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Report of the Secretary of the Interior, communicating, in answer to a resolution of the Senate, a report of the Commissioner of Indian Affairs relative to debts contracted by Indian agents in California

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REPORT
OF THE
SECRETARY OF THE INTERIOR,
COMMUNICATING,

In answer to a resolution of the Senate, a report of the Commissioner of Indian Affairs relative to debts contracted by Indian agents in California.

APRIL 15, 1852.

Laid upon the table, and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, April 14, 1852.

SIR: In obedience to a resolution of the Senate of the 6th instant, calling for information as to whether the Indian commissioners or agents in California have contracted any debts for which the government is liable—and if so, the amount thereof—and whether any drafts drawn by them have been protested by the department—and if so, the amount—I herewith communicate a report from the Commissioner of Indian Affairs, dated the 13th instant, which, it is believed, contains all the information in the possession of the department in relation to the subject.

I am, sir, with much respect, your obedient servant,

WILL. A. GRAHAM,
Acting Secretary.

HON. WILLIAM R. KING,
President of the Senate.

DEPARTMENT OF THE INTERIOR,
Office Indian Affairs, April 13, 1852.

SIR: In answer to the resolution of the Senate of the 6th instant, in which you are required to inform that body—

“1. Whether the Indian commissioners or agents in the State of California, in their negotiations, have contracted any debts for which the government is liable—and if so, the amount thereof; and,

“2. Whether any drafts, drawn by said commissioners or agents, have been protested by the department—and if so, the amount,”—

I have the honor to transmit, herewith, copies of sundry communications from the Indian agents in California, from which it appears that they have contracted debts to the amount of \$716,394 79; also, copy of a communication from the late sub-agent, Johnston, showing that he, too, has con-

tracted liabilities to a considerable extent. The precise amount is not given, but it is believed to be upwards of \$50,000, as I understand his drafts to near that amount have already been presented.

The whole amount of the appropriation for Indian purposes in California was placed in the hands of the agents, and they had no authority whatever for exceeding that amount in their negotiations. They allege, however, that the pressure of circumstances was such as to justify them in the course they have pursued. Upon the correctness of this allegation depends, I apprehend, the liability of the government to pay the debts they have contracted. To what extent it is correct the department has not the power to determine, nor has it the means of forming a satisfactory opinion. The question of the liability of the government to pay these debts must, necessarily, be decided by Congress; and, presuming that a thorough investigation into the whole matter would be required, I have heretofore recommended that an appropriation be made to meet the expenses of such investigation.

A large portion of the debts above referred to are in the form of drafts, drawn by the agents on the Secretary of the Interior; and, as they have not been presented to this office, I am not able to state the amount to which they have been protested.

In connexion with this subject I have the honor to transmit, herewith, copy of a communication, with accompanying papers, addressed to you by the Hon. Thomas H. Benton, and referred by you to this office.

It may also be proper to state that, in addition to the foregoing liabilities, a claim has been presented by Dr. W. M. Ryer, to the amount of \$13,402, for his services in vaccinating Indians in California, the particulars of which are set forth in papers, copies of which are herewith submitted.

Very respectfully, your obedient servant,

L. LEA, *Commissioner.*

To the SECRETARY OF THE INTERIOR.

PRINCETON, KENTUCKY, *January 5, 1852.*

SIR: I have just received, to-day, and read, your letter of the 23d of December, and confess that I was somewhat surprised at its tone.

Although I expect to leave in a few days for Washington, (as I informed you some weeks since) with the originals of the treaties made by me with various tribes of Indians in California, together with a full report of all my actings and doings as agent for the government, which I hope will show that the charge of *gross neglect of official duty* is, to say the least of it, unmerited; yet, for fear that some accident may delay, or prevent my reaching Washington in due time, I have concluded to write to you by the return mail, briefly stating some of the reasons why I "took the liberty of drawing for such large amounts on the Secretary of the Interior," &c.

The instructions given by the department originally, were of a general character—no details, nothing definite. Under the circumstances, the commissioners (my colleagues and myself) met at San Francisco: having nothing definite to guide us in the way of instructions, we adopted a policy dictated by the circumstances in which we found ourselves placed.

The plan for our future operations was duly communicated to your department. We found the Indians at open war with the whites in many parts of the State, and, with but few exceptions, I believe in the southern

portion of the State (that portion subsequently assigned to me) they were hostile, and the war between them and the whites characterized by those acts of rapine and murder usual in Indian warfare. The country called for some relief from such a state of affairs; the miners had been driven from the gold mines, and every day, almost, some outrage or injury was done to the person or property of the citizens, and in return many of the Indians were killed and their stores of provisions destroyed.

Under such circumstances, the commissioners undertook to effect a reconciliation and carry out the plan agreed upon for treating with the Indians. Treaties were, with much trouble and delay, made by the joint board of commissioners with several tribes, with the terms of which you were in due time made acquainted. A very important feature in those treaties, (and one, too, without which no treaty could have been made with those Indians) was the supply of an agreed amount of beef and flour, to aid in the subsistence of the Indians treated with, during the years 1851 and 1852. Without some such provisions the commissioners, as well as every intelligent man in California, knows that no treaty made with those Indians would be observed by them; *necessity*, as well as inclination, would compel them to steal, from the whites, animals on which to subsist, as in a large majority of cases the stores of acorns, &c., laid up by them, had been destroyed by the whites: the commissioners, therefore, urged by the calls of humanity and the voice of the whole country, could do nothing less than agree to furnish the provisions stipulated in the different treaties.

After the separation of the commissioners on the 1st of May, each taking a designated portion of the State, for the purpose of more speedily accomplishing the work necessary to be done, it was agreed that the stipulations of the treaties formed by the joint board should form the basis of all future treaties. In accordance with this agreement, *and in the absence of any instructions from your department*, I proceeded at once to discharge, as far as possible, the duties devolved upon me in that portion of the State allotted to me; and before receiving one word from your department, relative to the amount of the appropriation made for the purpose by Congress, or any instructions in relation to our future policy, I had concluded treaties with all the Indians in the San Joaquin and Tulare valleys; and in fact I made no treaties after learning the views of the department touching the supplies to the Indians in 1851.

