

University of Oklahoma College of Law

University of Oklahoma College of Law Digital Commons

American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899

8-2-1854

Message from the President of the United States, communicating, in compliance with the resolution of the Senate of July 10, 1854, correspondence and documents respecting the claims of persons for services performed, and supplies and subsistence furnished to the Indians, in California, under contracts with Indian agents, in 1851

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>



Part of the [Indigenous, Indian, and Aboriginal Law Commons](#)

Recommended Citation

S. Exec. Doc. No. 87, 33d Cong., 1st Sess. (1854)

This Senate Executive Document is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact Law-LibraryDigitalCommons@ou.edu.

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

COMMUNICATING,

In compliance with the resolution of the Senate of July 10, 1854, correspondence and documents respecting the claims of persons for services performed, and supplies and subsistence furnished to the Indians, in California, under contracts with Indian agents, in 1851.

AUGUST 2, 1854.—Read and ordered to be printed.

To the Senate of the United States:

In compliance with the Senate resolution of the 10th of July instant, requesting that I would "cause to be communicated to the Senate copies of all the correspondence and other official documents on file in the Department of the Interior, respecting the claims of persons for services performed, and supplies and subsistence furnished to Indians in California, under contracts with Indian agents, in the year eighteen hundred and fifty-one, and embracing the names of claimants, the amount, respectively, of their claims, on what account created, and by what authority, if any," I transmit, herewith, a communication from the Secretary of the Interior, accompanied by copies of all the papers called for, which have not, heretofore, been furnished. As it appears that most of the papers called for were communicated to the Senate at its first and special sessions of the 32d Congress, I have not supposed that it was the intention of the Senate to have them again sent, and I have, therefore, not directed them to be copied.

FRANKLIN PIERCE.

WASHINGTON, July 29, 1854.

DEPARTMENT OF THE INTERIOR,
Washington, July 29, 1854.

SIR: On the 12th instant I had the honor to receive from you a resolution of the Senate of the 10th instant, requesting you "to cause to be communicated to the Senate copies of all the correspondence and other official documents on file in the Department of the Interior respecting the claims of persons for services performed, and supplies and subsistence furnished to Indians, in California, under contracts with Indian agents, in the year eighteen hundred and fifty-one, and embracing the

names of claimants, the amount, respectively, of their claims, on what account created, and by what authority, if any." To enable you to do so, I transmit to you herewith a communication from the Commissioner of Indian Affairs, dated the 28th instant, accompanied by copies of some of the papers called for by the Senate, and making references to the printed Senate documents of the 1st session of the 32d Congress, and those of its special session in March, 1853, where copies of all the other papers will be found, they having been heretofore communicated to the Senate at its request. The papers called for by the Senate resolution of the 10th instant are so voluminous that it would be impossible to have the copies prepared during the present session of Congress, but as most of them have already been communicated to the Senate, it is presumed not to have been its intention to require them to be furnished again. I recommend, therefore, that the accompanying papers and references be transmitted to the Senate in answer to the resolution of that body of the 10th instant.

I have the honor to be, very respectfully, your obedient servant,
R. McCLELLAND, *Secretary*.

To the PRESIDENT.

DEPARTMENT OF THE INTERIOR,
Office Indian Affairs, July 28, 1854.

Sir: I have the honor to acknowledge the receipt, by reference from you, of the Senate resolution of the 10th instant requiring copies of all papers on file in the department respecting claims for services rendered, supplies and subsistence furnished to Indians, in California, under contracts with Indian agents in the year 1851, &c., and to submit the following report.

I find upon examination, that information of the character called for has heretofore been reported to the Senate. That no delay may occur by copying again the papers, I suggest that the Senate be referred for an answer to "Senate documents, 1st session 32d Congress," vols. 9 and 10, numbers 61 and 104. Information may also be obtained from No. 4 of Senate documents of the special session, March, 1853, on pages 88, 95, 98, 99, 189, 190, 247, 253, 258, 267, 285, 289, 343, 398. These documents, with the papers herewith transmitted, contain, it is believed, all that is of record and file in this office pertaining to the matters mentioned in the resolution aforesaid.

