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California 38
J. P. B. Brown
San Francisco, Cal.
October 18, '59
and

Reports upon the con-
dition of affairs at the
San Francisco District,
General Agent George
H. H.

Rec'd Nov 17 '59

Finance
&
Lands

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

A. S. Thompson
Commissioner

Office Indian Affairs,
November 17, 1859.

Rec'd & returned to Indian
Office Nov 18/59
S. B.

Rec'd 17 Nov: '59
Mr. Bailey

San Francisco, Cal.
October 18th 1859.

Hon. A. B. Greenwood
Commissioner of Indian Affairs.

Sir:

During my late visit to Home Lickee, made in conformity with your instructions, I observed that the interests of the government were being sacrificed for individual profit, and upon conference with the Superintendent (Mr. McSuffie) recommended that he should dismiss the employes, suspend the Agent from duty, and place some person in whom he had confidence in charge of the public property. Mr. McSuffie does not feel justified in adopting such extreme measures, but prefers submitting the matter for your consideration. In this course, I have no objection to offer, except that further sacrifice of the public interests may result from the delay.

The particular grounds of complaint to which I desire to call your attention are, that in June 1857, Mr. J. S. Newley, late Superintendent, addressed written instructions to Mr. V. E. Geizer, the Agent, informing him that under authority of the U. S. Surveyor General, Mr. H. Gray, Deputy Surveyor, would survey the Home Lickee Reservation, and directing Mr. Geizer to take certain starting points, and include in the survey all lands and valleys which he deemed necessary or essential for the uses of the Reservation, limiting the number of

acres to 25,000, according to the Act of Congress. The survey was made and a map of the same approved by the Surveyor General, and forwarded to the Department. Mr Geiger informs me that he was not present, and has no knowledge of the manner in which the work was performed, beyond the fact that a subsequent survey was made by the County Surveyor, which disclosed some serious errors in that of Mr Gray. Not the least important of these errors, if such in reality exist, is the exclusion of an extensive and fertile valley running nearly to the head quarters, and embracing the aqueduct from the waters of Elder Creek, together with the grist mill, hog-sheds, corral, cabin and other public property placed there at an expense of several thousand dollars, and which now come upon a private claim. I have carefully examined the map approved by the Department, and in conformity with which the Commissioner of the General Land Office directed the Register at Marysville to govern the sales under the Proclamation, and find that the boundaries therein set forth include the mill and other property referred to. In no other way can I conceive it possible that the approval of the Department could have been obtained; yet, if the statement of Mr Geiger be correct, this property, although on the map, is not on the Reservation.

I visited this Reservation in 1854, when it was first established, and subsequently in 1856, 57, 58 and '59. On the occasion of each visit, with the exception

of the last, I had frequent communications with the Superintendent and Agents, and never heard until the the 30th Sept ult. that this or any other land under cultivation within the generally recognised limits of the reservation, was in reality outside of its boundaries and subject to settlement. The mill, water flume and corrals were always pointed out to me as public property on the reservation; and have always been accounted such in the official reports. Mr. Kenley says in his annual report dated Sept 4th 1856: "There are on the Nome Lakee reserve, three adobe houses, one flouring mill, and fourteen frame houses." In November 1858, Mr. G. Bailey, Special Agent of the Interior Department writes: "There is a flouring mill upon the reserve, and an abundance of water, but the canal by which the mill is supplied is out of repair, and the wheat ground upon the reservation is ground elsewhere by contract." It will thus be seen that this has always been known and designated as a part of the reservation; and it seems very singular that the Surveyor should have assumed the responsibility of excluding so much valuable property and procuring the approval of his work by a fraudulent representation.

When Mr. McDuffie visited this reservation in July last, the Indians and white hands, government teams and stock, under the direction of Mr. Gejer the Agent, and Mr. Fisher the farmer, were engaged in harvesting the crop raised on this claim; and

it was accounted in his general report as a portion of the crop raised on the reservation. It now appears that Mr. Geizer purchased the land from the County Surveyor, and sold a portion of the crop, reserving the remainder in the public store-house at headquarters as his individual property. The seed, labor, rations and implements were furnished by Government, and the crop was harvested at public expense, under the supervision of the Agent, and was in his possession as trustee of the Government, charged with its safekeeping and proper distribution among the Indians. In his letter of explanation, dated October 12th, a copy of which has been furnished me by Supt. McCuffie, Mr. Geizer states that ^{this crop} it was ~~not~~ put in by government with its teams and implements, but was not harvested entirely at government expense; that he furnished an equal amount of labor not only to gather and thresh this grain but the entire crop on the reservation. It will be for the Department to determine whether an Agent can use the public resources for his private benefit, either in whole or in part, and render subsequent compensation by introducing free labor on the reservation. Mr. Geizer correctly states that I do not seem to object to his purchase of the land. As he did not consult me previous to the purchase, of course any objection on my part now would be unavailing. If my opinion were asked, however, I could frankly say that under similar circumstances I would have regarded it as a duty to turn the crop

over to the government for the use of the Indians, by whose labor the ground was cultivated and the crops harvested, and for whose benefit it was intended.

It is useless, however, to complicate the case by any expression of opinion, and I submit it for your consideration without further comment.

