

California Aug 1852
Dept of the Interior
May 9th '54

Transmits copy of a
report to the War Dept. of
Maj. Gen. John E. Wool,
Commanding Pacific Sta-
tion, and reports to him
from Maj. E. S. Paine, 4th
Infantry and Capt. A. S.
Smith, 1st Dragoons, on
the subject of Indian rela-
tions in California & Oregon

Rec^d May 9. 54

File

2
Department of the Interior,
Washington, May 9th 1854.

Sir,

I have received from the Secretary of War, and herewith transmit to you, a copy of a report to the War Department, from Major General John C. Wool commanding Department of the Pacific, dated March 14th 1854, enclosing reports to him from Major C. J. Rains, 4th Infantry and Capt A. J. Smith, 1st Dragoons, all on the subject of our Indian relations in California & Oregon.

I am Sir, very respectfully

Your Obt. Servant,

C. McCloud

Secretary.

Gen. W. M. W. Perry Esq
Commr. of Indian Affairs.

(Copy)

Head-Quarters.
Department of the Pacific.
San Francisco, March 14th 1854.

Sir,

I enclose herewith a copy of a communication dated January 29, from Major G. J. Rains, 4th Infantry, commanding Fort Dalles, Oregon, on the subject of Indian relations in that quarter. In this connexion I will also refer to the letter on the same subject from Brevet Major Alford, dated March 21st ¹⁸⁵³, and forwarded to Washington May 1, 1853, "recommended to the attention of the proper Department."

I can add little to the representations of these officers, but to urge that such steps may be taken, at an early day, as may tend to protect the peaceably disposed Indians against the outrages of lawless whites. Such outrages as are anticipated by Major Rains in the part of Oregon to which his letter refers, are of constant occurrence in the State of California, particularly in the northern part. Though copies of reports to this effect have been repeatedly forwarded from these Head Quarters, to Washington, I cannot forbear making the following extracts from communications recently received through Brevet Colonel Wright which give only another instance of the lawless barbarity practiced upon tribes

of

of Indians of the most inoffensive nature, from apparently no motive but wanton cruelty.

To Mr Culver, Indian Agent, from a Committee of Miners from Illinois River, dated January 19, 1854. "The treaty made by the Miners of this river last fall, has been broken by a party of white men from the Sailors diggings, who under the belief that they could exterminate the Indians of Illinois and Deer Creek, yesterday attacked two Kanchenas consisting of seven Bucks and their families, and failed with the exception of two Indians killed and some wounded. The Indians being confined to their houses by surrounding snow and their enemies, fought desperately for the means they had of doing so, and after several rounds from both sides, the Whites had one man wounded. A Mr. R. consulted his men whether or not it was best to continue hostilities, - fled for their homes; they have left us the miners a prey to the Indians for their shameful & cowardly conduct."

Capt. A. J. Smith, 1st Dragoons, writes in relation to this same outrage, from Fort Lane, February 3^d that, "A party of 19 men from Sailors Diggings came over to Deer Creek, a tributary of the Illinois, and attacked a Kanchena, in which there were but 7 squaws, 1 boy & 2 children, with the avowed intent of killing them all; they murdered one woman far gone with pregnancy, putting nine balls in her and two children, and wounded three squaws and one boy, all without the slightest provocation. They were put to flight and followed some 3 miles by three squaws & the

wounded boy. These assassins have endeavored to raise an increased force to return and wipe out the Indians, when the better portion of the community interfered and delayed the party until the arrival of Mr. Fulver." (Indian Agent.)

Reports from the Reserve recently established by Mr. Beale, Superintendent of Indian affairs, near the Tejon Pass, in the southern part of California, speak of the success of that experiment in the highest terms, and I trust every facility will be given Mr. Beale to enable him to establish other reserves in that part of California. I would also recommend that the experiment be made in Oregon, and especially in Scotts Valley, which might take in the Klamath and other Indians, who I have been informed will gladly avail themselves of it, altho. I have doubts whether it would be successful, from the fact that the Indians in that portion of the Country are of a roving disposition, and as I am informed by Mr. Sencaster, the Delegate to Congress from the Washington Territory, do not cultivate the soil, but fish and hunt in one place and seek berries and roots in another.

