Transmits copy of a report to the head Dept. of Maj. Genl. John E. Wool, commanding Pacific Station, and reports to him from Maj. E. Z. Rains, 4th Infantry and Capt. W. E. Smith, 15th Dragoons, on the subject of Indian relations in California & Oregon.

Rec'd May 9, 54.
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 E. Wool commanding Department of the Pacific, dated March 14th, 1854, enclosing reports to him from Major E. J. Rainis, 4th Infantry and Capt. A. J. Smith, 1st Dragoons, all on the subject of our Indian relations in California and Oregon.

I am, Sir, very respectfully,

Your Obt. Servant,

[Signature]

Secretary.

[Signature]

Geo. W. Maunder, Esq.
Comm. of Indian Affairs.
Head Quarters,
Department of the Pacific,
San Francisco, March 14, 1854.

Sir:

I inclose herewith a copy of a communication dated January 29, from Major G. J. Evans, 4th Infantry, Commanding Fort Dallas, Oregon, on the subject of Indian relations in that quarter. In this connection I will also refer to the letter on the same subject from Brevet Major Morrow, dated March 31, and forwarded to Washington May 1, 1853, “recommending 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, as 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 Evans 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 extract from communications recently received through Brevet Colonel Wright which give 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, 1834. "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 Ranchonias consisting of seven bucks and their families, and killed 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. Mr. W. consulted his men whether or not it was best to continue hostilities; they fled for their homes; they have left us the miners a prey to the Indians for their shameful and cowardly conduct."

Capt. A. J. Smith, 1st Dragoons, writes in relation to this same outrage, from Fort Lane, February 3rd that, "A party of 17 men from Sailors' Diggings came over to Deer Creek, a tributary of the Illinois, and attacked a Ranchonia, in which there were but 7 squaws, 1 bay & 2 children, with the avowed intent of killing them all; they murdered one woman for gone with pregnancy, cutting 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 of 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 the
"Lover." (Indian Agent.)

Reports from the reserve recently established by Mr. Beale, Su-
pervisor 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 espe-
cially in Scott's Valley, which might take in the Klamath and other Indi-
ans, who I have been informed will gladly avail themselves of it, alike.
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. Lancaster, 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 in-
habits, 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. My 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,

[Signature]

John E. Wool.
Major General.

P.S.

I enclose a copy of a report from Captain 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.

[Signature]

John E. Wool.
Major General.

Colonel C. Grover.
Adjutant General
U.S. Army
City of Washington
D.C.
Fort Dallas - Dallas of Columbia
Oregon, January 29, 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 well 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 14, 1848), "the rights of persons or property now pertaining to the Indians in this country shall be unimpaired; 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 some secret purpose of illegal traffic in spirituous liquors, irresponsible to their laws, and who are incontrollable by the civil law of the Territory of Oregon, which in tenders 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 see 37th Legislative Act of Oregon to regulate the practice in Districts and Supreme Courts, passed February 3rd and 4th, 1851.)

Under the laws of Oregon then, as 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 "Die-chiotes, and Wascoes," some 700 or 800 souls, the "Nay-piers," numbering about 3000, the "Cayuses and adjacents" about 300, the "Snake," composed of the Bannocks, the Shoshones and Fort diggers, say 2000, the Shastics, the unatellars, the Sio and some others, number unknown but in all about 1500 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 Sen. The largest County ever known and civil officers appointed where there are but few 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 475 of the Act creating the office of Surveyor General and for other
purposes, approved September 27, 1852.) 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 Allen)
having made representations, referred also the State 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 jus-
tice to all, to prevent an Indian war with the Indian tribes-
combined between the Cascades and Rocky Mountains.

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 In-
ian rule, and even some innocent persons among the whites, may
suffer for the acts of the guilty.

Within a short period there have been five men killed,
big: two by the Indians of their own people—cause spurious li-
quor, introduced clandestinely (The Judge Bleny 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 me 1 one, a Freeeman, name unknown, in about 30 miles distance murdered by an Indian, one an Indian, murdered by a white man, where I had in confinement to be turned over to civil power to be released at the cases as an account of some informalities 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 respect 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 satisfactory 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.
We are deficient at this post in our proper number of soldiers to fill up the two Companies, 106 men, and a Company of marines, 125 men is much required.

All of which is most respectfully submitted by

Your obedient servant,

E. D. Townsend


Dept. of the Pacific
San Francisco
Calif.

To Major E. D. Townsend,


Dept. of the Pacific
San Francisco
Calif.

Yours most obediently,

G. S. Rains

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

A true copy.

E. D. Townsend

Fort Lane, O. T.
January 31, 1854

Colonel,

I have the honor to report, that on Sunday the 22d, Lieut. Brodie, accompanied by DoSonel, arrived at this post, having been sent by Capt. Indah for the mountain howitzers, and informed me of a difficulty between the inhabitants of Sotomeadow and the Indians, supposed to be in considerable force in that vicinity. On the morning of the 23d I left this post, taking with me Lieut. Ogle, a detachment of 15 men and the howitzers, and arrived on the 2d day at Captain Indah's camp on the Klamath, some five miles below the cave, where it was reported the Indians were fortified. I found that Captain Indah 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 howitzers. Here I found two companies of organized, besides many independent Volunteers, numbering in all about fifty men at camp, and also before joining Capt. Indah I received from reliable person...
precious important information in relation to the origin of the difficulty. I was convinced that the whites (mine) were the aggressors, and very much to blame for their unprompted attack upon the Indians. The first attack was made by a party of men organized in Cottonwood, who styled themselves the Squaw Hunter, whose avowed purpose was to get squaws by force of necessity, headed by a man who was one of Ben Wright's party at the time he attempted to poison the Murdo 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 Yreka; but fearing another attack, collected his little band together at the cave and prepared to defend themselves against a similar outrage. In this first attack, the whites killed seven Indians / 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) without 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 force at the cave for the purpose of war and plunder. A party of 28 men then went out under the pretense 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. Greig and 17 men who volunteered to take post on top of the cave) with 20 men of Capt. Indall's company and 13 dragoons with the howitzers and some 30 volunteers / leaving Captain Indall sick in camp with a guard of 8 regulars and some volunteers. The cave is in the side of a perpendicular rock or palisade of mountain about 200 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 change 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. Bowny 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 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 Yreka and Cotton Wood.
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 comforta-
able 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 prison and approve of it being administered
wholesale to the Indians; just such characters were the instiga-
tors 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
Grayer; 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 esti-
nable man and universally beloved. After informing the Volun-
teers of the result of the talk, we marched back to Captain Ju-
dah's Camp on the afternoon of the 29th. The volunteers con tinued
on to their homes. I directed Captain Judah to return with his Company to Fort Jones, and early in the morning of the 28\textsuperscript{th}, I set out with my detachment and Krieger for this post which we reached yesterday afternoon.

The ground was covered with snow, and the weather intensely cold. Thermometer ten \textdegree°C 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,

Signet: A. J. Smith

Capt 1st Dragoons.

A. F. Wright.

Comdg 3rd Dist of Cal.

Fort Klamath

California.

A true copy

E. D. Townsend.

Asst Adjt Gen.