I have now further to report that since the removal of this crop, the teams and horses belonging to the reservation, have been engaged in hauling timber from the mountains to the aforesaid private claims of Mr. Geizer and Mr. Titus. Some of this timber consists of large beams for building purposes and not for fencing. It is alleged that the object is to run a line fence between the reservation and the claims referred to, and that government derives the chief benefit. Whatever benefit may be derived from such use of the public teams, it is manifest that their withdrawal from the reservation must result in a very serious injury. The garden and orchard are now lying exposed and ruined for want of a few hundred yards of fencing to keep the cattle out. In a few weeks the ploughing season will have commenced, but instead of fresh oxen to do the work, the teams used for the last three months in hauling lumber from the tops of the mountains will require rest, and be altogether unfitted for such heavy work.

The present appearance of the reservation is that of utter neglect and ruin. Most of the Indians

have left it, and now, with the exception of those placed upon private claims to cultivate and fence the land, there are not more than ~~one~~ ^{five} ~~to~~ to be seen within several miles of headquarters. No evidence of the results of attention, labor or the expenditure of public money, is anywhere manifest. When it is considered that forty-five or fifty thousand dollars have been expended on this reservation during the past year, it must be conceded that the result is very discouraging.

Private claims of persons heretofore employed now surround the reservation in various directions. A number of idlers are constantly lounging about, drawing their subsistence from the supplies which should be devoted to the Indians. The teams and agricultural implements are being used for private purposes, with the knowledge and consent of the Agent; and all progress and every prospect of success in the development of the reservation system, seems to be at an end.

With what spirit, then, and what confidence in any further expenditure, can the present Superintendent proceed to carry the views of the Department into effect. It is impossible for him to know what portion of the reservation is public property, and what private; for if one material line in the survey is incorrect, all may be. Nor can he put in a crop, which is subject at any time after maturity to seizure by a private

individual.

The condition of affairs at Some Cult is even more discouraging than at Some Luckee. The former employes, some of whom reside within the limits of the Indian farm, on claims purchased by them while in public employ, refuse to remove, and defy the new license to dispossess them. Insubordination amongst the Indians is instigated; the fences are broken down, the cattle and hogs driven in on the crops, and all authority put at defiance. The official notices issued by the Superintendent in conformity with the instructions of the Department are treated with contempt and derision. Nothing short of military force can restrain the settlers from these outrages. The question then arises, can the government dispossess these settlers? This was public land, and they settled upon it, in most cases, with the knowledge and approval of the late Superintendent. The principal settlers are his own sons and partners in business. Many Indians have been killed by private companies during the past winter & spring, and a man named Darbo, now holds a commission from the Governor of the State, in virtue of which he has raised a company, and has been engaged for some months past in a cruel and relentless pursuit of the Indians in this vicinity, slaughtering indiscriminately all with whom he comes in contact, without regard to age or sex.

It is not my purpose to draw a more gloomy picture than that warranted by the facts, but I would earnestly impress upon the Department the miserable and forlorn condition of the Indians of this State. In the history of Indian races, I have seen nothing so cruel and relentless as the treatment of these unhappy people by the authorities constituted by law for their protection. Instead of receiving aid and succor, they have been starved and driven away from the reservations, and then followed into their remote hiding places, where they sought to die in peace, and cruelly slaughtered; till but few are left, and that few without hope.

It is useless to draw distinctions. One reservation is as bad as another. With the exception of the Klamath, which has proved the entire practicability of the system, under judicious management, they are practically at an end. Any further expenditure of money on them, under the present system of appointment and accountability, would be worse than useless. The debts of the past year, are so complicated with private accounts, that I am utterly at a loss to say what bills ought to be paid and what rejected. As a present measure, I would recommend that all further remittances out of last year's appropriation be suspended, and that the Agents be required to transmit their vouchers to Washington. When I recommended the transmission of money to meet

these liabilities, it was under the impression that fraud had ceased since my original charges were preferred, but I have now no confidence in any bill presented at the office of the Superintendent for inspection. In one instance a draft is drawn on the Assistant Treasurer by V. E. Geizer in favor of R. Elliot, for \$600. The bearer is Mr. Carr, who claims that there is both a public and private account due to him by the late Superintendent. The check is handed to Mr. R. Elliot for examination, who admits that Government owes him nothing, but that Mr. Henley owes him \$627 for which he exhibits a private note. Three checks are taken possession of by Mr. Henley, for amounts said to be due on Indian account. Mr. Ford, ^{Sub} Agent at Mendocino refuses to settle his accounts, because Mr. Henley owes him \$2,500, until he can obtain an acknowledgment to that amount. These transactions are but a specimen of what occur every day.

I have sought constantly to protect the interests of the Department, in the settlement of all bills paid out of the last remittance to Mr. Mc Duffie; but must now acknowledge my utter inability to do so any longer. I beg to be relieved from any further connection with the payment of these liabilities. It will afford me great pleasure to continue my aid to Mr. Mc Duffie, and to report to the Department all objections known to me to the payment of vouchers presented, but I trust you will see the necessity

of withholding further remittances of money. Of course I do not refer to the necessary remittances out of this year's appropriation to defray the current expenses of the Service.

I would also call your attention to the fact that the expenses of the Service, as now conducted, are considerably in excess of the appropriation, notwithstanding the orders issued by Mr. Mc Caffie to the Agents. Another confused state of affairs will be the result, and a call will be necessary for a deficiency appropriation amounting probably to \$50,000.

With positive authority to arrest existing abuses, I might possibly succeed in stopping them, but my powers are merely advisory, and my advice is only followed when pacific and conciliatory.

Very respectfully,
Yours Obedt Servt,
J. Ross Browne
Special Agent &c.