

Office Ind Off  
J. W. Francis Esq

Nov 16 - 1859.

Communication of Mr.  
E. Geiger Ind Agent  
to  
James G. McDuffie  
Supt. of Ind Affairs  
for California -

Respectfully submitted  
to the Commissioner of  
Indian Affairs  
J. W. McDuffie  
Supt. Ind Offs

Copy

Office Horns Traders Post  
October 30<sup>th</sup> 1859

In  
A "Circular" from your office dated  
Oct. 21. 1859, was received by me a few  
days since.

In drawing up this Circular  
you appear to ignore the fact entirely  
that I as well as yourself are a commissioned  
Officer of the Government and that my  
Authority as Agent emanates from the  
same source that yours does as Supt of  
of Indian Affairs; and further that  
I am a bonded officer as well as yourself;  
responsible to the Government through my  
sureties for the discharge of my official  
duties. Now I am appointed or employed  
of the Supt. who alone had the authority  
to direct my actions and control my  
official conduct and who was responsible  
on his bonds for the manner in which  
my duties were discharged the Circular  
would doubtless be perfectly correct &  
defensible, but as I am held by bonds  
to account to the Interior Department  
for all funds and property that may  
come into my hands as an Indian Agent  
I submit that I have some discretion  
in the manner in which and through  
whom I may conduct the business  
of my Agency. so that to the Supt.  
I make report thereof for his approval  
to the end that the Horns Department  
may virtually act upon it. You may  
approve or disapprove of my appointment

that I as the Agent may make & get when submitted to the Department your action may be confirmed or reversed at pleasure. While therefore I am responsible on my bonds directly to the Federal Government for the way in which my duties are performed; Accountable for the funds and property that may come into my hands and Answerable for the proper management of the Agency under my charge. I claim to have a discretion in the manner in which my business shall be conducted not only in reference to plowing the land, sowing the seed & ~~expanding~~ and reaping the grain, but also as to the purchases of such supplies for the Indians on my place as their wants and my own judgement dictates they require provided they do not violate the limits prescribed by the proper Department. nor violate the trust reposed in me by the executive appointment.

The Circular requires that I shall transmit to you quarterly a requisition for all articles required by me and that you will purchase and pay for them at your own discretion. Heretofore under the order of the Indian Department communicated to me through the Late Superintendent and under which my immediate predecessor acted, it was made my duty to estimate for the funds I deemed

necessary to carry on my agency. Once if approved by the Dept. he was directed to place such funds to my credit with the Assistant Treasurer W. I. Of the revocation of this order I have no information & of that fact I am still uninformd either by you or the Department. though you. It is impossible to estimate in detail each article the necessities of this service may require three months in advance. No man of business especially in farming & raising for Indians own concerns such would be for hand. The most trivial article apparently not on hand may stop the labor of a working party for days simply because not estimated for at the commencement of a quarter. The Department in giving this order to the Dept. of Ind. Affairs contemplated the avoidance of the very thing this "Circular" seems to desire to bring about.

Before that order the Dept. made the purchases for the Agents but to take from the hands of the Dept. the entire control of the purchases and the disbursement of the funds directed that on estimates made out by the Agents they should receive disburse & account for their proportion of the appropriation. It cannot be that the Department is desirous of

concentrating in the hands of the  
Supt. the business appertaining to each  
Agency and make him the purchas-  
ing and disbursing officer of the res-  
pective Agents. While it deprives the Agent  
of the power of meeting promptly any  
emergency that may arise in fulfill-  
ment of his duties or the successful  
completion of his work. My instructions  
from the Department require me to  
estimate for funds in the following  
manner and in this form the appor-  
portion has been applied to wit:

- 1<sup>st</sup> For the Pay of Indian Agent.
- 2<sup>d</sup> " General and Incidental  
expenses embracing expenses of  
travels of Agents.
3. " Removal and subsistence of  
Indians to Reservations on Cal  
and pay of Physicians, Smiths &c

And in conformity with such in-  
structions I shall continue to make  
estimates for funds. If however you  
do not see proper to approve my  
estimates in full or in part and place  
the amount to my credit, my results  
disastrous to the interests of this Agency  
must rest with you and not me. I  
have never been instructed to estimate  
to the Supt. for Goods or directed to  
call on him to make purchases for  
my Agency. The "Circular" further  
informs me that "unless otherwise  
instructed by the Department you will  
"turn over" to me such sums as may

be allowed by Law under the limits  
of the appropriations for you (my)  
Salary and that the employees under  
you (my) charge" - I beg leave to  
suggest that my salary like that of  
you own does not come out of you is  
it dependent upon the Indian approp-  
-riation - It is allowed I believe in the  
General appropriation bill or by special  
Act of Congress creating the Agency  
and is due to me by virtue thereof with-  
out regard to the amount appropriated  
for or supplied to the Indian Department.  
When therefore the Congress refuses or  
neglects to appropriate or the proper  
Department sees fit not to remit  
my salary, then I must go without  
it. But when so appropriated and  
remitted I suggest that you can not  
refuse to pay it over to me altho' it  
does in the course of business come  
through your hands - As to the pay of  
employees I suppose it devolves upon me  
as resident agent to pay them off &  
take their vouchers - I certainly have  
no objections to you exercising "the right  
to supervise the purchase & transportation  
of all goods and supplies" made by me  
or for my Agency, but I shall object  
unless requested by me to your assumption  
of power in purchasing goods for me  
and expending the money appropriated  
for that purpose to my Agency as for  
my estimates made quarterly to your  
Office -