Very respectfully, your obedient servant,
GEO. W. MANYPENNY, *Commissioner*.

Hon. R. McCLELLAND,
Secretary of the Interior.

SAN FRANCISCO, CALIFORNIA, *May 12, 1851.*

SIR: Being about establishing a cattle rancho on the Mariposas river, neighboring to the Indian tribes of the Siera Nevada, with whom you

are engaged in treating, I submit to your consideration the following proposals:

I propose to furnish for the two fiscal years commencing the 30th June, proximo, and ending June 30, 1853, all the animals, beef cattle, brood-mares, and brood-cows, which you shall need for the execution of the treaties with the Indian tribes in the district under your direction, and which extends from the head-waters of the San Joaquin river to the head of the Sacramento.

I engage and bind myself to make the deliveries in the course of the present and following years, at such times and places within the district as you shall indicate; and to commence the deliveries one month after date of notification to me of treaties, as they shall be successively made.

I propose to furnish beef cattle upon the hoof at 15 cents per pound nett; brood-mares, between the ages of four and six years, at \$75 each; and brood-cows, between the ages of three and five years, at \$75 each.

Very respectfully,

JOHN C. FREMONT.

O. M. WOZENCRAFT, Esq.
Commissioner, &c., &c., &c.

I hereby accede to the foregoing proposals, so far as the furnishing of present supplies of beef to those Indians with whom I may treat, and will urge on the department the adoption of the entire proposal, so soon as the treaties are approved by the President and the Senate.

Very respectfully,

O. M. WOZENCRAFT.

WASHINGTON CITY, November 12, 1851.

SIR: The drafts drawn by Mr. Barbour, the Indian agent in California, in favor of Colonel Frémont, amount to \$133,375, and were negotiated by him in three parcels; all of which have been presented to the Secretary of the Interior, and protested for nonpayment.

I suppose there is a note of the whole of them in the office; and if not, that Mr. Barbour will furnish it. I have spoken to the honorable secretary about putting them into a *deficiency bill*, which meets his ready approbation. I have to request, then, that the treaties be sent in at the earliest moment, for ratification, and the *deficiency bill* sent in as soon as they are ratified.

Congress failed to appropriate, at the last session, the amount for the California Indian service, which was then asked; and the obligation is strong to do *now* what was so properly asked to be done *then*.

The drafts are for food to the Indians—cattle for their subsistence—to keep them from killing the stock of the inhabitants and bringing on Indian wars. The white people have taken all their hunting grounds and fishing waters, and they must starve, or rob, or receive subsistence

from the government. The treaty is for their land, which we have already occupied for three years, against their will and against our own laws and policy—land from which we have been taking all the while at the rate of two or three millions a month in gold, and are still so taking it.

The expenses, under the treaty, are no more than on the general scale of expense in the country; and, probably, all of them put together, will not amount to more than two weeks' product of gold taken from the mines. For the rest, these treaties are not like the common treaties, in which we purchase land from the Indians, with their own consent, and leave them in possession until the treaty is ratified; here we have taken the country beforehand, and mean to keep it, and the Indians are dispossessed and their country occupied by an organized population, living in towns and counties, and carrying on the business of a permanent community. On the other hand, the cattle under these treaties have been delivered, so that everything is executed, except the payments from the government; and the government having failed to make the appropriation asked for at the last session, the commissioners were thrown upon the use of credit to comply with their instructions to make the treaties. Mr. Frémont took one of the contracts, and had to buy from the old inhabitants (who alone had the cattle) on credit, and is now paying California interest (four per cent. per month) on \$40,000, raised on the drafts to make the first payments on the cattle.

Yours, respectfully,

THOMAS H. BENTON.

Colonel LEA,

Commissioner of Indian Affairs.

WASHINGTON CITY, January 30, 1852.

SIR: I left with you the original proposals of Colonel Frémont to Mr. Barbour, the Indian agent, to furnish beef cattle, breed mares, and cows to the Indians in his agency, and his acceptance of the same, subject to the approval of the department, and I now leave with you similar proposals and acceptance with Mr. Wozencraft, and have to ask that as soon as the treaties are ratified, Colonel Frémont may be advised of the decision of the department.

