
VALLEY OF THE SAN JOAQUIN, CALIFORNIA,
Merced Indian Reservation, October 8, 1851.

SIR: In my report of June 24, I referred to several matters wherein I had acted without special instructions from the department. In every instance where I have thus acted, I beg you will consider it the result of necessity under existing circumstances, or in view of effecting some object for the best interest of the government. I believe, however, that I have done nothing beyond my instructions which is at all binding upon the government, until after the action and confirmation of such matters by her legislative branch. In all cases where my duties were not clear, or specifically pointed out, I have made it known to other parties, and always expressed, in any document from me, that my acts could only be binding, "the government concurring therein." If power, either civil or military, could have been readily afforded me to carry out what had been promised the Indians, and to enforce the "laws and regulations of the Indian bureau," I perhaps should not have done some things in the manner I did. In the absence of such power, or any beyond my

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own personal influence and arguments, I was obliged, among other things, to make some informal negotiations with individuals, or abandon all hope of retaining the Indians in their reservations. In all such cases, however, I have expressly left the final conclusion and confirmation to the action of the government at Washington.

The greatest trouble I have had was with miners, and persons who were located on the reservations for the purposes of trading with the Indians, and smuggling intoxicating drinks to them. I first visited all such persons along the rivers within each of the reservations, and told them in person the law, and what the government expected of them. In this way I succeeded in getting many to leave, and in other respects to regard the law. A few, however, were inclined there, as at almost every place, to obey the law only if they must, and remained, increasing evil if possible. I venture to say that, with the slightest military force at such time, as a mere *demonstration*, not a single person would have objected to leaving the reservations and fully complying with the law. It became the interest of the few who would not comply with the law, to represent the "diggings" around them as remarkably rich. The consequence was that their numbers rapidly increased from day to day, and with them the Indians complained more earnestly to me.

Anticipating this to some extent, I had requested Licut. Moore, in command at Fort Miller, on the San Joaquin river, to aid me with his influence in getting the intruders off the Indian lands, and preventing others from coming upon them. They were ordered off, and, as his letter to me of the 20th of August shows, (a copy of which I herewith transmit) they all left without the necessity of using any force whatever. This would have been the result in every reservation within the valley of the San Joaquin, could I have made the same *demonstration* with a few United States troops. When they were but beginning to mine and take possession of the Indians' lands, I am sure, that with ten men in United States uniform to accompany me as a mere *demonstration* on the side of law and the government, I could have cleared every reservation of objectionable persons without the least trouble on my part, and little or no dissatisfaction on theirs. After that, I am also sure, subsequent orders of my own would have been more promptly regarded. The miners were generally Americans, intelligent and law-abiding men; but they had a curiosity to see what was contained in the forbidden ground. Thinking the commandant of the United States Pacific forces possessed a discretionary power in such cases, I wrote to him in regard to the matter on the 3d of July and the 4th of August, (copies of which I herewith transmit) for a small force at once—not to drive off the miners by force—not to arrest any one, or with the expectation that the troops could get into conflict with any persons whatever, but, as I have before said, for the purpose alone of making a *demonstration* to show that the government intended to perform what she had undertaken.

The general in command wrote me that under the law of 1832 it would be necessary to obtain an order from the President in such cases. To obtain that would require a delay of over two months, and by that time the probabilities were, the obstacles to be removed would become a hundred-fold greater. I was therefore obliged to resort to other

means, and do the best I could in the premises. In regard to the matters which I have taken the responsibility to do when I could do nothing else, the first is, allowing the miners on the reservations to have their claims appraised for the purpose of having them set forth to Congress. To such appraisements I have certified that such persons had mining claims on the lands of the Indians, and were ordered off by me. These claims will come up before Congress. What view they may take of such claims is with that body alone, and on its action depends all appropriation for the liquidation of such claims. In acting upon such claims, it should be with a considerable degree of caution, as they are, in many cases, appraised far beyond their actual value. Others have no merit whatever, as the persons making such claims did not comply with their agreements after having had their claims estimated. If the mining claims upon the Indian reserves are to be estimated, and the claimants paid, perhaps the mode of estimating them should be pointed out by a law of Congress. Another class of claimants is of persons owning tents or houses upon the reservations, who refused to leave them until they were appraised. Almost every one so located was keeping a tavern or grog-shop, and trading establishment. Such places usually harbored many other persons than their occupants about them. By removing the establishment, I knew we could get rid of a large number of persons not well calculated to be in an Indian country. Several small difficulties had happened between the Indians and others at such places. In August last, many of the Indians left their reserves and went to the mountains. Since that time I have succeeded in getting as many of the whites off the reservations as possible, by allowing their property to be appraised, and having their claims submitted to Congress. Five days ago I saw several of the chief men of the Indians who had left, who promised me their people should return to their reservations in ten days from that date. It was for these reasons, and the hope of keeping the Indians satisfied in their reservations, that I took the "responsibility" of acting in such cases. I am not sure that there is a general feeling of satisfaction among the Indians of the valley at this time. As I came down from the Fresno, some days since, I found them scattered over the country, without any reason known to me. They have been putting up a few acorns and food in the valley, but quite as much in the mountains. The whole of the Indians on the San Joaquin river had gone to a great council on the Four creeks, or on the border of Tulare lake. Those Indians are said to have been quite impudent and independent recently. These matters may or may not indicate a bad feeling among them generally. Should they again break out and commence another predatory war of anything like a general character, it must necessarily cause great trouble to the government, and cost both blood and treasure to subdue them. Their intimate knowledge of the mountain passes gives them a great advantage over the whites. There are but few United States troops in the country, and this State has paid her volunteers so poorly heretofore, that few, if any, could be mustered into service by her. I intend returning up the valley a short time, and hope there may be no cause for suspicion of their intentions.

Another matter which I alluded to heretofore, and which I now

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desire to lay before the department, is the appointing or employing Dr. W. M. Ryer to vaccinate the Indians. I looked upon this as an important matter, inasmuch as several cases of small-pox were reported in San Francisco at the time. The Indians had come from the mountains and settled upon their reservations in rancherias or villages, by which they were thrown closely together, and in places where such diseases were more likely to be communicated to them.

A few of the Indians had been vaccinated when at the missions, and consequently understood the object of it. I believe it was in the year 1841 that the then governor of California is said to have introduced the small-pox among the Indians, by which many thousands were destroyed in the valley of the Sacramento. The Indians were greatly gratified at what they esteemed the goodness of the Great American Father in sending among them a medicine-man to protect them from that fearful disease. I have seen them gathered around Dr. Ryer in crowds, holding out their arms, eager to be vaccinated. I am satisfied that great good will result from it, even should no actual necessity then have existed. They must receive good impressions of the Americans, in contradistinction to that of their former oppressive governors.

The claims of Dr. Ryer for services from the 4th June to the 26th September, together with his reports to me, are herewith forwarded. Knowing that much good must result from his labors in several points of view, I hope his accounts may be favorably considered.

I have the honor to be, very respectfully, your obedient servant,

ADAM JOHNSTON,

Sub-Indian Agent, Valley of San Joaquin.
