

California 1859
J. G. McKim
San Francisco, Cal.
Nov 13, 59

Enc. copy of letter from
Capt. V. E. Liger in re-
ply to his Circular issued
to the Agents of the
Mex. and copy of his
reply thereto, accompanied
with his remarks
on the subject of the Agents
reply and admitting
his views re. the

Rec'd Dec 14, 59

14 - ditto Common
ack. March 19/60.5
File

Respectfully referred
to Secy of Interior
for his information
March 19, 1860
A. J. [unclear]
Common

Office Supt. Ind Affs
San Francisco Cal
Nov^r 13. 1859

How A B. Greenwood
Commissions of Indian Affairs
Sir.

On the 22^d ulto I had the honor to transmit to you a copy of a circular addressed by me to the Agents and Sub Agents of this Superintendency with an accompanying statement of the circumstances under which it was issued. Enclosed is a reply from Mr V. E. Giguere Indian Agent at Some Laetee to which I desire to call your attention.

Under the acts of Congress of June 1834 and March 1852 it is made the duty of the Superintendents of Indian Affairs to exercise a general supervision and control over the official conduct and accounts of all officers and persons employed by the Government in the Indian Department within the limits of their several superintendencies. In this state the additional power is conferred of exercising administrative examination over all claims + accounts and vouchers for disbursements connected with the Indian Service.

In assuming the duties of this office I had no knowledge of the instructions issued to my predecessor and in accordance with

authority conferred upon me made application to him for all public property, books & papers, in his charge. My receipts show that no instructions were turned over to me, nor did I receive any except those contained in the printed regulations of the Indian Bureau transmitted to me by the Department.

Upon this date & the previous instructions contained in my letter of appointment dated April 4th 1859 looking to a reduced system of expenditures, and the settlement of the complicated affairs of the service growing out of its indebtedness, I was compelled to rely, and after personal inspection of the reservations to adopt such measures as seemed most likely to promote the public good. The correspondence transmitted from time to time to the Department from this Office in relation to the official conduct of Agents; the compensative failure of the reservation system under their management; their excess of expenditures beyond the prescribed limits; their failure to render prompt accounts of their indebtedness; and the evils resulting from the credit system which had hitherto prevailed will show the principal grounds upon which I deemed it proper to issue a General Circular on the subject.

With the advantage of liberal appropriations during a series of years past amounting to an average of perhaps \$250,000 per Annum. with ample experience of the habits and capacities of the Indians; with the reservations established and the system in operation the service was embarrassed with debt when I assumed the duties of Superintendent and the farms presented an appearance of neglect and decay wholly incompatible with the welfare of the Indians. The only exception presented was the Klamath reservation which affords proof that the system is practicable. It seems unreasonable to suppose that under auspices so unfavorable and without some further check upon the discretion of subordinate officers in their expenditures a greater amount of good could result from the limited appropriation of the present fiscal year.

An examination of some of the vouchers which have been transmitted to the Department cannot fail to reveal in some measure the cause of this discrepancy between the means expended and the result attained. I would call your particular attention to vouchers for supplies of flour, beef, & potatoes and for hire, traveling expenses, board and lodging of employes. The large

4
amount expended in the vicinity of the
reservations have in my opinion in-
creased numerous evils resulting from
the proximity of white traders and
greatly enhanced the expenses of the
service. It is well known that goods
and supplies of every kind necessary
to be bought, can be had in greater
variety and at lower prices in San
Francisco than at any other place in
the State. Adding the cost of trans-
portation there are few articles if any
which cannot be delivered at the
reservations from San Francisco cheaper
than if purchased in the vicinity.

Merchants must make their profit
and that profit is so much deducted
from the use of the Indians; besides
where there is but little competition the
purchaser is liable to suffer extortion.

I hold the principle that the pecuniary
interests of Merchants and traders are
not to be taken into consideration in
the disposition of the Indians fund. All
goods and supplies should be bought
where they can be had cheapest and
where the terms are otherwise most
favorable.

It is an onerous & unpleasant
duty to assume the responsibility of
making these purchases, but unless there
is some one controlling power to check
extraneous or error of judgement in
advice, there can be no certainty that
the funds appropriated will be properly
applied.

