

California Hist
J. S. Henley
San Francisco Cal.
March 14. '59

One. Correspondence
in the arrest of Henry
Bryson a citizen
of Round Valley for
Cipault upon an Indian,
Capt. Hill in com-
mand of the Bt at that
place

Recd. April 18. '59

10-11-59
H. S.

San Francisco

Office Supt Ind affs
Mch 19th 59

J. W. Denver Esq
Commissioner Ind affs

Sir

I herewith enclose
copies of correspondence &c in reference to the
arrest of a citizen of Round Valley, for an
assault upon an Indian by the officer in
command of the Post at that place.

J. R. & G. W. Husley whose names
are mentioned in the proceedings are my sons.
They are citizens of that valley and took
part with the settlers for the purpose of
preventing if possible a collision between them
and the military which it is possible ^{would} hardly
have avoided if the prisoner had not fortunately
escaped

Very Respectfully Yours
Thos J Husley

Supt Ind affs

Copy

Round Valley Feb 10th 1859

Majors M. Corbet (and)
S B Newley

Genl

In reply to that portion of your resolutions which refers to the grounds of my action in the case of Anpantuu; I have only to state that my orders from my superior officer compell me to arrest and keep in confinement until order to the contrary, Any person who is reported to me as having beaten or maltreated any Indian, be the reporter the Indian agent or any white man or an Indian, In regard to receiving bail for the mans appearance or permitting a trial by any person now in the valley, I express myself utterly unable to comply with your demand for the reason above stated viz that my orders are imperative that I shall keep him in confinement until ordered to the contrary, It must moreover be known to you that there is no one in the valley legally competent to try the case,

Signed

Your Obediently

Ed Dillon

2nd Lieut 6th Infantry

Copy

Nome Cult Valley Feb 12th 59

Col J. P. Hurley }
San Francisco }
In

A few days ago a difficulty occurred between Simey Dillon Comd'g three troops stationed in this valley, and the citizens thereof, the particulars of which are as follows, On the 6th inst Henry Brysantun a citizen of this valley was at the river and while there an Indian offended him, and he said to the Indian (to use his own Language) "You leave here" meaning to leave his presence, The Indian had a knife in his hand, and said to him, "I will cut you with this knife and advance two or three steps towards him, Brysantun then picked up a stick and struck at him several times and hit him one blow, The next day the Indian went to Simey Dillon and reported that Brysantun had abused him, The Simey then examined two witnesses in the case by Jefe Hurley and Mr. Blake, Jefe Hurley stated that he was stooping down skinning a Prof and heard Brysantun say "you will cut me with that knife" "will you?" he looked up and saw him strike

strike at the Indian several times and hit him one
or more blows. Blake was standing off some distance
and saw what occurred but heard nothing. Mr. Wilson
was also present and saw all that passed and heard
the Indian tell Bryantine that he would use the knife
on him. Mr. Ward was present and says that Bryantine
was acting in self defence. The Sheriff for some reason
or other considering it his duty to arrest Bryantine proceeded
to do so on the night, although Mr. Storms had requested
him not to do so. It was the unanimous opinion of
the settlers that the Sheriff was not justified in making the
arrest and they determined to have him released if possible.
On the following day some ten or fifteen citizens went to
see the Sheriff in relation to the matter. They offered
bail for the prisoner, and also desired to prove that he
was justified in what he did. They also desired him
to inform them upon what authority he made the arrest,
whether by marshal or civil law. He replied that he
was acting under orders from Maj. Johnson, and he did
not know what law they were based upon. that he
could neither receive bail nor give a trial. He
said his orders were to hold any prisoner he might
arrest until further orders from Maj. Johnson. He
did not know what would be done with the prisoner.

but he thought he (the prisoner) would be taken out of the Valley for trial. This explanation did not satisfy the settlers, and after some further talk they notified the Sheriff that if the prisoner was not released by ten O'Clock the next day they would take him out. To which he replied that he would resist such an effort to the last. The settlers then retired and appointed the next day (10th) to hold a meeting and decide what steps should be taken in the matter. The settlers looked upon the action of the Sheriff in this case as an outrage, and did not believe that he was governing by any law either martial or civil. They also knew that some two or three months must elapse before the prisoner could be taken out of the valley and tried, by that time it would be too late for him to put in a crop, and that together with the expense of trial would about break a man of his means. For these reasons a large majority of the settlers were in favor of releasing the prisoner, even if they had to resort to force to that object. They all met here the next day according to appointment, nearly all of them being fully armed and ready for any emergency. The Meeting was organized by the election of a president and a secretary. Through a desire to have the difficulty settled peaceably and quietly, if possible, I took part in the proceedings after