Whilst acting as a joint board, the commissioners, under the pressing demand for beef with which to feed the Indians on the San Joaquin reserve, according to the stipulations of the treaty made at Camp Barbour, on the San Joaquin river, and in part fulfilment of that treaty, purchased some two hundred head of cattle, (I speak from recollection only as to the number) which were afterwards delivered, as I learned from Colonel Adam Johnston, the sub-agent. After separating with my colleagues, many proposals were made by different persons to supply the amount of beef, &c., necessary to carry out the treaties that had been or might be made by me. I invariably answered such propositions by an assurance that I had no direct authority to make such contracts. On the 25th of May I received from Colonel J. C. Fremont, a letter containing a proposition to supply beef, &c., a copy of which is herewith enclosed. After consulting with some of the officers in command of the escort, and reflecting on what had been done—and knowing as well as I did the necessity for something to be done to secure the peace of the country, and save not only the lives and property of the

citizens, but the Indians, from destruction—I determined on the 28th of May to make a conditional contract with Fremont; but he having arrived in camp, I would make no contract with him until I had shown to him my letter of appointment, instructions, &c., assuring him at the time that I did not believe that I was authorized by my instructions to make such contracts; and that if made at all, they would not be paid until Congress passed upon them, and provided a fund out of which they would be paid, besides the approval or rejection of such contracts by your department. After examining these papers, he expressed an entire willingness to “take the chances,” under the circumstances. I then addressed him a note under date of the 28th of May, a copy of which I herewith enclose, concluding with him a conditional contract, as you will perceive, of all which I in due time informed your department. Colonel Fremont in a few days started for Los Angeles, in the vicinity of which place he contemplated purchasing cattle to fulfil said contract. I afterwards met with him in Los Angeles in the last days of June, or first of July, and informed him that I had received a letter from Colonel McKee, of the commission, in which he stated that only the sum of \$25,000 had been appropriated for the object of our mission, and that your department had instructed the commissioners to make no further stipulations for feeding the Indians during 1851, in any treaties we might make after the receipt of that letter. He, Colonel Fremont, then went on to furnish those tribes with whom treaties had already been concluded, with beef only, to the amount of the drafts drawn by me on the Secretary of the Interior, (say \$183,825.)

After the delivery of a portion of the beef, Colonel Fremont called upon me, and requested as a favor, that I would draw on the Secretary of the Interior three several drafts—one for \$5,000, one for \$3,000, and one for \$2,000—to enable him to carry out his contract. I objected to doing so, telling him that I had no authority for so doing. He replied that he could not get along without, unless at a great sacrifice; that if the drafts were drawn, he had friends who knew the difficulties in the way of the probable honoring of the drafts, but who would nevertheless aid him if it was put into that shape, knowing that if I drew the drafts as desired by him, it would make no difference, so far as the government was concerned in the contract or transaction, and at the same time be of essential service to him, as he stated. I consented, and drew accordingly. Subsequently, and after the delivery of the remainder of the beef, I drew, according to his (Colonel Fremont's) request, the other drafts on the same department or officer.

In doing so, I knew I was acting without any direct authority, and could only justify the act by the pressing and urgent necessities of the case, and in the absence of direct instructions.

By feeding the Indians with beef, as stipulated in the treaties, I was satisfied, as was every man in California who knew anything of the character of the Indians of that country, that it was the very best possible means of conciliating the good feelings of the Indians, and thus carry out the spirit, if not the strict letter of our instructions.

In receiving beef from Colonel Fremont, I received an amount sufficient to feed the Indians treated with, south of the Merced river, until the spring of the year 1852; my reason for so doing was the fact, that during the winter or rainy season it is generally impossible to get provisions of any kind into that part of the State.

A part of the beef received, and for which the drafts were drawn, was

delivered to the Indians at the various reserves; the remainder, nineteen hundred head, were delivered by me to Colonel Adam Johnston, sub-agent for the San Joaquin valley, for which I took his receipt.

I have now, sir, given you a succinct statement of the whole transaction, together with the reasons that influenced me, and "the circumstances under which I took the liberty of drawing on the Secretary of the Interior for such large sums of money," which I hope will be sufficient to relieve my "character, as well as the government," from any embarrassment.

On the subject of my correspondence with the department, I confess, sir, that it was not as frequent as I could have wished; but when you take into consideration the fact that I was not comfortably quartered in San Francisco, Sacramento, or Stockton, nor indeed in any other town where the opportunities for writing and mail facilities were at hand, but, on the contrary, for months in the wilderness, hundreds of miles from the habitation of any civilized being, surrounded by hostile savages, I hope, sir, you will not be disposed to hold me to so strict an accountability as otherwise I might be willing to submit to. I have written to your department as often as I have had matters of interest to communicate, and an opportunity of communicating them: in a word, sir, ever since I entered upon the discharge of the high trust confided to me, I have acted conscientiously in the discharge of these duties, according to my best judgment, under the guidance of feelings of humanity and a sense of duty.

Very respectfully, your obedient servant,

G. W. BARBOUR.

HON. LUKE LEA, *Commissioner*.

P. S.—I send you also copies of J. C. Fremont's beef accounts and receipts for drafts, together with a copy of A. Johnston's receipt for 1,900 head of beef cattle.

G. W. B.

MARIPOSAS, SAN JOAQUIN VALLEY,

May 19, 1851.

SIR: Having established a cattle rancho on the Mariposas river, neighboring to the Indian tribes of the Sierra Nevada, with whom you are engaged in treating, I submit to your consideration the following proposals.

I propose to furnish for the present and ensuing years, (eighteen hundred and fifty-one and eighteen hundred and fifty-two) all the animals (beef cattle, brood cows and brood mares) which you shall need for the execution of your treaties with the Indian tribes in the district under your direction, and which I understand to comprehend all that portion of the State lying between the parallel of the upper waters of the San Joaquin river and the southern boundary line. I engage and bind myself to make the deliveries in the course of the present and following years, at such time and place, within the district, as you shall indicate, and to commence the deliveries one month after the date of notification, to me, of treaties, as they shall successively be made.

I propose to furnish beef cattle, upon the hoof, at the price of fifteen cents per pound, net; brood cows, between the ages of three and five years, at the price of seventy-five dollars each; and brood mares, between the ages of four and six years, at the price of seventy-five dollars each.

Very respectfully,

JOHN C. FREMONT.

