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No. 101.

DEPARTMENT OF THE INTERIOR,  
*Office of Indian Affairs, November 18, 1853.*

SIR: Your letters of the 22d August, 30th September, and 10th ult., indicating the progress made in the execution of the "plan" proposed by you, and adopted by the President, under the authority of Congress, for the removal and subsistence of the Indians in California, have been received.

The great pressure of other important matters before this office at this time will not admit of a reply in detail. I shall therefore notice but briefly the points of inquiry and embarrassment to which you have directed attention.

In the instructions given to you by the department in April last, you were informed that the \$250,000 appropriated by the act of 3d March, 1853, "is to be devoted exclusively to the removal and subsistence of the Indians, and not to be applied to any other purpose whatsoever;" and that the expenses incidental to the selection of the military reservations were to be defrayed out of the appropriation of \$30,000 made by the same act "for general incidental expenses of the Indian service in the State of California." The directions of the department in respect to the proper application of these appropriations are such as are alone authorized by Congress, and it is therefore not within the province of this office to direct otherwise.

As regards the difficulties anticipated by you in selecting for the proposed reservations such lands as constitute a portion of the "public domain," and that are not "inhabited by citizens of California," both of which are made conditions prior to their occupancy for Indian purposes, I have to remark, that if the wants and necessities of the Indians will not admit of their being colonized or concentrated upon a less number than five reservations, or upon such suitable tracts containing less than 25,000 acres as can be selected from the "public domain" in the State of California, or the Territories of Utah and New Mexico bordering on said State," it would seem to be prudent that you should postpone for the present all action touching the practical operations

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of the "plan," and await further legislation on the part of Congress. Under no circumstances can the department sanction the purchase of any lands or claims laid thereto for the purposes indicated.

In conclusion, it is not improper that I should remark, that although you cannot too highly estimate the importance of placing your "plan" in successful operation, or the responsibility attaching thereto, there is, notwithstanding, abundant reason for conforming your action in all respects to the requirements of the law and your instructions on the subject.

Very respectfully, your obedient servant,  
**GEO. W. MANYPENNY,**  
*Commissioner.*

**EDWARD F. BEALE, Esq.,**  
*Sup't Indian Affairs, San Francisco, California.*

P. S. No letter from you bearing date the 26th August last, as stated in your letter of the 30th September, has been received at this office  
**G. W. M., Commissioner.**