I apprehend that the clause subjecting the contracts to the approval of the department could be only applicable to the deliveries of the present year, as immediate deliveries of a part, *i. e.*, within a month after notice to Colonel Frémont that the treaties were ratified.

N. B.—Only cattle for food were delivered.

Yours, respectfully,

THOMAS H. BENTON.

Col. LEA, *Commissioner of Indian Affairs.*

WASHINGTON, January 7, 1852.

SIR: I have just received the enclosed letter to you from D. C. La-

batt, esq., of New Orleans, and beg that you will enable me to give him the information therein desired, with as little delay as possible.

Respectfully, your obedient servant,

BEN. E. GREEN.

Hon. A. H. H. STUART,
Secretary of the Interior.

NEW ORLEANS, *December 29, 1851.*

I am the holder of a draft for \$7,000, dated at San Francisco, Nov. 11, 1851, at three days' sight, favor of John Charles Frémont, and by him endorsed; drawn by Adam Johnson, United States Indian agent, valley of San Joaquin, on your department, and I do not desire to negotiate it before I learn from you whether there is any doubt of its punctual payment. By giving the necessary information, if consistent with your views, it will confer a favor on

Your obedient servant,

D. C. LABATT.

Hon. A. H. H. STUART,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, January 12, 1852.

SIR: Your letter of the 7th instant, addressed to the Secretary of the Interior, in which is enclosed a communication from D. C. Labatt, also addressed to the secretary, relative to a draft for \$7,000, drawn by Sub-Agent Adam Johnson, in favor of John Charles Frémont, and dated "San Francisco, November 11, 1851." Having been referred to this office, I have, in reply, to state that the draft has been made without authority or advice from this department, and that had it the disposition, it is without the means of honoring it.

Very, &c.,

L. LEA, *Commissioner.*

BENJ. E. GREEN, Esq.,
Washington, D. C.

WASHINGTON CITY,
March 9, 1852.

SIR: The Committee on Indian Affairs are desirous of having your opinion on the enclosed petition; also any facts in your office in relation to the claim.

Very respectfully,

D. R. ATCHISON,
Chairman Committee on Indian Affairs.

Hon. L. LEA,
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, April 22, 1852.

SIR: In reply to your letter of the 9th ultimo, in which you remark that "the Committee on Indian Affairs are desirous of having your (my) opinion on the enclosed petition (of Thomas W. Lane;) also any facts in your (this) office in relation to the claim," I have the honor to state that I have no reason to doubt the correctness of the statement contained in Mr. Lane's petition, and my opinion is that the drafts now presented by him should have been paid out of the funds transmitted to Agent McKee.

All the information of file in this office, in relation to this claim of Mr. Lane, is embraced in the enclosed copy of Agent McKee's letter, bearing date 30th of January last, and in his letter of February 17, 1852, in which, referring to this and other claims, he says: "I hope Congress will, at an early day, enable you to transmit funds to pay these debts. I know them to be just, and their creation unavoidable in the then existing state of the country."

Very respectfully, your obedient servant,

L. LEA, *Commissioner.*

Hon. D. R. ATCHISON,

Chairman Committee on Indian Affairs, U. S. Senate.

Enclosures referred to above, are embraced in document No. 4, special session of Senate, March, 1853, pages 247 and 285.

The following letter is an answer to one from Edward S. Lovell, referred to the Indian Office by Hon. T. H. Crawford, November 15, 1852.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, December 1, 1852.

SIR: With reference to the account of Mr. E. S. Lovell, for services as secretary to O. M. Wozencraft, esq., late agent for the Indians in California, submitted by you on the 15th ultimo, I have the honor to state that, on examination, it is found that the original voucher, filed with the accounts of the late agent for the fourth quarter 1851, is receipted by Mr. Lovell, for the sum of \$877 25, without being, as in the copy presented, a receipt for a draft on this bureau for that amount. The abstract of disbursements for the same period, however, shows that only \$199 11 was paid in cash; a draft on this office, "due when appropriations are made," having been given for the residue.

There are no funds at the disposal of the department out of which the draft can be paid, and the question of payment must be postponed until an appropriation, applicable, shall have been made by Congress.

The papers submitted by you are herewith returned.