Col. G. W. BARBOUR, *Indian Commissioner, &c.*

CAMP KEYES, ON THE CAHUIA RIVER, CALIFORNIA,
May 28, 1851.

SIR: I have received your letter of the 19th instant, in which you propose furnishing beef cattle, brood mares and cows, to the Indians in this (the southern) district of the State, according to the stipulations of such treaties as have been, or may be, made with the Indians.

Having received no advices from the Indian department, at Washington, since my colleagues and myself adopted the policy of supplying those Indians, with whom we might treat, with beef and stock, &c., I could not, except to a very limited extent, enter into any unconditional contract for supplying those Indians treated with, in this (the southern) district of the State; but in view of the necessity for such supplies, and not doubting but that the proper authorities will readily acquiesce in the policy that we have adopted; I should not hesitate to make such contracts as may be necessary to carry out, *in good faith*, the stipulations of such treaties as may be made with the Indians; such contracts, *of course*, being left subject to the approval or rejection of the Indian department at Washington.

I have had many proposals offered me, to furnish such supplies; but regarding your offer as the best, and lowest, of any yet made by a responsible man, and believing, as I do, that your offer is a fair one, I have concluded to close with your proposition, subject, however, to the approval or rejection of the same by the Indian department at Washington. Should this arrangement be satisfactory, you can confer with Colonel A. Johnston, sub-agent for the San Joaquin valley, who is near you, and who will advise you of the time and place, and number of beef cattle wanted for the Indians in this vicinity, with whom treaties have been made. I will advise you as to what will be necessary after leaving this valley.

Respectfully,

G. W. BARBOUR,
Commissioner.

Col. J. C. FREMONT.

THE UNITED STATES,

To JOHN C. FREMONT,

DR.

To two hundred and seventy head of beef cattle, averaging each five hundred pounds net weight, left by Alexander Godey at different points in the valley of the San Joaquin, for the use of the Indians, agreeably to the treaties, as follows, viz:

At the Texan-----	82
" " Tulare lake-----	50
" " Cahuia river-----	36
" " King's river-----	34
" " San Joaquin-----	34
" " River Fresno-----	34

Amounting to 135,000 pounds—\$20,250.

Received, at the military post of Fort Miller, on the San Joaquin river, from Colonel G. W. Barbour, Indian agent for the United States in California, the twenty-eighth day of August, 1851, the sum of twenty thousand

two hundred and fifty dollars, in drafts on the Hon. Secretary of the Interior, in full of the above amount.

JOHN CHARLES FREMONT.

THE UNITED STATES,

		TO JOHN C. FREMONT,	DR.
To	22,000	pounds beef furnished Indians at Texan-----	\$3,300 00
	2,500	“ “ “ “ at Juan’s rancho	375 00
	000’08	“ “ “ “ at Cahuia-----	4,500 00
	21,000	“ “ “ “ of King’s river----	3,150 00
	13,000	“ “ “ “ of San Joaquin---	1,950 00
	16,000	“ “ “ “ at the Fresno, by Alex. Godey-----	2,400 00
	7,500	pounds beef furnished Indians by V. D. Haller--	1,125 00
	28,500	“ “ “ “ at the Fresno, from Mariposas ranche-----	4,275 00
	950,000	pounds beef furnished Indians, delivered August 27th, at San Joaquin-----	142,500 00
			<hr/>
			163,575 00
By	draft on Hon. Alexander H. H. Stuart-----		10,000 00
			<hr/>
			153,575 00

Received, at the military post on the San Joaquin river, from Colonel G. W. Barbour, Indian agent for the United States in California, this twenty-eighth day of August, 1851, the sum of one hundred and fifty-three thousand five hundred and seventy-five dollars, in drafts on the Hon. Secretary of the Interior, in full of the above amount.

JOHN CHARLES FREMONT.

FORT MILLER,

San Joaquin River, August 28, 1851.

G. W. Barbour, Indian agent for California, has this day delivered to me nineteen hundred head of beef cattle, to be distributed among the Indians south of the Chonchilla river, with whom treaties have been formed, in accordance with the stipulations of said treaties.

ADAM JOHNSTON,

Sub-Indian Agent for San Joaquin Valley.

SAN FRANCISCO, CALIFORNIA,

February 13, 1852.

SIR: I have the honor to acknowledge the receipt of the annual report of the Commissioner of Indian Affairs, and subsequent communication of 8th January, 1852, in which I am informed of the non-arrival of returns and estimates, made by me up to 30th September, 1851. This I have to regret very much, as I was anxious that they should be included in your

estimates for the present year. They were made up to the 30th September, and forwarded on the 11th October.

I have spoken to Mr. Moore, (postmaster) and he informs me that the mail was brought *bact* from Panama, but was again *sent on*.

I presume they have come to hand ere this, and am in hopes will prove satisfactory. Being too late for your estimates, I am in hopes that you will have the following amounts placed in a *deficiency bill*.

The following amounts are required to meet *present* liabilities, and contracts for present year, made by me, and based on the presumed concurrent action of the *present* Congress, viz:

For beef, to be delivered in conformity with treaty stipulations, made when acting conjointly, and by Col. Barbour, when acting separately, <i>one hundred and forty-two thousand five hundred dollars</i> -----	\$142,500
In my communication of 1st December, mention was made of the existing necessity of furnishing the above, and of the fact that I had contracted for and ordered the delivery of the same. This is near the <i>full</i> amount due them.	
For beef, in fulfilment of treaty stipulations, made by me with those Indians in the southern part of the Stae, <i>one hundred and fifty-six thousand two hundred and fifty dollars</i> -----	156,250
For beef, in fulfilment of treaty stipulations, for the six treaties made by me within my district, <i>ninety-five thousand dollars</i> ,	95,000
I find that I cannot well delay longer meeting and treating with those Indians up in the Sacramento, of whom mention was made in my communication of October 14. They, it would appear, are getting impatient, having commenced again their depredations on the stock of the adjacent ranche. This will require an additional amount. I have ordered some more beef to be delivered in two of the reservations, (Cosumne and Yuba,) which is not only due them, but there is an urgent necessity for it at this time, the whites having entire <i>possession</i> of these reservations; and the consequence is, the Indians have no privilege or means of getting a subsistence. The additional amount that will be required, may be set down at <i>seventy-five thousand dollars</i> -----	75,000
	<hr/>
	468,750
	<hr/>

Though it may be as well to ask for *five hundred thousand* in all, as these are outstanding accounts increased since May last, up to date, and those persons who have furnished the Indians with *seeds* and agricultural implements will expect their money in the present year. This will not amount to much, however; and yet it has been the means of doing an immense amount of good.

