiment than the Indian themselves. 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-blood Indian women and 20 per cent of the half-breed women marry Indian men who are full-bloods. Where the children are thus three-fourths Indian they are Indians to all intents and purposes, and are so recorded in the census. A considerable number of half-breeds intermarry among themselves. These form a class apart, not being recognized by whites and looked upon with suspicion by the Indians. The mere statement of mixed blood therefore does not indicate whether or not they are to be considered Indians, and a separate list has been made for mixed bloods, status undetermined. Just what ought to be done with them your special agent is not able to decide, as it will take a more minute examination of each individual case than he has had time to give. People of mixed blood more than half white 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 these Indians the same treatment as it did other Indians in the United States their condition to-day 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 landed bands are about stationary in numbers. The entire Indian population of northern California has decreased as closely as your special agent can estimate by about 1,100 in the last three years, most of the decrease being in the landless bands.

It should be remembered that the Government still owes these people considerable sums of money, morally at least, but the Government owes more than money. No amount of money can repay these Indians for the years of misery, despair, and death which the governmental policy has inflicted upon them. No reason suggests itself to your special agent why these Indians should not be placed in the same situation as all other Indians in the United States; why they should not receive a minute portion of the lands which they have not as yet ceded to the United States. It seems clear to your special agent that the northern California Indians have not had a "square deal" and that it is not too late to do belated justice. The landless Indians can not 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 the job or not, or whether the Indian wants to be civilized or not. 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 reservations for these people. The day has gone by in California when it is wise to herd the Indians away from civilization, or to subject them to the stunting influences of reservation life. Some of the past reservation experiences in California have been so harrowing that the Indians fear reservations above all things. Moreover, the expense of establishing reservations, and more especially maintaining them, would be enormous. Reservations, therefore, seem out of the question. It should, however, be feasible and comparatively inexpensive to give these Indians allotments, and there would be no expense connected with the allotments after they are once made. It would, however, be necessary to buy a considerable amount of the land, as there is very little land in the public domain left to allot them. Almost everything relied upon for this purpose has been included in the forest reserves. The expense of buying land to allot these Indians is not so great as would appear at first sight. Your special agent is not in favor of giving them farms. They would be unable to use farms. Small tracts, not exceeding 10 or 15 acres, if the land is good land, will be ample, and in many places 5 acres per family, or less, will be sufficient. It is not necessary that the Indians should be made rich. All that is proposed is that they shall have mere footholds with fixity of tenure. This will not change their present status as laborers, but will give opportunity to teach them some of the common every-day lessons which they need so much. I would therefore recommend the appropriation

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. It may take several years to complete 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 never were any citizen Indians in California. There are none now except of comparatively recent make. The Indians who were supposed to be citizen, or most of them, were so neither in law nor in fact, and were for all those years unable by reason of legal restrictions to appeal to the courts of either State or Nation. Their rights and their citizenship were denied by both State and Nation, and to speak of anyone in such position as a citizen is absurd.

There are now, however, some really citizen Indians in California. At the present time about 1,250 Indian men are, by virtue of the allotment act, entitled to vote, or would be if they could pass the educational qualifications imposed by the constitution of California. Comparatively few of them have ever voted, and those few are usually educated mixed-bloods. The 1,250 men may be said to represent an Indian population of about 4,000. These may be fairly considered citizens. It should 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 heretofore 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, as usual, and there was very little land of any value remaining in the public 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 remedies different from those to be applied in northern 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. Those reservations which seem to require attention will be considered in order:

CAMPO.

Campo 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 shape 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 were in great straits, 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 2,500 feet; Manzanita, area 640 acres, population 59, elevation 3,000 feet; La Posta, area 239 acres, population 19, elevation about 3,200 feet; Cuyapipe, area 880 acres, population 44, elevation about 3,800 feet; and Laguna, area 320 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 areas of arable lands are as follows: Campo, 40 acres; Manzanita, 35 acres; La Posta, 30 acres; Cuyapipe, 30 acres; Laguna, 70 acres.

