

California May
J. J. Mc Duffie
San Francisco, Cal
October 18, 59

One letter from Agent
Geiger in reply to one
from J. J. Mc Duffie
rel. to grant land by
him for his individual
benefit &c

Rec'd Nov 16, 59

Hughes
16 Jan
Yell

~~Respectfully referred
to the Secretary of the
Interior for his information~~

A. J. Shumway
Commis.

Off. Ind. affs.
November 17/59.

Read & returned to Indian
Office. Nov 18/59

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Rec'd 17 Nov: 59
Mr. Bailey

Office Supt Ind Offs
San Francisco Oct 18. 1859

Hon A. S. Greenwood
Commissioner of Indian Affairs

For I have the honor to enclose
herewith a communication from J. E.
Gregg Esq. Agent among Lacsee Indian
Reservations, in reply to a letter addressed
to the Department by J. Rob Brown Special
Agent of the Department of the Interior
a copy of which was furnished him -
I am Sir

Very Respectfully
Yours Obt. Servt
J. G. McDuffie
Supt. Ind Offs
for California

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None Lacke Reserve

Oct 12th 1859

Sir

Mr J. Rob Brown, special agent of the Interior Department - has furnished me with a copy of a communication, addressed by him to you, dated Oct 3^d 1859, relative to some grain claimed by me, and also as to the use of Government Open for my private purposes, By the courtesy of Mr Brown I am enabled by the same mail ^{to make} a statement of my own relative to the matter -

When the proclamation of the President appeared, authorizing and directing the sale of the public lands in this district, all the lands embraced in this reservation were offered, - which necessarily attracted attention to this part of the state; Many persons examined the lines of the survey, and were anxious to become purchasers, Believing that the lands of this place were properly reserved, I wrote to the then Dept of Indian Affairs on the subject, and also protested with the Register of the land office against such sale. Persons however, anxious to purchase continued their examinations, and after investigating the survey of the Reservation, discovered that a portion of the lands claimed to belong to this Reserve, and which had been used for agricultural and other purposes, were not included in the survey and hence became subject to entry or purchase - Prior to this however, and and before I was aware of the fact, that any of the lands claimed as belonging to this reservation, were outside of the survey line, a gentleman by the name of Greene, County Surveyor of the County of Colusi, ascertained that such was the fact, and by virtue ^{of a law} of this state, under which

the 500,000 acres of land, donated by the general government, could be located under the school land warrants system, of this state, located three hundred & twenty acres of the land in question. He made his location, and it was confirmed to him, as I understand, after the Register of the U.S. land office had communicated with Commissioner Hendricks at Washington. On a portion of this land grain was growing at the time, and shortly after the location Mr Greene visited this place, for the purpose of taking possession of his land, to the end that he might put it into the market, he being a speculator in such property. He informed me that he had already several offers for it, and I knew personally that two gentlemen had been here to examine the land with a view of purchasing it. Mr Greene contended that he was entitled to the land and every thing growing on it, and consequently placed an additional value thereon, because of the then growing crops. After some delay I made a bargain for the purchase and agreed in connection with another person, who was not then nor since under my employ, to pay him at thirty days (90) for the land, at the advanced rate of five dollars & twenty five cents per acre, he having paid $\$ \frac{25}{100}$. It may be proper for me to state here, that I had no personal acquaintance with Mr Greene prior to this transaction, and further that the first knowledge I had of his location, was through the Register of the U.S. land office - responsive to some enquiries of mine relative to land locations in the vicinity of this reserve -

As Mr Brown does not seem to object to my purchase of the land, I do not deem it necessary, unless asked for, to furnish copies of the warrant located, and of the certificate of the Receiver & Register of the U.S. land office at Mayville for other lands purchased & entered by me. If the Department desires, I will furnish them on request.