I am well satisfied, by the experiment so far made, that, with sufficient *soil and protection*, the Indians will be able to support themselves, and will do it, by the expiration of the two years.

It would appear from the *complexion* of affairs in the present legislature, that the necessity of moving those Indians who are in, and adjacent to, those reservations crowded by the whites, may occur, as mentioned in my communication of 14th October, which I would respectfully refer you to,

(No. 75, pages 248 and 249,) as they are about forcing it on us; if so, it would be of paramount importance that those Indians on the eastern slope of the Sierra Nevada be treated with soon, as before mentioned.

I know of no other place where they can be moved to, and think it very doubtful if they can be taken there *at present*; they certainly cannot, *without we show them evidence of good faith for promises already made.*

Respectfully, your obedient servant,

O. M. WOZENCRAFT,

U. S. Indian Agent, Middle District, California.

Hon. LUKE LEA,

Commissioner Indian Affairs, Washington.

SAN FRANCISCO, February 17, 1852.

SIR: My last despatch, dated 12th inst., was sent by the hand of Col. J. B. Weller.

I have now the honor to hand, for your examination, my general account-current, as disbursing agent, to the 5th instant, showing a balance against the government of \$2,038*57; also sundry schedules and files of vouchers, explanatory of the same, so far as practicable; for some small bills, traveling expenses, &c., I could not take vouchers. My absence in the mountains of northern California, during the greater part of the last six months, will, I presume, be a sufficient apology for not transmitting these papers sooner. Whether the charge of five per cent. on my purchases and disbursements is in strict accordance with law, or the usages of your department, I do not know.

In all my purchases and payments, I have acted with the same reference to economy, as I should if all had been on my own private account. Mr. (acting secretary) Loughery, to whom I handed my official bond, told me that it was in the discretion of the Commissioner to make a reasonable allowance for such services when performed by the agent or commissioner *in person*, instead of through a broker by him employed. The charge is just one-half that allowed by the commercial customs of this country, and is respectfully submitted as a reasonable and proper charge. If you approve, I shall of course be gratified and obliged; if not, strike it out, or modify it.

I designed rendering separate accounts, showing our expenses while acting as a joint commission; but failing to receive instructions, as requested in my letter of May 29, 1851, as to the proper allowance for mileage, and the failure of both my colleagues to render me their accounts, all our expenses being for the same object, *i. e.* "the negotiation of treaties, &c., in California," I have included all in one account.

Colonel Barbour's unexpected return home, in my absence, rendered a settlement with him impossible; and when I applied to Doctor Wozencraft for his account and vouchers, was informed that he had already transmitted them directly to your department. Of this I certainly felt no disposition to complain, though I supposed the audit of all accounts, vouchers, &c., *here on the ground*, was contemplated by our instructions.

I enclose statements Nos. 1 and 2, of my payments to each, viz:

To Colonel George W. Barbour-----	\$4,903 20
To Doctor O. M. Wozencraft-----	7,088 64

I also enclose No. 3, a statement of our indebtedness for provisions, so far as I have a knowledge of the same. I hope Congress will, at an early day, enable you to transmit funds to pay those debts. I know them to be just, and their creation unavoidable, in the then existing state of the country. Most of them were created, or at least arrangements made involving them, before I was aware that your application for seventy-five thousand dollars was cut down to twenty-five thousand dollars. There are other claims held, as I understand, by parties in this State, for cattle furnished on contracts, *at very high rates*, supplied in the middle and southern districts. Of these I have no definite knowledge; I have steadily opposed the making of any contract, implicating the government, until after the treaties are ratified, except small and immediately pressing demands at the time of making treaties, and have so advised my colleagues. My expenses on the northern expedition largely exceeded my expectations, particularly in the items of beef and expenses of the pack train; but all was managed as economically as possible; and considering the results which have happily followed, the expenses are trifling. Taken as a whole, I doubt whether, ever in the history of Indian negotiations, in this or any other country, as much work has been done, as much positive good effected, and as many evils averted, with such comparatively inadequate means at command. This is matter, however, for your own consideration, and that of the country. Our treasury is now empty, and, of course, nothing further can be done towards completing our work, of which considerable still remains in different parts of the State, until money shall be appropriated and placed at our disposal. If Colonel Barbour has resigned his agency, some intelligent, energetic, *business man*, should be appointed as early as possible for the southern portion of the State.

With high regard, your obedient servant,

REDICK M'KEE.

Hon. LUKE LEA,

Commissioner of Indian Affairs, Washington City.

Account of debts and liabilities of the Indian Department in California, referred to in R. McKee's letter to Hon. Luke Lea, of Feb. 17, 1852.

1851.			
May 20	R. McKee's acceptance of G. W. Barbour's draft in favor of Th. W. Lane—beef, &c.		\$1,825 00
30	R. McKee's acceptance of G. W. Barbour's draft in favor of Th. W. Lane, (endorsed to Jno. White)—beef, &c.		1,050 00
June 10	R. McKee's acceptance of G. W. Barbour's draft in favor of Th. W. Lane.		500 00
July 26	R. McKee's acceptance of G. W. Barbour's draft in favor of Th. W. Lane.		1,500 00
Oct. 1	R. McKee's acceptance of G. W. Barbour's draft in favor of J. C. Edwards—groceries, &c.		479 12
Aug. 7	J. Joseph, for bill of 4,012 pounds hard bread.		401 20
April & May.	Moorehead, Waddington, & Whitehead, for flour for Southern and Sacramento treaties.		676 00
	Don Pablo, Dela Toba, for 201 head of cattle for Indians on the Merced and San Joaquin.		8,040 00
	G. W. Marshall, certificate, per order of J. M. Estell.	} Balance on cattle for northern expedition.	6,598 47
	J. M. Estell, certificate, on account.		2,000 00
	J. M. Estell, certificate, on account.		1,000 00
	J. M. Estell, for flour and beef for Indians from the Clear lake, say.		500 00
	Chenery & Hubbard, for 100 head of cattle for Indians on Rapeau river, say.		4,000 00
	Chenery & Hubbard, for 100 head of cattle for Indians on Clear lake, say.		4,000 00
			32,569 79
	[Accounts for these not yet received; contracted for at 8 cents per pound or \$40 per head—average 500 pounds.]		