From all that I can learn or have seen in relation to the Indians, and their peculiar situation in regard to the white inhabitants, treaties ought to be made with them, and if driven from their lands and hunting grounds, in order to preserve them from starvation some allowances or remuneration should be made them.

In order to strengthen Captain Smith and prevent as far as possible the recurrence of further outrages, I have sent up a detachment of Recruits to Fort Lane, which will add about fifty men to his command. I will only add that to keep the peace and protect the Indians against attacks from the whites, the force in this country must be increased. No efforts shall be wanting on my part to carry out the views and objects of the War Department, and therefore I am ready to perform any duty, whether making treaties, or any other service which may be required. As soon as the weather and travelling will permit, I will make tours of inspection throughout the Department of the Pacific.

I am, Sir, very Respectfully,
Yr. Obedt. Servt.
John E. Wool.
Major General.

J. S.

I enclose a copy of a report from Capt Smith of an expedition to a cave near Cottonwood in which some Indians have fortified themselves. The reasons given for abandoning the attack, appear to be sound.

John E. Wool.
Major General.

Colonel S. Cooper.

Adj. General

U. S. Army

City of Washington

D. C.

1855

(Copy)

Fort Dalles - Dalles of Columbia

Oregon - January 29th 1854.

Sir,

The time has arrived when it becomes necessary to determine the question of peace or war - between citizens of the United States and Indian tribes on this frontier. East of the 'Cascades,' and west of the Rocky mountains, as will be seen in the sequel.

Indian complaints have been often brought from time to time, that white men are locating on their land against their will, and that without respect to their individual possessions, or property, or priority of title of Indian claimants.

Such statements have been met by informing them, that by an act of Congress of the United States, establishing the Territorial Government of Oregon (approved March 14th 1848). "No rights of persons or property now pertaining to the Indians in this country shall be impaired; so long as such rights shall remain unextinguished by treaty between them and the United States."

They also complain of lawless violence, injury and murder by white men, who come among them ~~for~~ ^{for} some secret purpose of illegal traffic in spirituous liquors, irresponsible to their laws; and who are uncontrollable by the civil law of the Territory of Oregon, which intends good faith with inability to carry it out, by barring Indian

Testimony against them "in any court or in any case whatever" (see Sec 3, art 1. of organic laws of Oregon, and Sec 37th Legislative act of Oregon to regulate the "practice" in Districts and Supreme Courts, passed February 3^d and 4th 1851.)

Under the laws of Oregon these ~~people~~^{people} ordinarily can have no legal prosecutor, nor Grand jury, legally to represent their cause, and must forever be deprived of justice, as long as the disparity in number is so great, or a white accomplice chooses to cloak crime (see Sect 74, 76 and 77, Legislative acts on crimes and misdemeanors passed February 6th 1851.)

The Indian tribes immediately concerned are the "Des-chutes," and "Wascoes," some 700, or 800 souls, the "nez-perces," numbering about 2500, the "Cayuse and asjuncts" about 300, the "Snakes" composed of the Baunaacks, the Shoshones and Root diggers, say 3000, the Shastas, the unatillas, the Tie and some others, number unknown - say in all about 1300 warriors.

If any country in the world has ever merited the title of Indian Country, this is it, and yet by Legislative enactment, this has been erected into Wasco County of Oregon Terr. - the largest County ever known - and civil officers appointed where there are but few ^{white} citizens, some 35 perhaps in all, who claim their right to locate their "donations" where they please (and often irrespective of Indian rights) by act of Congress making 'donations' to settlers in the Territory of Oregon (see Sect. 445 of the act creating the office of Surveyor General and for other

purposes, approved September 27 1850.) This with a decision of the Supreme Court sets aside the Intercourse law and bars our right to purge the land of incendiaries who set themselves down among the Indians to commit all crimes with impunity, even murder, with only Indian testimony against them to bring them to justice, which is not available in Law.

