

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

---

2-3-1863

### Indian reservations in California. Letter from the Secretary of the Interior, transmitting a prepared bill for the sale of Indian reservations in California

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



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

---

#### Recommended Citation

H.R. Exec. Doc. No. 49, 37th Cong., 3rd Sess. (1863)

This House 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](mailto:Law-LibraryDigitalCommons@ou.edu).

---

INDIAN RESERVATIONS IN CALIFORNIA.

---

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING

*A prepared bill for the sale of Indian reservations in California.*

---

FEBRUARY 3, 1863.—Referred to the Committee on Indian Affairs, and ordered to be printed.

---

DEPARTMENT OF THE INTERIOR,  
February 2, 1863.

SIR: I have the honor to transmit herewith a proposed bill for the survey and sale of certain Indian reservations in California, and to provide for establishing certain other Indian reservations in that State, and recommend the subject to the favorable consideration of Congress.

Very respectfully, your obedient servant,

J. P. USHER, *Secretary.*

Hon. GALUSHA A. GROW,  
*Speaker of the House of Representatives.*

---

A BILL for the survey and sale of certain Indian reservations in California, and to provide for establishing certain other Indian reservations in the same State.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall be the duty of the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to cause to be surveyed, as soon as practicable, in conformity with the system adopted for the survey of public lands, all that tract of land in California known as the Mendocino Indian reservation, and described as follows, viz: lying and being between the south bank of the Noyo river, so as to include that river, and the Cully Bull farm, on the south side thereof, and a point one mile north of the mouth of Hale a Beedaloc creek, and extending eastwardly from the coast for quantity, so as to include the valleys beyond the first range of hills, to the coast mountains, and conforming to their shape, so as to include an area not exceeding 25,000 acres of land.

SEC. 2. *And be it further enacted,* That when said lands shall have been surveyed, as herein provided, it shall be the duty of the Secretary of the Interior to cause the same to be advertised for sale in such manner and for such time as will, in his judgment, give notice to all persons likely to bid at such sale, and secure the best price therefor, and shall at the time appointed cause the same to be sold in separate tracts at public outcry; and if, in the opinion of the Secretary, the same shall have been sold for the best price that could be obtained, and for a fair value for the land and improvements, he shall approve of such sales, and, upon the payment of the purchase money, shall cause a patent to issue to the purchaser or purchasers, respectively.

SEC. 3. *And be it further enacted,* That the lands comprising what is known as the Nome Lacke reservation, in said State, shall be sold in like manner, and subject to like restrictions and reservations as are contained in section two hereof in relation to the lands of the Mendocino reservation.

SEC. 4. *And be it further enacted,* That no portion of the lands embraced in either of the reservations hereinbefore mentioned shall be subject to pre-emption; but after the same shall have been offered at public sale, as is hereinbefore provided, such tracts as are unimproved shall be subject to private entry, at the rate of one dollar and twenty-five cents per acre.

SEC. 5 *And be it further enacted,* That it shall be the duty of the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to appoint a commission, consisting of the surveyor general of California, the superintendent of the northern district of said State, and one other competent and meet person. They shall receive a reasonable compensation for their services: *Provided,* That the allowance of the same to the two first named shall not be in conflict with existing laws, whose duty it shall be to meet in Round Valley, Mendocino county, California, on or before the first Monday of ——— next, and proceed to investigate the claims of actual settlers upon the reservation in said valley, and make a fair and just appraisalment of all improvements made by such settlers in said valley previous to the first day of January, 1859; and thereupon said commission shall report said appraisalment, and the evidence upon which the same is based, to the Secretary of the Interior for his approval; and if the same shall be approved, it shall be his duty to cause to be issued, respectively, to such settlers certificates showing the value of the improvements made and owned by them, respectively, on said reservation on or before the said first day of January, 1859.

SEC. 6. *And be it further enacted,* That so much of the proceeds of the sales of the lands herein provided for as may be necessary shall be set apart for, and applied to, the payment of the certificates issued under the provisions of the preceding section of this act; and the surplus, if any, shall be expended for the Indians residing in the northern district of said State, in such manner and for such purpose, not inconsistent with this act, as the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may deem proper.

SEC. 7. *And be it further enacted,* That what is known as the Round Valley reservation in said State shall be, and the same is hereby, so enlarged as to embrace within its limits the tract of country bounded as follows, viz: commencing at a point opposite the junction of the north and south forks of Eel river, on the south bank of the south fork of Eel river; thence southwardly, at right angles with said south bank, one-half mile; thence up said south fork, and parallel with the south side thereof, to a point opposite the junction of the middle and south forks of Eel river; thence northwardly, to said junction; thence to the summit of the main ridge or mountain on the southeast side of said middle fork; thence along the main divide, to the Tehama county line; thence with said line northwardly, to the summit of the main dividing ridge or mountain on the north side of the north fork of Eel river; thence following that divide to a point opposite the place of beginning; thence to the place of beginning; and the same

shall be, and is hereby, set apart for the perpetual use and occupation of the Indians residing within the limits of the northern district of California known as Indians of the interior, as contradistinguished from the coast Indians; and it shall be the duty of the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to cause the exterior bounds of the reservation hereby created and enlarged to be surveyed, and a map of the same made and filed in his office as soon after the approval of this act as may be practicable.

SEC. 8. *And be it further enacted*, That it shall be the duty of the superintending agent of the northern district of California, under the direction of the Commissioner of Indian Affairs, to proceed, as soon after the approval of this act as may be practicable, to concentrate all the Indians residing in said district upon the reservation hereby established: *Provided*, That if it shall be impracticable to assemble and keep all of said Indians within the said Round Valley reservation, said commission shall be, and is hereby authorized, and under the direction of the Secretary of the Interior, to procure, by lease or purchase, a proper location, in some other portion of California for the establishment of said Indians: *And provided, further*, That the same shall be so situate as not to embrace white settlers within the bounds of the location, nor be necessarily traversed by them in the carrying on their ordinary lawful trade and commerce.

SEC. 9. *And be it further enacted*, That it shall not be lawful for any person, other than the Indians and the agents and employes of the government, to reside or enter upon said Round Valley reserve, or upon such other reserve as may be established for said Indians; and it shall be the duty of such agents and employes, to the utmost of their ability, to restrain said Indians from departing from said reserve or reserves; and it shall be their further duty to remove therefrom all persons not lawfully upon said reserves, and to that end may require the commander of the nearest or most convenient military post to furnish the necessary military force for that purpose.