SAN FRANCISCO, CALIFORNIA,
December 3, 1851.

SIR: I have the honor to inform you that information has just been received in this city which leaves but little doubt that depredations of a serious nature have recently been committed upon the persons and property of Americans, by the Indians in the southern part of this State. Accounts of these depredations are principally contained in the papers of this city, copies of which I herewith transmit. These difficulties seem at present only to exist south of the Tulare lake. With the Indians at that point and the more southern portion of the State, Americans have had but little intercourse. I am not advised as to the most southern point, where a treaty has been effected, but it is certain that a large portion of the Indians of California, who are perhaps the most warlike and formidable, reside yet further south. The causes which have led to the recent outbreak in that region I have not been able fully to ascertain. It is said, however, that they became dissatisfied in consequence of treaties having been made with other Indians in the valley, who have, to some extent, been furnished with subsistence. Again, it is said that the sheriff of San Diego county has exacted poll tax from the Indians residing in that county, and that on their refusal to pay that which they could not comprehend, seizures were made of cattle, horses, &c., belonging to them, and disposed of without allowing them the right to redeem.

Many Indians in that region had become partially civilized—cultivated

the earth and raised stock. These are the persons of whom a poll tax has been exacted. I am reliably informed that most of them residing adjacent to the coast, have heretofore been remarkably kind and hospitable to Americans. Their chief, Antonio, is said to be a man of considerable ability and more than ordinary knowledge among them, he having been educated at the mission. He has, up to this time, been friendly to the Americans, and on one occasion, when it was said they were to be attacked, he offered his and the services of his tribe, in their behalf.

Those with whom treaties have been entered into, residing within my agency, upon the San Joaquin, Fresno, Mercede, Tuolumna, and Stanislaus rivers, have been seemingly quiet and contented since I have been furnishing them with food. Difficulties sometimes arise among individuals of the tribes, and frequent rumors of an intended outbreak have been communicated to me; yet I am certain, so long as I can feed them, no general act of hostility need be apprehended. I adopted the course of feeding them as the best possible measure of managing them, and keeping them quiet and contented. With those under my immediate notice I am sure I have succeeded well in doing so. I believe treaties were concluded with some of the Indians in the region of Tulare lake and Texan Pass, who are said to be among the disaffected at this time. This disaffection arose from the fact that those Indians, although treated with, had not received either beef or flour, as other Indians near to them had been furnished.

I am not sure that any provisions were promised them for the present; yet others in the valley having been furnished, they also expected to be supplied. Although I did not know the conditions of any treaty in that region, I should, as a matter of policy, have furnished those Indians with some subsistence, only for the remoteness of their position. It is frequently difficult to make them understand that what has been promised them by treaty, is not to be furnished them until a future day after the ratification of the treaties. This fact, and the fact that other Indians in their vicinity have received presents, and been furnished with some subsistence, while they have not been treated with or received either, may, to some extent, have induced them to commit those recent depredations. Having heard of their disaffection, I should have taken the responsibility to furnish some subsistence heretofore, had it not been, as I have before said, for their great distance of land transportation, and the limited means which I possessed to effect it. I was then, and am still fully satisfied, that whatever such a course might cost the government, it would be better than a war, which I am sure must be the alternative. This dissatisfaction seemed to be increasing daily; and knowing that no action of the government could be taken, in time to furnish the tribes at and south of the Tulare lake with provisions before the rainy season set in, I determined to take the responsibility of furnishing them with some subsistence, for the present, before the rains began to fall, when it would be impossible to do so. In consequence of this state of things, I repaired to this city, to negotiate, if possible, for such amount of supplies as might be necessary to keep them in the valley, contented for the winter. After some difficulty, I found parties willing to furnish such supplies, and rely upon the government for satisfaction.

Those persons are fully advised that no appropriation has as yet been made for such purposes. One of the individuals to whom I refer is Colonel J. C. Fremont, whose extensive acquaintance in the southern or stock region of the State enables him to command any quantity that may be re-

quired. I therefore contracted with him for supplies, and had them on the way for the Indians in the region of the Tulare lake before the news of the outbreak reached me.

Had I succeeded in reaching their country before hostilities commenced, I am sure I could have prevented anything of the kind. The course taken on my part, in advance of instructions, may be objectionable; but I trust my motives may be understood, and that the representation from this State, who I presume understand the character of the Indians in California, and the situation of things here, may explain to the government the absolute necessity of my having adopted it.

I have the honor to be, respectfully, &c., your humble servant,

ADAM JOHNSTON,

United States Sub-Indian Agent.

Hon. A. H. H. STUART,

Secretary of the Interior, Washington City.

[Referred to office of Indian Affairs, 24th January, 1852.]

To the Hon. Mr. Stuart, Secretary of the Interior.

SIR: The continued delay of Mr. Barbour, the government agent in California for making Indian treaties, who has not yet arrived with the treaties, and the ruinous consequences to Mr. Fremont from this delay, induce me to ask you to proceed at once to endeavor to obtain an appropriation in the deficiency bill, to cover the amount of the drafts he has received, on the evidence submitted to you. These are:

1st. The drafts themselves, which have been presented and protested, and which are evidence of their own existence, and pre-suppose their own correctness.

2d. The original proposals of Mr. Fremont to furnish the beef—a copy being annexed to this paper.

3d. The original letter of the agent, Mr. Barbour, accepting the proposals, and declaring them to be the lowest and best terms offered by any responsible bidder.

4th. A statement from Mr. John Walker, well known as a butcher and cattle dealer, both in Washington and San Francisco, from which it appears that the contract price with Mr. Fremont was below the ready-money prices of beef in San Francisco, and below what the government vessels, the lines of steamers, and citizens, paid him, and that he would not have taken Mr. Fremont's contract when made, nor take such a one now.

5th. The letter of Mr. McCorkle, representative from California, stating the price of beef, in 1851, at Sacramento, to be twenty-five cents per pound, and; out in the mining districts, from thirty to fifty cents per pound.