Many of the 'Squatters' are good Citizens, but this is not the case with all - far from it - and my predecessor (Major Abner) having made representations, (referred) also the Supt of Indian Affairs, whose business mainly it is - having previously done the same. I have been slow to move in the matter, until "forbearance ceases to be a virtue," and prompt action is required, doing justice to all, to prevent an Indian war with the Indian tribes - combined - between the Cascade and Rocky Mountains.

Tho' these Indians are very, very uneasy, yet there is no immediate cause of alarm, still the necessity for prompt action exists, as may be seen from the following facts, - similar to those which gave rise to the Rogue river war. - Life for life is the Indian rule, and soon some innocent persons among the whites, may suffer for the acts of the guilty.

Within a short period there have been five men killed, viz: two by the Indians of their own people - cause spirituous liquor, introduced clandestinely (Tho' Judge Aney of Oregon, is

Said to have stated in open court, that there is no law to restrain such sales - and the legislature is now making one. -) one, a Freehman, name unknown, in about 30 miles distance murdered by an Indian, one an Indian, murdered by a white man, whom I had in confinement to be turned over to civil power to be released at the cascades on account of some informality in the action of the Magistrate committing, as informed, and still a recent case of another Indian killed by a white man, whom we have now in prison in the guard house, and who surrendered himself probably for protection from the infuriated tribe which followed him to this post.

The Indians have been pacified, by being promised justice in every case, which I regret to say has not been accomplished, which state of things under Legislative enactments, we cannot alter, and which the Citizens themselves as soon as their civil Officers are properly qualified, with an eye to their own safety, will find it equally impossible, under the law, or without further legislation.

The object of this communication is, to awaken attention to the state of things on this frontier, to find its way (with the approbation of my superiors) before the Committee of Indian Affairs in Congress, for them in their wisdom to devise some means for retributive justice in this 'Country' of Indians and among other tribes concerned securing to each the land on which his lodge stands, and the soil which his Squaw cultivates, and defining the rights of the white Settler for his better security.

Never a cent has been known to be appropriated for the benefit or improvement of these tribes, yet they are peaceably disposed, if undisturbed.

(over)

We are deficient at this post in our proper number of soldiers to fill up the two Companies, 106 men, and a Company of mounted men is much required.

All of which is most respectfully submitted by

Your obed^t Serv^t

G. S. Rains.

Major 4th Inf^y Comdg Post
of troops on this Frontier.

To Major E. D. Townsend.
Asst Adj^t Genl.
Dept of the Pacific.
San Francisco.
Cal^a.

A true Copy.

E. D. Townsend.

Asst Adj^t Genl.

Copy.

Fort Lane, O. T.

January 31. 1854.

Colonel.

I have the honor to report, that on Sunday the 22^d. Lieut Brook, accompanied by Dr Sorel arrived at this post, having been sent by Capt. Judah for the mountain howitzer, and informed us of a difficulty between the inhabitants of Cottonwood and the Indians, supposed to be in considerable force in that vicinity. On the morning of the 23^d I left this post, taking with me Lieut. Oyle, a detachment of 15 men and the howitzer, and arrived on the 3^d day at Captain Judah's camp on the Klamath some five miles below the cave, where it was reported the Indians were fortified. I found that Captain Judah had been to the cave with his company and a party of Volunteers to reconnoitre, and had returned to his camp to await the arrival of the howitzer. Here I found two companies of organized, besides many independent Volunteers, numbering in all about fifty men at camp, and also before joining Capt. Judah I received from reliable

persons

persons important information in relation to the origin
of the difficulty. I was convinced that the whites (miners)
were the aggressors, and very much to blame for their
unprovoked attack upon the Indians. The first
attack was made by a party of men, organized
in Cottonwood, who styled themselves the Squaw Hunters,
whose avowed purpose was to get squaws by force
if necessary, headed by a man who was one of
Ben Wright's party at the time he attempted to poison
the Murdoc Indians, and others of his stamp. During
the first attack at the cave, the chief, Bill, was encamped
with his immediate family, some ten miles above, on
the river, and he absent in Greka; but fearing another
attack, collected his little band together at the cave and
prepared to defend themselves against a similar out-
rage. In this first attack, the whites killed seven In-
dians (3 men, one of them a brother of the chief, who
was approaching the cave unconscious of danger, with
a deer upon his back, 2 squaws and 3 children) with-
out resistance on the part of the Indians, after the
entrance of the cave had been barricaded, the
whites immediately spread the report that the
Indians had collected a