There are about 20 of these Indians not living on any reservation. The main fall is scanty, and grain and hay are about the only crops that can be raised without irrigation. There is no water for irrigation on any of the reservations, and barely enough water for household use. The entire five reservations would not support more than one or two white families, and yet 40 Indian families are expected to make their living there. The surrounding country for 50 miles in every direction is thinly settled, and is 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.

Your special agent saw no evidences of present suffering at Campo. The relief extended by the people of southern California was timely and generous. Since the Government has taken charge of the situation there has been no occasion for suffering. Last year was a favorable one, and the present promises to be likewise, but so far no remedial steps have been taken to prevent a recurrence of the trouble which any bad year may bring forth.

In relieving the distress, the people of southern California have contributed two four-horse wagon loads of supplies, the value of which can not be less than \$2,000. There was also contributed in cash through the Sequoyah League, which also handled the contribution of foods, the sum of \$3,075, and through other persons, \$333.17. The Government has itself spent \$748.80 in cash, a total of \$4,156.97 in cash, and at least \$2,000 in goods. This for 165 Indians. Starving our Indians seems to be quite expensive both for the Government and the surrounding people. The amount of cash alone spent in the last 18 months is the interest on \$83,219 at 5 per cent, and at the rates the Government pays, the principal would be much larger.

All humanitarian questions aside, it would seem to be cheaper as a business proposition to put these Indians in a position where they can earn their own living than to allow present conditions to continue and have a scandal of this kind every few years.

Your special agent estimates that a proper place can be secured in a neighborhood with a proper water supply, and would recommend an appropriation to provide more and better land for the Indians of the five Campo reservations. It is not expected that all the Indians will wish to remove from the old reservations, and I therefore recommend that the present reservations be retained and used in connection with the proposed new tracts.

The amount contributed by the people of southern California and by the United States seems a large one for the purpose and yet it is not quite as large as it appears at first sight. \$4,156.97 is only \$1.40 per month per head for the 18 months. A report has gained considerable currency in the public press that the Campo Indians are being supported in idleness and luxury. \$1.40 per month per head will not buy many luxuries for anyone, nor will it buy an undue quantity of necessaries. The relief was not all doled out by the month to be sure, but was given in the nick of time when needed. Yet it is still evident that the Campo Indians, notwithstanding the considerable assistance received, have themselves, by their own labor, furnished the major portion of their subsistence.

PALA.

The new reservation at Pala is undoubtedly the best in southern California. There is a large area of good land and a fine water supply. Some 450 or 500 acres are now being irrigated. The land under the new ditch, about 400 acres, is subirrigated, well drained, free from alkali, and with the surface irrigation from the new ditch ought to be very productive. The situation is certainly much better than that formerly occupied by the Indians on Warner's ranch. It is not to be expected that the old people will ever be satisfied with any other place than Warner's ranch, but the able-bodied young men are finding the value of the new location. They probably would not be so willing to return to the old site, if it were possible. Your special agent has no desire to criticize severely those Government officials at Pala who did the best they could in a time of great stress, yet, there are certain things in connection with the making of the Pala reservation that are valuable in showing what to avoid in trying to improve the situation at Campo and other places. There seems to have been a considerable waste of Government funds, and, as usual, no one is willing to shoulder the responsibility.

The new irrigation ditch has cost nearly \$18,000, or about \$45 per acre of land irrigated. It can not be used to irrigate any other land anywhere. The ditch is well built, with a proper grade and fine curves. About three-quarters of a mile of it is cemented. There are some criticisms that might be made as to money spent in a diverting dam of which very little is to be seen now and to other expenses necessitated by locating the upper end of the ditch parallel to the torrent. The capacity of the ditch is given as 1,700 inches of water, and the land to be irrigated about 400 acres. The duty of water under the San Diego Ditch & Flume Co., the largest irrigation enterprise in that part of San Diego County, is 1 to 6, that is, 67 inches of water would irrigate 400 acres of land. If we take the lower duty of 1 to 4, 100 inches of water would be sufficient. Or to put it another way, the ditch of 1,700 inches capacity would irrigate from 6,800 to 10,200 acres of land. These are minimum figures, however. It would be perfectly proper to make the ditch larger than necessary for the minimum amount of water. Four times the minimum or from 300 to 400 inches would have been ample as the capacity of the ditch.