6th. Statement from Mr. Henry B. Edwards, showing the actual delivery of the cattle, their weight, number, &c., and the urgency of the commissioner to have them delivered promptly, and showing the current price, on the San Joaquin, to be twenty-five cents all round, and for ready money.

7th. The statement of Lieutenant Beale, of the United States navy, testifying to the same facts with Mr. Henry B. Edwards; and further, to the urgency of the commissioner to have the cattle delivered, and his promises to have the treaties at Washington before the meeting of Congress, refusing,

on that account, to remain longer to treat with the southern Indians, though Colonel Fremont urged him to do so, as the only means of keeping them in peace and friendship with the United States.

These evidences thus submitted are deemed sufficient to authorize an appropriation to pay the drafts, and also to make an equitable compensation for the delay of payment occasioned by the non-arrival of the agent. The damages to Colonel Fremont are four per cent. per month on seventy thousand dollars of the drafts, from the time they were presented till paid. He is now in the third month of that ruinous interest, and the agent not yet arrived with the treaty; and he or his friends having no _____, compel him to come on or to get the treaties from him.

Colonel Fremont knew there was no appropriation to meet the drafts; he took the risk of Congress making the appropriation, but in the full faith that the treaties would be presented at the commencement of the session.

The acceptance of the proposals of Colonel Fremont contains a stipulation that they are to be subject to the approval of the Indian department at Washington; but this condition only applies to the deliveries required for the year 1852, the agent requiring some immediate deliveries "in view of the necessity of such supplies," and Colonel Fremont requiring "to commence the deliveries within one month after the date of the ratification to him of the treaties."

The treaties were made in May, 1851, and the deliveries for which the drafts were given were made in June following; and the terms of the proposals and acceptance, as well as the nature of the case, show this part of the contract to be unconditional.

THOMAS H. BENTON,
for COLONEL FREMONT.

MARIPOSAS, SAN JOAQUIN VALLEY,
May 19, 1851.

SIR: Having established a cattle rancho on the Mariposas river, neighboring to the Indian tribes of the Sierra Nevada, with whom you are engaged in treating, I submit to your consideration the following proposals:

I propose to furnish for the present and ensuing years, (eighteen hundred and fifty-one and eighteen hundred and fifty-two) all the animals, beef cattle, brood cows and brood mares, which you shall need for the execution of your treaties with the Indian tribes in the district under your direction, and which I understand to comprehend all that portion of the State lying between the parallel of the upper waters of the San Joaquin river and the southern boundary line. I engage and bind myself to make the deliveries in the course of the present and following years, at such time and place within the district as you shall indicate, and to commence the deliveries one month after the date of notifications to me of the treaties, as they shall successively be made.

I propose to furnish beef cattle upon the hoof, at the price of fifteen cents per pound net; brood cows between the ages of three and five years, at the price of seventy-five dollars each; brood mares between the ages of four and six years, at the price of seventy-five dollars each.

Very respectfully,

JOHN C. FREMONT.

To Colonel G. W. BARBOUR,
Indian Commissioner, &c., &c.

CAMP KEYES, CAHUIA RIVER, CALIFORNIA,
May 28, 1851.

SIR: I have received your letter of the 19th instant, in which you propose furnishing beef-cattle, brood-mares, and cows to the Indians in this (the southern) district of the State, according to the stipulations of such treaties as have been, or may be made with the various tribes.

Having received no advices from the Indian department at Washington since my colleagues and myself adopted the policy of supplying those Indians with whom we might treat, with beef and stock, &c., I could not, except to a very limited extent, enter into any unconditional contract for supplying those Indians treated with in this (the southern) district of the State; but in view of the necessity for such supplies, and not doubting but that the proper authorities will readily acquiesce in the policy that we have adopted, I should not hesitate to make such contracts as may be necessary to carry out, in good faith, the stipulations of such treaties as may be made with the Indians, such contracts, of course, being left subject to the approval or rejection of the Indian department at Washington.

I have had many proposals offered me to furnish such supplies; but regarding your offer as the best and lowest of any yet made by a responsible man, and believing as I do that your offer is a fair one, I have concluded to close with your proposition, subject, however, to the approval or rejection of the same by the Indian department at Washington.

Should this arrangement be satisfactory, you can confer with Colonel A. Johnston, sub-agent for the San Joaquin valley, who is near you, and who will advise you of the time, and place, and number of beef-cattle wanted for the Indians in this vicinity, with whom treaties have been made. I will advise you as to what will be necessary after leaving this valley.

Respectfully,

G. W. BARBOUR, *Commissioner, &c.*

Colonel J. C. FREMONT.

WASHINGTON CITY, January 23, 1852.

This will certify that I, John Walker, of the city of Washington, born and raised in the city, and engaged all my life in the cattle and butchering business, and now carrying on the same in this city, and also having carried on the same business in San Francisco, in California, during part of the year 1850 and 1851, as partner with Mr. Steinberger, am therefore well acquainted with the prices of beef and beef-cattle in California during that time, and in the summer of 1851; knew, by report, of the contract made by Colonel Fremont to furnish beef-cattle to the Indians at the San Joaquin, at the price of fifteen cents a pound, and I consider the price to be low, and such a one as I would not have taken the contract for. It was below the current ready-money prices of the country, and less than I was getting, cash down, from individuals, companies, and United States ships, at the same time. We sold at San Francisco a common beef to individuals at about eighteen to twenty-five cents per pound, and choice beef at twenty-five cents per pound; to Howland & Aspinwall's steamers at fifteen cents per pound, and usually to the amount of \$3,500 to \$5,000 per steamer, and always paid down, the beef in all cases taken from us without the expense

or loss of deliveries, which was a heavy item of expense to the contractors; to Howard & Sons' steamers at the same price and upon the same terms as to Howland & Aspinwall's. I also furnished the city prison with beef for the prisoners, on a contract with the agent, at eighteen cents per pound; this beef consisted of neck pieces principally. None but *bagueros* could drive the California cattle, and we have given three hundred dollars a month to some that we have employed. The loss and expense must have been great to Colonel Fremont on driving cattle to the frontiers on the San Joaquin, and I would not take his contract even if the fifteen cents were to be paid down at the time of delivery.

I make this general statement, and am willing to answer any questions before a committee.

JOHN WALKER.