Very respectfully, your obedient servant,

L. LEA, *Commissioner.*

Hon. T. H. CRAWFORD,

Washington City, D. C.

NEW YORK, *February 14, 1853.*

SIR: Colonel Adam Johnston, Indian sub-agent in California, in the employ of the United States government, employed Mr. E. Gould Buffum as a Spanish interpreter, to make a vocabulary of the Indian languages, and for the performance of other services. He represented that he had authority to do this, and promised on behalf of the government \$155, as pay.

I have the impression that the vouchers for Mr. Buffum's claim were forwarded by Colonel Johnston, to Washington, about a year ago.

Will you do me the favor to inform me whether these vouchers have been received. If they have not, I will send to him for duplicates.

Very respectfully, your obedient servant,

W. O. BARTLETT,
Attorney for claimant.

HON. A. H. H. STUART,
Secretary of the Interior.

NEW YORK, *April 18, 1853.*

SIR: Some three years since I performed services as a Spanish translator in California, under the direction of Col. Adam Johnston, an Indian sub-agent, appointed by General Taylor. I never received any remuneration, but Col. Johnston informed me that he had sent the necessary vouchers to Washington.

I have applied by letter a number of times to your predecessor to learn whether such was the case, but have never yet been fortunate enough to receive an answer. Will you be so kind as to inform me whether any such vouchers are in the custody of the Indian branch of your department.

I am, sir, yours, most respectfully,

E. GOULD BUFFUM.

To the HON. SECRETARY OF THE INTERIOR.

WOONSOCKET, R. I., *July 18, 1853.*

SIR: I have a claim in your department for services rendered as an interpreter to Col. Adam Johnston, Indian sub-agent in California in 1849-'50-'51. I wrote to your predecessor in regard to it, but was never fortunate enough to receive an answer. Any information in regard to the above claim, whether there is any prospect of being soon paid, will be thankfully received by

Your obedient servant,

E. GOULD BUFFUM.

DEPARTMENT OF THE INTERIOR,
Office Indian Affairs, August 22, 1853.

SIR: I have to acknowledge the receipt of your letter of the 18th

ultimo, requesting information relative to a claim for services alleged to have been rendered by you as an interpreter to Colonel Adam Johnston, late sub-agent in California.

The agent claimed credit for the amount of this voucher, but it has been suspended, and no action will be had upon it until it has received the administrative examination of the superintendent of Indian affairs for California, for which purpose it will be immediately forwarded to him.

Very, &c.,

C. E. MIX,
Acting Commissioner.

E. GOULD BUFFUM,
Woonsocket, Rhode Island.

U. S. PATENT OFFICE,
September 19, 1853.

SIR: The enclosed letter was recently received from a friend in Iowa. Can you give me the information sought, and oblige,

Yours, truly,

CHAS. MASON.

COMMISSIONER OF INDIAN AFFAIRS.

DEPARTMENT OF THE INTERIOR,
Office Indian Affairs, September 22, 1853.

SIR: I have received your letter of the 19th instant, enclosing one from J. W. Rankin, esq., desiring certain information in connection with a claim, said to be pending in this department, amounting to \$6,698 47, on account of supplies furnished to the government through R. McKee, late agent for the Indians in California.

In reply, I have to say that it appears from a "schedule of debts due and payable at San Francisco by the disbursing agent of the Department of Indian Affairs in California," forwarded by him to this office, under date July 1, 1851, that G. M. Marshall held his certificate for \$6,598 47, for beef, and that it is qualified by the remark "subject to credit." The late agent also states in the same paper as follows: "I gave Marshall a letter to you, submitting that, if equally convenient, his certificate might be paid at Washington. Circumstances have since made it proper that the payment should be made *here*, and I will thank you to refer him to this office for settlement." Were there no objections of this character, however, the certificate of indebtedness could not be paid here, inasmuch as it forms one of a large class of claims, contracted without authority by the late agents of California, for the payment of which no provision has been made by Congress.

Mr. Rankin's letter is herewith returned.

Very respectfully, your obedient servant,

C. E. MIX,
Acting Commissioner.

CHARLES MASON, Esq.,
Commissioner of Patents, Washington City, D. C.