Your special agent has in former years visited Pala in the summer time, and he has seen the amount of water in the San Luis Rey River at that point. He doubts very much if the said river ever carries one-fourth of the capacity of the ditch in question during the irrigation season. The commission which examined the various sites prior to the purchase of Pala, state in their official report to the Secretary of the Interior that they measured the San Luis Rey River at the point of diversion, and found a flow of 142 inches. Just why it should have been necessary to build the ditch a dozen times larger than there is land to irrigate, or water to irrigate with, is a query which an inspection of the premises does not enable one to answer. This big ditch contrasts strongly with the ditch recently completed on the Rincon reservation under the direction of the agent, planned to irrigate 200 acres of land, and which cost a little less than \$800.

The matter of houses for the Indians who removed from Warner's ranch to Pala was a vexed question of the times immediately after the removal. The suggestion was made that the Indians be at once set to work building adobe houses. This particular band had been making adobe, building adobe houses, and living in adobe houses for more than 100 years, and the adobe house was the one kind of house they knew all about. Adobe as a building material has some defects, but it also has some excellent qualities. It is suited to the climate, being warm in winter and cool in summer. It is wind proof, dust proof, and even when the roof was of thatch, the Indian houses were usually waterproof. But for some reason the adobe idea did not meet with favor. It was said to take too much time. This objection was also made against the project of buying rough lumber for the Indians to build into houses, and things were rather at a standstill until the brilliant idea was evolved of getting temporary houses for the Indians to live in permanently. The Indians were inclined to be mutinous and openly threatened to return to Warner's ranch. There was evident need for haste, so 50 portable houses were ordered by telegraph from New York. The order seems to have been filled in due course of business, and the delay in coming by freight, more than 4,000 miles, was no greater than usual with transcontinental freight, but as a time-saving device it was hardly a success. It was nearly six months before the Indians got into the houses. The expense was double what wooden cabins built on the spot would have been, and about four times the cost of adobes. There would be less room to cavil at this purchase if the houses were fairly adapted to the purpose for which they were bought. The houses are well enough constructed for the purpose for which they are advertised and sold, that is, for a temporary house or wooden tent. As a permanent dwelling place for human beings they are far from satisfactory. Being composed of but a single thickness of board three-quarters of an inch thick, they are hot in summer and cold in winter. The California sun has sprung the narrow strips composing the panels and made cracks in about every panel. The sun has also warped the roof panels and injured the tarred paper which constitute the rain-shedding part. The houses are neither dust proof, wind proof, nor waterproof, and are far inferior to the despised adobes.

California has no winds comparable to the eastern cyclones, and yet not long ago a stiff breeze unroofed 14 houses and made kindling wood of another. Nearly every house in the settlement is more or less wracked and twisted.

In moving the Indians to Pala, one mistake was made which, though of small dimensions, is illustrative of a class. The Indians of Agua Caliente village speak a dialect of the Shoshonean stock. The little village at San Felipe, also evicted at the same time and moved to Pala, are of Yuman stock. Not a single word is alike in the two languages. Between these two diverse races of Indians there are generations of warfare and hatred, and though there has been no open war between them for a long time, a great deal of the old animosity still survives. The San Felipe removed to Pala number but 34, a mere handful, surrounded by an overwhelming number of their hereditary enemies, and among whom they are unwelcome. The San Felipe are outraged in their feelings, or possibly in their prejudices, and will never be satisfied at Pala. They have said little on the subject, for they have all of a child's helplessness of making anyone understand. The Government seems to learn very slowly that Indians are not all alike, and that different stocks or races of Indians ordinarily can not be put together. We may consider their ideas or antipathies to be childish, yet, if we wish to be successful in dealing with them we must necessarily take some account of the human characteristics of the Indian. I would therefore recommend that the San Felipe Indians be allowed to remove to Santa Ysabel, where most of their friends and relatives are. More than half have left Pala already.