Strong

strong force at the cave for the purpose of war and plunder. A party of 28 men then went out under the pretence of getting some stock they said the Indians had stolen, a mere rumor, and in a fair fight the Indians defeated them, killing four of their party, one Indian killed.

With this information I left for the cave on the morning of the 26th (preceded by Capt. Greiger and 17 men who volunteered to take post on top of the cave) with 20 men of Capt. Judah's company and 13 dragoons with the howitzer and some 30 volunteers (leaving Captain Judah sick in camp with a guard of 8 regulars and some volunteers. The cave is in the side of a perpendicular rock or paliade of mountain about 300 feet above the valley, the ascent to which is steep, and the approach directly in front, so that 25 men, with the barricade, could defend it against a charge of 100. The barricade is on the inside and an excellent one, and had I attempted to charge it, it would have been done by the regulars altogether at a great sacrifice of life. After making a proper disposition of the Volunteers and Lieut. Bonny castle with his company in front of the cave, the cannon was placed on

on the only eligible position and several shells fired; this gun was then advanced, but the elevation being so great that a trench had to be dug to lower the trail, 2 shells only entered the mouth of the cave, but done no damage as I afterwards ascertained owing to the peculiar shape of the Arch of the entrance. The Indians were anxious for a talk and had it not been for the clamorous portion of the volunteers, the difficulty would have been settled without firing the second shot. We encamped that night in front of the cave, and Bill sent three squaws to my camp under the protection of the interpreter to ask me to have a talk. Early next morning I went up to the cave, accompanied by a citizen, Mr. Eddy, residing in that vicinity, and heard what the chief had to say; all of which corroborated previous information, and in addition his great desire to be at peace with the whites. He said he had been living on friendly terms with the whites both in Greka and Cotton Wood

but

but had left the latter place on account of the ill-treatment of his women. I found only the small band of Chastas in the Cave, numbering in all not over fifty, and one boy on a visit from some other tribe. They had previously occupied caves higher up the river, but this being more commodious furnished them comfortable and secure winter quarters. I directed the Chief to remain in the cave for the present, feeling assured that the ill-disposed portion of the community would massacre indiscriminately, men, women & children if brought out.

What justice can be expected of a community that will furnish poison and approve of its being administered wholesale to the Indians; just such characters were the instigators of this affair.

The Volunteers collected all the Indian ponies (12) and brought away nine (maliciously shot one) contrary to my wishes. I regret to have to report the death of Captain Greizer; he was shot, while in the act of looking over into the Cave from his position on top, a rash act that he had but a few minutes previous cautioned his men against: he was ^(an) estimable man and universally beloved. After informing the Volunteers of the result of the talk, we marched back to Captain Judah's Camp on the afternoon of the 27th. The volunteers continued

on to their homes. I directed Captain Judah to return with his Company to Fort Jones, and early in the morning of the 28th, I set out with my detachment and Howitzer for this post which we reached yesterday afternoon.

The ground was covered with snow, and the weather intensely cold. Thermometer ten ⁽¹⁰⁾ degrees below 0, three days before we left, during which time Captain Judah was in Camp on the Klamath. I cannot speak too highly of the energy and activity of the Soldiers and Officers concerned.

Very Respectfully
Your obedient servant.
Signed. A. J. Smith.
Capt 1st Dragoons.

Col. G. Wright.
Comdg. Troop. Dist of Cal.
Fort Reading
California.

A true copy
E. D. Townsend.
Asst Adj Gen.