The success of the system, the maintenance of peaceful relations with the Indians, their progress and welfare are so intimately connected with the judicious expenditure of this fund, that I am unable to perceive how these ends can be attained by a subsequent revision of accounts. It matters nothing to them if the accounts of Agents are disallowed or suspended; they require personal attention proper food and clothing, and beyond that are entirely ignorant of the operations of the Department.

So far as the concentration of patronage with Merchants in San Francisco is concerned, it is not my desire to assume this responsibility. I would be pleased if the Department would transmit the necessary goods and supplies from New York or elsewhere.

But if an Indian Agent is responsible to the Government through his receipts for the extent and character of his purchases and for the proper management of the Agency under his charge; if he is limited only by the dictates of his own judgment, holding himself accountable directly to the Department without the intervention of a Superintendent, permit me to ask of what practical use can a Superintendent be? His powers are merely advisory and in point of fact subordinate to those of the Agent.

He may express his views as to the manner in which the Indians shall be treated, the grounds cultivated and the funds set apart for each reservation applied, but the Agent being responsible under bond can exercise his own discretion and carry out his own views, subject only to the approval of the Department. A bond as I conceive is designed to protect Government from any pecuniary loss resulting from dishonesty or violation of law on the part of the Agent, but I submit whether it comes with it any administrative rights in reference to the management of Indians. As one example of this species of this discretion in the planting and harvesting of crops I respectfully refer you to my letter of the 19th ult. enclosing a copy of Mr. Giegar's Statement of 12 Oct. in reference to the crops of wheat and barley claimed by him and in part sold for his private benefit.

It is my desire so far to superintend the practical operations of each Agency as to prevent if possible the recurrence of any evil so injurious as I conceive this to be in its general tendency and so inimical to the interests of the Indians who reasonably consider themselves entitled to the benefits resulting from

their labor -

In the matter of traveling expenses I am satisfied that abuses have arisen from the unrestricted discretion which seems to have prevailed heretofore in this branch of the service. Vouchers to which my attention has been called show large expenditures for hotel expenses, board and lodging without sufficient proof of my agency regarding the absence of the Agent or employes. Under ordinary circumstances it is seldom necessary for Agents to leave their Agencies, and travelers and others going short distances now rarely take their rations with them as in the Military service. If Agents and Sub Agents ever at any time leave the reservations, remain absent as long as they think proper, and incur such expenses as may be consistent with their pleasure or peculiar views of duty, it is not unreasonable to believe that the Indians will be neglected & the appropriation unprofitably expended. A simple disapproval of their accounts would not remedy the evil.

The Law renders it incumbent on every Indian Agent to reside upon his Agency and not to depart from it without permission of the Superintendent or the Department. It also prohibits him from receiving salary while

absent from his agency without such permission. For this reason I deemed it proper to issue the instructions to which exception has been taken, that the Superintendent might at least be informed of the proposed absence of any Agents or employes. Otherwise in what way can there be any accountability? Every Agent may spend his time as he thinks proper, simply holding himself liable under his bond and the general regulations of the Department.

I presume this is not the case in any branch of the public service. If such a privilege existed it would be subversive of all discipline.

I do not apprehend that any inconvenience will arise from an observance of the instructions contained in this Circular. There constructive difficulties in the matter of unimportant details cannot effect a principle which has been so well tested in other branches of the public service. Every Agent should make his requisitions so as to cover all contingencies, and none of the reservations in this state are so far distant as not to be in constant communication with this Office.

By the regulations regular and prompt transmission of funds the Department now place it in my power to furnish without delay whatever supplies may be required & thus

These

obviate the necessity of a Credit system either here or elsewhere -

In conclusion I beg to express my earnest conviction that no fixed or uniform policy can be carried into effect where there is a want of Co-operation between the Superintendent and the Agents. Mutual confidence and to some extent an identity of views and interests must prevail or the result will be prejudicial to all parties - Agents may differ from each other in their constructions of law and principles of economy, one may look upon the amount of his bond and the ultimate actions of the Department as the sole restriction by which he is to be governed, while another may think proper to adopt a policy wholly at variance with the general welfare of the Service -

The Superintendent it is true cannot personally attend to the duties of each Agency in their minor details; but with such powers as I conceive are conferred upon him he can at least check abuses by a strict personal supervision of expenditures and carry into effect as far as practicable the policy established by Government -

I transmit herewith a copy of my reply to the communication of Mr. Geary -

Very Respectfully,
Wm. B. F. L.

J. G. M. Duffin
Supt. Ind. Affairs
for California