PACHANGA.

The Pachanga reservation is one of the poorest in southern California. On paper it has 3,360 acres, which looks large. Actually, there is less than 300 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. At the Government school there is a well which furnishes some water for two or three months during the rainy season. The rest of the year all water has to be hauled from three to five miles, and at the school they have not even water enough to wash the children's faces. The contrast is strong between Pachanga and Pala with its good land, abundant supply of water for irrigation, and water for household purposes piped to each Indian house. There is a fine spring two or three miles up the canyon from Pachanga which can be brought down in pipes at an expense estimated by the agent as \$4,000. The land the spring is on is Government land, and that and the land between it and the reservation should be added to the reservation. The Pachanga Indians really ought to have some land that is good enough for gardens. The expense would not be great, probably less than \$5,000. I would therefore recommend the purchase of such land.

SAN PASCUAL.

The maps show an Indian reservation 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 Shoshonian territory, and the San Pascual are Yuman. Both pieces of land are barren and of little value. The Indians actually occupied the land in township 12. In the years that have passed all the land in the intended reservation worth filing on has been taken up by whites in the usual manner, it being open to settlement. 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.

LOS COYOTES.

Los Coyotes is a large reservation on paper, being nearly a township of land. It is quite elevated, being from 4,500 up to 8,000 feet. The reservation is nearly all barren mountain tops, and the agricultural land is confined to narrow strips in the San Ysidro and San Ygnacio Canyons, about 275 acres. A large part of this is owned in all by a white man and was patented before the reservation was established. 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 this patented land. Whether such a promise was made your special agent does not know. 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 inclined to be belligerent. They have been frightened by the fate of their neighbors on Warner's ranch, and have determined to allow no white man on their reservation. They have occupied the patented lands and show a disposition to hold them by force. If the owners insist upon their rights, a small sized Indian war is likely to result. It seems to your special agent that the Indians' demand for this land is just. It was a rancheria site, and as such could not be filed upon without something closely approaching perjury. The patents are now issued, however, and the title has passed to parties who have acquired it in a legitimate manner—I believe upon a mortgage. I would, therefore, recommend an appropriation to buy this land.

SAN MANUEL.

This reservation of 640 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 pieces of land in Southern California. The Indians should have a little land fit for gardens.

The little reservation of Pauma has the use of a fine stream of water from the Pauma Creek, but the stream is apt to be very scanty in summer, when it is mostly needed. Some means of conserving the supply is much needed. The reservoir site is so gravelly and sandy that cementing is necessary. The Indians have promised to do all the work if the Government will furnish the cement. I would recommend that they receive the cement.

Cahuilla.

On the Cahuilla 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 Indians can raise very little, as their reservation is mountainous and contains very little agricultural land, and that little needs water to produce anything.

MORONGO.

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 spring spots, the sources of which are upon the reservation. But one of these cienegas is 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 ditch for irrigation. The water supply could thus be largely increased and the area of land cultivated, it is believed, could be more than doubled. I recommend an appropriation for this improvement.

DESERT RESERVATIONS.

On 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 or three of these reservations artesian wells have been bored by the Government, the water from which is used by the Indians for irrigation. They make good use of the water. I would recommend the boring of more wells. 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 menaced by 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 Indian rights are prior and should be supported. If the white contestants are willing to sell for a reasonable price, it would probably be cheaper to buy them out. I would recommend an appropriation to determine the water rights or buy out the contestants, 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 its water from the San Luis Rey River and expected to irrigate about 200 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 Indian rights to their water. It is believed that if the matter is attended to now the matter can be amicably arranged without in any manner embarrassing the great enterprise.

BOUNDARIES.