P. S.—On looking over my books now in this city, I see that we furnished the United States frigate Savannah with beef in the year 1850-'51; also the United States revenue barque Polk; also the United States brig Lawrence; also the United States brig Dolphin; also the United States revenue schooner Argus; also the United States steamer Massachusetts, at the rates mentioned, and all for ready money.

J. W.

WASHINGTON CITY, January 24, 1852.

DEAR SIR: In answer to your inquiries as to the price of beef in California, I have to reply, that during the summer and fall of last year the market price was *twenty-five cents per pound* in the valley of the Sacramento. In the mining region the price varied according to the distance from the valley, ranging from thirty to fifty cents per pound.

Respectfully, your obedient servant,
JOS. W. M'CORKLE.

HON. THOMAS H. BENTON,
Washington City.

WASHINGTON, January 24, 1852.

This will certify that I, Henry B. Edwards, of Chester, Delaware county, Pennsylvania, went to California in May, 1850, and returned from there in October, 1851, and the principal part of that time was on the Mariposa, doing business on my account part of the time, and assisting Col. Fremont in his delivery of cattle under the contract with Mr. Barbour, the Indian commissioner. That I bought much beef for myself, and also bought parcels for Col. Fremont, and never paid less than twenty-five cents a pound, ready money, for the beef all round, and more if choice parts only were taken. That I was in charge of Col. Fremont's rancho when he went to the south to buy the cattle; and hearing that the Indians were troublesome on his route, I and Lieutenant Beale, of the navy, with two others, went down to meet him, and did meet him high up on the San Joaquin; and as Mr. Savage, who was in the employment of Mr. Barbour, was there and urged Col. Fremont to hasten on cattle to satisfy the Indians on the Fresno and King's rivers, on the San Joaquin, above the Big Bend, I took charge of

the drove, being two thousand head, and hastened them on and made the deliveries. They were delivered at different places, as we came to the Indians, or rather as they came and met us. They were all bought in the old settlements in the south, and were considered the finest drove of cattle ever brought up. At the delivery the commissioner himself was present; also Mr. Johnston, an Indian agent; also two gentlemen of the army, (medical men) besides Col. Fremont, Lieut. Beale and Alexander Godey. They were averaged at five hundred pounds apiece, the average being taken by an estimate founded on a view of the whole in *rodea*; that is to say, by forming them in a circle and making the whole walk round, which is the Spanish mode of counting and inspecting, and to which the cattle are trained, and will begin to form as soon as the *baquero* calls out "*rodea*." I assisted to deliver nineteen hundred to the agent, or to the Indians with him; also five hundred and fifty-one before that, to the Indians at the Tahon pass, on the Coahilla, on King's river, on the Tulare, on the Fresno, and on the San Joaquin. Before the arrival of the cattle at the place of delivery, the Indians being impatient, Col. Fremont had between seventy and eighty head purchased from the American settlements at the high rate of fifty dollars a head, which had to be driven about sixty or seventy miles in the wild country, and suffered a loss of about ten head, (five in one night.)

The loss on driving the whole band from the south was about four hundred head, and the expenses enormous, some of the *baqueros* having ten dollars a day, and about ninety horses; being about one-half of them destroyed, and nearly all the rest worn down and useless. This great loss and expense was owing to the urgent demand of the agent to get the cattle brought on to keep the Indians quiet, and the extreme heat of the weather and scarcity of water, it being the middle of the dry season, and the distance driven about five hundred miles, and all through a wild country.

H. B. EDWARDS.

WASHINGTON CITY, January 24, 1852.

This will certify that I, Lieutenant E. F. Beale, of the United States navy, was in California, mostly, since 1845, and especially in 1850 and 1851, and was part of that time engaged in business for Commodore Stockton and Mr. Aspinwall, at the Mariposas mines, and bought beef for their establishment, and usually paid from 20 to 30 cents a pound for it, and never less than 20 cents, and that for beef all round, and for ready money always. I also certify that I have read the statement in this case made by Mr. Henry Edwards, and am acquainted with almost every fact mentioned by him, and know it to be true. I also know that Mr. Barbour, the commissioner, was importunate with Col. Fremont for the prompt delivery of the cattle early in June, to keep the Indians friendly and peaceable, and that Col. Fremont made the greatest exertions, and at great loss and expense, to comply punctually; and when he found that he could not get the whole drove to the appointed place on the appointed day, had a lot of about 75 head brought from the nearest settlement at a great price, 50 dollars a head, and delivered in advance, and so satisfied the Indians, who were becoming very restless and suspicious. I also believe that the Indians thus supplied by the contract with Col. Fremont are the only ones now peaceably disposed towards the United States.

I also saw Col. Barbour, the commissioner, and Col. Fremont, often to

gether during the time of the existing of this contract, and know that he (the commissioner) constantly promised to have the treaties at Washington early; and that he would bring them on, and gave that as a reason why he would not wait to hold treaties with the Indians to the south, though Col. Fremont urged him to do so, as the only means of keeping the southern Indians peaceable and quiet.

But he persisted in his determination, and came off in the steamer of October 4th, and has not yet arrived, to my knowledge.

I also know that Col. Fremont negotiated a part of the drafts he gave him to pay for the cattle he bought; making the negotiation on the exorbitant terms usual in California, and in full confidence that the treaties would be here by the meeting of Congress; and they are not here yet.

EDWARD F. BEALE, U. S. N.

NATIONAL HOTEL,

Washington, March 6, 1851.

SIR: According to an appointment, dated June 10th, 1851, and a contract dated June 11th, 1851, made between Colonel Adam Johnston, United States Indian agent for the valley of San Joaquin, and Doctor W. M. Ryer, of California, (copies of which are in possession of the department,) the said Doctor Ryer, after furnishing medical and hospital stores, and employing three medical gentlemen as assistants, and otherwise providing all necessary means for the fulfilment of the said contract as rapidly as the apparent emergency required, at an expenditure of several thousand dollars, besides a great exposure to danger from disease or assassination, fulfilled in good faith, within four months from its date, all the obligations entered into by him in the said contract. The original appointment, contract, together with the bills for services rendered, all certified by Colonel Adam Johnston, have been forwarded by Doctor Ryer, and are now in my possession. At the same time I also received a document constituting me his attorney for the collection of his claim, or bills, for the whole amount, twelve thousand dollars or more, as stated in the said bills, or claims.