After some discussion resolutions of a very moderate tone were proposed and adopted, a copy of which I enclose herewith. A committee of three was appointed (of which I was one) to present the resolutions to the Sheriff and ask his reply thereto. In the course of our interview with the Sheriff, He stated substantially what I have mentioned before, as his authority for his proceedings and being requested to do so. he put his answer to the resolutions in writing, a copy of which I send. In conversation with the Sheriff after the committee had held their interview; He desired me to state to the settlers that he very much regretted the circumstance that had occurred and was desirous of having the matter determined in a legal manner, and he hoped they would allow it to be settled in that way. That he wished if possible to avoid a collision between his force and the Citizens as it might result disastrously to both parties. He also stated that he was obeying orders and that it was impossible for him to pursue any other course in this case. I reported what the Sheriff had stated to me, but it was not satisfactory to the settlers. After hearing the report of the Committee, they determined to send out

out an express for the purpose of having a writ of "habeas Corpus" issued for the release of the prisoner. The rivers were up so as to make of very dangerous crossing if not altogether impossible, but three persons volunteered to go through and to start the next morning. Fortunately however they were saved the trouble for news came that night that the prisoner had escaped, which has put an end to the matter at present. The Quaker having concluded not to march him with his present force (18 men) He will send for a reinforcement soon as possible. It is Mr. Propantine's intention to remain here and keep out of the way of the "Soldier folks" until the waters fall so that he can go out conveniently and then he will give himself up and have a trial. Of course he will be acquitted for there is no evidence against him that could possibly lead to a conviction

Yours &c
G. W. Dudley

Copy

323

At a meeting of the citizens of Horse Creek Valley, held
February 10th 1859 the following resolutions were
passed,

1st That it is our unanimous opinion that the
course pursued by Genl Dillon in regard to
Indian affs generally, and in the case
of Henry Myzantine particularly, is entirely
unwarranted by the circumstances of the case.
That said Dillon has been requested to show
his authority for the course pursued by him
and to give his grounds of action, whereupon
he has said that his orders were verbal and
has given no grounds for his actions

2nd With this view of the case we as settlers of
this valley, desire and deem it our right to
demand an explanation in regard to the
matter under consideration, As it is our desire
to understand clearly the relation which exists
between ourselves and the military force stationed
here, as the relation which now seems to exist
between us in relation to Indian affs appears
to us entirely inconsistent with our interests as
settlers

Settlers here,

3rd

That we have settled here for the purpose of making this our homes, we have had many difficulties to contend against, and have suffered severely from the depredations of the Indians. A short time ago a detachment of U States troops were sent and stationed here among us for the purpose as we supposed of protecting us and our property, but it now appears from course pursued by the officers in command of these troops that this so far from being the case, the presence of the troops here will have and has already had a decided tendency to make the Indians still more troublesome than they were before,

4th It is our desire that Genl Dillon should state to us what grounds he has for the course he is pursuing, as it appears to us entirely inconsistent with the civil law of our state,

5th That it is our constant desire to abide by the laws of our country, and ask nothing which is not in strict accordance with justice, That if we have pursued a course in regard to dead affs which would appear unwarranted to persons

unacquainted with the facts of the case, it has been because we have been forced to do by circumstances by which we have been surrounded.

6th Finally, in regard to the case of Mr Bryantine, as the offence imputed to him is clearly a bailable one we ask that bail be given in this case. Or if Sheriff Dillon has reasonable objections to this, then we demand a fair trial of the case either before Mr Storms or any other competent that may be proposed.

On motion a committee of three viz Martin Corbit G W Henley and C. H. Bourne was appointed to present these resolutions to Sheriff Dillon and request an immediate answer thereto.

begun

Martin Corbit President
Thos B Henley Secretary