One of the most troublesome questions in regard to southern California reservations arises from the looseness with which the reservation boundaries are laid down. From every reservation comes a complaint as to the boundaries and of encroachments upon 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 land adjoining a reservation is unable to resist the temptation to grab a little Indian land, and they seem able to work this kind of a graft with impunity. The farcical character of some of the California surveys plays directly into the hand of this class of land-grabbers. If a man steals \$50 it is a penal offense. If he steals \$5,000 worth of Indian land he gets the land as a reward for his nerve. Encroachments upon Indian lands are likely to continue until it is made a penal offense for anyone to establish the boundary line 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, and mark the boundaries so as to endure for all time. Fence them if necessary. Your special agent would earnestly recommend an appropriation to determine and mark the various reservation boundaries.

Two reservations, Inyaba and the Conejos division of Capitan Grande, should, in the opinion of your special agent, be enlarged by the addition of certain adjoining

tracts of Government land. This is advisable chiefly to protect their water rights. The little reservation called Cosmit I found fenced in and used as part of a cattle ranch. There is said to be a deed extant from a senile old man belonging to the tribe, purporting to convey the property to a white man. The deed is worthless, of course, but such attempted transfers are met with in various places in California. The Indians do not care to live on the Cosmit reservation, as the village of Cosmit was, by one of the usual mistakes, not located upon the description set aside as the reservation. The Cosmit Indians can be taken care of on the Inyaba reservation.

The Indians on the remaining reservation in southern California are in fair condition. At least no facts were observed which require special attention in this report. No other southern California Indians have been shown to your special agent as having been in as bad a state as those at Campo, but several other bands must have been very close to the line as a result of the bad years. The present year is a favorable one, and no Indians are reported to be destitute, other than a few old people who are without relatives to support them and for whose support the Government makes a small contribution.

The plan of relief for the Indians of California which your special agent ventures to recommend is briefly

SOUTHERN CALIFORNIA.

That those Indians who have been placed by the Government in such position that they can not earn their own living shall receive such pecuniary aid as to put them in shape so that they can do so; that this aid take the form of land of good quality with ample water supply, the same to be held in the same manner as their present lands; that this land shall be purchased by a commission appointed by the Honorable Secretary of the Interior, and a majority of which shall be experienced in southern California land conditions; and that provision be made to extend the irrigation facilities of the reservations mentioned in the body of this report.

NORTHERN CALIFORNIA.

That those Indians who are landless through past acts of omissions of the National Government, shall receive land in lieu of any claims they may have against the Government, moral or otherwise; that the land shall be of good quality with proper water supply, and shall be located in the neighborhoods in which the Indians wish to live; that this land shall be given under some such plan as that pursued at Fort Independence, each family being assigned not exceeding 10 acres of land, or such smaller tract as the conditions may warrant; and that this land be purchased and assigned by a commission appointed by the honorable Secretary of the Interior, a majority of whom are expert in northern California land conditions.

That those Indians who have received worthless desert allotments shall have the privilege of exchanging them for allotments of the same size and character as proposed for the landless Indians of Northern California, and that the allotments so surrendered shall be restored to the public domain; that those Indians who have received mountain or timber allotments shall have the privilege of exchanging them for allotments of the same size and character as those proposed for the landless Indians of northern California, and that the allotments so surrendered be added to the forest reserves, that the exchange of allotments and the purchase of the land for exchange where necessary be placed in charge of the same commission as that which handles the other proposed northern California allotments, and that the unexpended portion of the appropriation for the support and civilization of the northern Indians of California, 1906, be reappropriated in such form that it may be used in the purchase of land.

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 matrons and industrial instructors; that the number of day schools be increased; that additional legislation be passed placing Indian allottees within the scope of the laws against selling liquor to the Indians, and that the boundaries of the various reservations of California be determined and marked.

Respectfully submitted.

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

The CHAIRMAN. It is now 12 o'clock, and the hearing is closed.  
(Whereupon, at 12 o'clock noon the committee adjourned.)

X