The "Circular" advises me further that "all accounts on credit with any store in your vicinity, or with any person must cease from and after this date as I shall approve of no bills or vouchers made contrary to this order." If Sir you will furnish me with the means to meet the incidental and general expenses of this place, I will have no necessity of making purchases or transacting any business on credit. To show you how absurd this branch of the "Circular" is let me ask how I am to send a team + wagon to Lehmania for the goods you may purchase and forward to me? How am I to cross the Army to obtain the flour you have directed me to furnish to the Mome-Cutt Indians farm? How in a word am I to meet the various contingencies that arise in business operations of this place? If I am denied the use of the Government money and at the same time forbid contracting any indebtedness on the part of this Agency. Her commonest understanding it strikes me will at a glance perceive the absurdity of such an imposition.

There are many articles in the course of a quarter or the year that are needed and which may not have been "estimated" for and hence it is sometimes absolutely necessary that I should make "purchases of goods

"or supplies" and that too from a  
"store" or some "person" in the "vicinity"  
of my Agency. Heretofore the rule  
of this Department has been to  
make such purchases in the imme-  
diate vicinity of the Reservation as  
could be done without detriment  
to the public interests. When goods  
and supplies could be purchased  
from "any store" in the "vicinity" on as  
favorable terms as elsewhere, it has  
been done either on credit or for cash  
and so far as I am concerned I pre-  
ferred to give what patronage I could  
properly to the business men in this  
vicinity and now I can see no good  
reason for withdrawing from the  
merchants and traders of this  
section of the country, the patronage  
of the Federal Government at my disposal  
that it may be concentrated upon  
and thrown into the hands of a few  
houses within or I am guessing or elsewhere.

If Sir I am not to be supplied with  
means nor allowed to transact business  
on credit how am I in case of an unex-  
pected supply to supply the wants of this place?  
Should a wagon wheel give way should  
a set of harness need repairing; should  
a team of oxen stray off, should I  
need a cone of wagon grease or an axle  
horn or any other of a thousand con-  
tingencies to which the place is subject  
could I to let them all pass  
and "estimate" for them on the next



quarters -

The "Circular" also directs that I am not to incur "any travelling expenses without previous written application" Now I mean expenses for travelling on business of the Department the bills are submitted to the Supt<sup>d</sup> and if not allowed they must go through the same routine as those of any other indebtedness. I protest against any order requiring me to make application to you for a "permit" or "pass" in advance when I deem the necessity of the case requires my absence from the Reservation. If I must seek a "pass" whenever I wish to go to "Tehonna" Red Bluffs, Thomas Creek or any other place to attend to any business of the Reserve it may be to mail a letter, receive the mail, look after a stray horse, recapture a fugitive Indian, then indeed is my authority or power to act for the good of the Agency destroyed. To confine my operations within the limits of the Reservation, as though there was nothing to demand my presence beyond them is assuming a state of affairs that never has existed nor ever can exist on any Reservation.

I protest against such an order as rendering my position one of entire dependancy upon you; as restricting me in the rightful + necessary

reversal of my judgement in the  
business of my Agency. And making  
my entire business locomotion de-  
pendent upon your will. It seems  
that if I wish to go one mile or  
one hundred miles from my Agency  
at an expense of one dollar or one  
hundred dollars I must first address  
you at a distance of nearly three  
hundred miles by a "previous written  
application" involving a delay of  
from five to seven days which too  
often as it may appear I cannot  
go to the Post Office either to forward  
or receive a communication on the subject.  
It is true that a proviso to meet cases of  
"emergency" is inserted, but to my mind  
it is useless, you pass on all my accounts  
whether for travelling or other expenses;  
whether incurred in the general course  
of business or brought about by some  
sudden emergency" - This order is  
placing a restraint upon my actions  
and my movements more contempla-  
ted in my opinion by the laws or  
regulations of the Department and  
hence I protest against it as arbitrary,  
unjust and tyrannical.

My utmost endeavors will be  
used to carry out that portion of the  
"Circular" enjoining upon me the duty  
of protecting the public stores from  
both victors and loyons and I  
will see that none are entertained  
at "public expense" unless they are

"Visitors" making Temporary calls for purposes of business or information. There are however connected with this Agency employees who have wives and children and I respectfully inquire if the females of such employees "must at once be removed"

I have this Sir, endeavored to show to you that the "Circular" imposes upon me tasks and burthens almost impossible to comply with; while it also infringes upon my rights and privileges as Indian Agent. Practically no man at all acquainted with the Service can with a due regard to the interests of the Service carry out the propositions suggested, unless it is the intention of the Dept. to assume all the functions of the Agent and unite in his own person all the powers and duties and mandates to discharge all the obligations of the Agent. This "Circular" does but embarrass & retard the business of each Agency. While in fact the Agent is hampered and restrained in the business of his Reservation, not allowed to act without directions from the Dept. he is held responsible for the proper management of his place, without the power or means to conduct it as his judgment dictates -

Respectfully  
Yours &c

signed Vincent J. Rogers  
Ind. Agent

To  
Hon James H McDuffie  
Supt. Ind. Affs  
L.C.

The Annexed being a correct  
copy of W. E. Greer's communication  
is respectfully submitted for the  
purpose of the Commissioner of Indian  
Affairs

J. N. McDuffie  
Supt. Ind. Affs

Office Supt. Ind. Affs  
San Francisco Cal  
November 16 - 1859.