In view then of the fact that I had purchased this land, a portion of it from Mr. Greene, after he had located it, in conformity with the laws of this state and the United States, and the balance having been purchased at the public land sales, as entered in the land office, in pursuance of the law, I deemed that I was entitled to the land and the emblements, at the time of the location and the purchase at the land sales, it was well known by all, that there was a growing crop on portions of this land, and this fact being known induced bidders at the sale, to bid up the land to $\$1\frac{75}{100}$ & $2\frac{00}{100}$ per acre. Having made all these purchases in good faith, without collusion, agreement, understanding or arrangement with any one, to conceal or misrepresent the condition of the land, I was satisfied in my own mind that all belonged to me, the grain (as well as the grass & timber &c growing on it) - It was sold without any reservation whatever & I looked upon it throughout as a bona fide transaction; It is true that the grain was put in by the Government, with its teams & implements, but it was not harvested entirely by the "Labor and Rations" furnished by Government - under the authority & supervision of the Agent. I furnished an equal amount of white help with the Government, not only to gather & thresh this grain but the entire crop belonging to the Government - The number of employees allowed by the Government was not sufficient to superintend the harvest work & so while it furnished one man at the Thresher, I furnished another and while it furnished one man in the field to superintend the hauling, I furnished another, and had it not been done in this way I feel assured that the Government would have been the sufferer - I am not disposed to prate about in detail the various steps that had to be taken during the troubles recently & at that time existing in the Indian Department by individuals to carry on the work of this place

As it is well known to every one, at that time, the Department in this State was destitute of means to supply the simplest want. And the whole institution, was held together by means furnished on the personal responsibility of those having it in charge - The implements used to harvest, as well as the very oil, to put the Machine in operation to thresh the grain were so furnished -

It is true also, that I have used some of the Government Open recently, to haul timbers from the Mountains - some to "the Afused Clearing of Mt. Sugar" and some along the dividing line of the Reservation, this timber is now & will be used in making fences on the boundary line (between my purchase & the location of others) of the Government Reservation, thereby making a work as much for the benefit of the Government as another. The great complaint by all has been the ^{want of} means to keep our side stock off the Government lands, & by this improvement, the great inlet in the Northern boundary through which stock mostly depredate, will be closed. It may not be out of place here to remark that the timber spoken of, was cut, split and marked at private expense entirely, although it was hauled by Government Open - I should not have given this detail of the full purposes for which this hauling was done, had been made known & such could have been done, had enquiry been made of me in reference thereto by the Special Agent -

Since the establishment of this place I believe it has been customary with every one who has had it in charge, to give & receive neighbourly favors - to render aid to the settlers around, when it worked no detriment to the public interests, and when required receive in return friendly assistance. This has been more necessary in the last year as the imprefin has been growing, that this place

should be given up to white settlements, and hence without any aid but the few employees, it would be the worst of folly for the Agent to incur by "unfriendly legislation" the displeasure of all around - then while I have always extended favor to my neighbors, I could see no impropriety in allowing the same to a gentleman, who happened to be a part purchaser with myself in land, indeed I hardly think the government designed that a person by accepting a federal position, should throw off all claim to friendly neighborhood accommodations, when it was productive of no injury to Government property - under the late order of the Sup^t Ind Affairs all such accommodations must cease. I believe it may be productive of ill-will & ill feeling against Government interests, for disguise it as you may, these Indian reservations exist merely by the sufferance of those who live around them. let the community become, roused, hostile, evil minded & neither the property, crops, buildings, or the Indians would be secure from their depredations.

I have thus, sir, given you a "plain unvarnished" statement of the facts in this case, responsive to the letter of Mr Brown. He, however speaks of the survey of this reservation - of it I know nothing - neither of the survey, except as it appears by the map, nor of the man who made it, never to my recollection have I seen Mr Nicholas Gray, nor would I know him now were I to meet him, this is mentioned to rebut the impression, that the survey was made under my directions or at my suggestion, I disclaim and defy all such imputations - * See note -

The value of the grain I have taken and used as my own is of comparative small importance. I seek not to disguise or cover up the transaction, it was as I believe, both proper & legal, and under

such convictions I detect, As far as my official action in this matter is concerned, it is left to your province to decide - as to my legal rights of property I suppose that I am entitled to the same judicial rights as any other citizen, because of the fact, that by holding a federal office, I am not deprived of all ^{the} rights & immunities, to buy or sell, that attach to other citizens.

In a word, after thus submitting to you all the circumstances I deem necessary, you should determine to act upon at the present, I have no objections, if however you conclude to ask for or make a more minute examination, I am prepared for such action.

Respectfully
your obt. servt -

Frederic E. Geary
Ind. Agent.

To
Hon. H. B. Greenwood
Com. Indian Affairs
Washington
D.C.

* Since my attention has been called to the fact I find that the survey was made before I was placed in charge of this Reserve.

Frederic E. Geary
Ind. Agent.