I will not call your attention, sir, to the arduous nature of the service rendered by Doctor Ryer, for, I believe it is thoroughly understood and appreciated by you; but believing Colonel Adam Johnston to be an accredited agent of the government, and believing also that the government of the United States will promptly respond to the actions of its agents, I respectfully submit the matter to you for a final settlement, and earnestly solicit your immediate and favorable consideration of it, as all unnecessary delay must be attended with injurious consequences to the citizen who thus applies for the adjustment of his claim against the government.

I have the honor, respectfully, to subscribe myself your humble and obedient servant,

GEORGE RYER.

To the COMMISSIONER OF INDIAN AFFAIRS,
Department of the Interior.

Extract of a letter from Adam Johnston, esq., sub-Indian agent, valley of San Joaquin, dated October 8, 1851.

“Another matter, which I alluded to heretofore, and which I now desire to lay before the department, is the appointing or employing Doctor W. M. Ryer to vaccinate the Indians. I looked upon this as an important matter, inasmuch as several cases of small-pox were reported in San Francisco at the time. The Indians had come from the mountains and settled upon these reservations, in rancheros or villages, by which they were thrown closely together, and in places where such diseases were more likely to be communicated to them. A few of the Indians had been vaccinated when at the missions, and consequently understood the object of it. I believe it was in the year 1841 that the then Governor of California is said to have introduced the small-pox among the Indians, by which many thousands were destroyed in the valley of the Sacramento. The Indians were greatly gratified at what they esteemed the goodness of the great American father, in sending among them a medicine man, to protect them from that fearful disease. I have seen them gather around Dr. Ryer in crowds, holding out their arms, eager to be vaccinated. I am satisfied that great good will result from it, even should no actual necessity then have existed. They must receive good impressions of the Americans, in contradistinction to that of their former oppressive governor.

“The claims of Doctor Ryer for services from the 4th of June to the 26th of September last, together with his reports to me, are herewith forwarded. Knowing that much good must result from his labors, in several points of view, I hope his accounts may be favorably considered.”

MERCEDE RIVER, CALIFORNIA,
June 1, 1851.

DEAR SIR: Having learned, from several officers of the United States army now in service on the river San Joaquin, that the commissioners, in their treaties with the various Indian tribes, thought of the necessity of appointing some medical gentleman to attend to the prevention and curation of those contagious and malignant diseases which, if permitted to exist among them, would soon spread abroad among the whites, and be attended with ruinous consequences to all those who would be living east of the coast range of mountains, I therefore very respectfully solicit the appointment to this office, and trust that the references I will give you to the officers of the regular army now in this country, and to whose regiments I was attached in the campaigns of Mexico, will satisfy you fully of my qualifications for the office.

I have the honor to be, very respectfully, your obedient servant,
W. M. RYER.

Col. ADAM JOHNSTON,
United States Indian Agent, California.

MERCEDE INDIAN RESERVATION,
Valley of San Joaquin, Cal., June 11, 1851.

This contract between Adam Johnston, United States Indian agent for the valley of San Joaquin, and Doctor William M. Ryer, of the State of California, witnesseth: That for the consideration hereinafter mentioned, the said Doctor William M. Ryer promises and agrees to vaccinate all, or as many as possible, of the Indians residing in the various reserves between the Stanislaus and the Corvier, as set forth in the treaties entered into between the United States Indian commissioners and the Indians of said reserves:

The said Doctor Ryer further binds himself that said vaccination shall be done effectually and in as brief a time as possible, and attend those vaccinated during the vaccine disease. And the said Johnston promises and agrees, as United States Indian agent for said reservations, to pay or cause to be paid to the said Doctor Ryer, the government concurring in this agreement, the sum of two dollars for each and every person he so vaccinates in a thorough and effectual manner, in lieu of all allowances and emoluments whatsoever; he, the said Doctor Ryer, to furnish his own transportation and all medicines, hospital stores, &c. &c., at his own expense.

ADAM JOHNSTON,
United States Indian Agent.
W. M. RYER, M. D.

TUOLUMNE RIVER, CAL.,
June 30, 1851.

THE UNITED STATES INDIAN DEPARTMENT,
To W. M. RYER, M. D., Dr.

To medical services rendered per order of Colonel Adam Johnston, United States Indian agent for the valley of the San Joaquin, in vaccinating four hundred and ninety (490) men and boys of the Co-to-plane-mis, We-chil-la, Chap-pah-seins, Sage-nom-nas, Lukahs, Tuolumnes, belonging to the reserve between the Stanislaus and Tuolumne rivers, and treating them during the vaccine disease-----	\$980 00
To the vaccination of five hundred and twenty (520) women and children, and treating them during the vaccine disease, belonging to the above tribes-----	1,040 00
Total-----	<u>2,020 00</u>

I hereby certify that the above bill is correct, and that the above mentioned number have been vaccinated and attended as stated.

ADAM JOHNSTON,
United States Indian Agent.

MERCEDE RIVER, September 30, 1851.

STANISLAUS RIVER, CALIFORNIA,
July 1, 1851.

THE UNITED STATES INDIAN DEPARTMENT,

To W. M. RYER, M. D.,

DR.

To medical services rendered by order of Colonel Adam Johnston, United States Indian agent, California, to the Indians of the We-chil-la, Suc-ca-ah, Co-ta-plane-mis, Chap-po-sans and Sage-nom-nas tribes, located on this reserve, in the month of June, for the vaccination of two hundred and thirty-six men and boys, and for the treatment of them during the different stages of the vaccine disease-----

\$472 00

For the vaccination of two hundred and four women and girls, and treatment during the vaccine disease-----

408 00

For the treatment of thirty-five cases of primary syphilis----

210 00

1,090 00

In submitting this bill, I would very respectfully call your attention to the expenses incident to the treatment of the above. Thus, in addition to the medicines and adjuvants which I furnished for the curation of disease, I have also found it necessary, because of the ignorance of the Indian, to employ persons as attendants upon the sick; so that I may be able to insure success to my practice and prevent accidents in the administration of the medicines. These and my individual expenses are so large, that I cannot, consistently with justice to myself, submit a bill of less price than the within.

I have the honor to be, very respectfully, your obedient servant,

W. M. RYER.

STANISLAUS RIVER, CALIFORNIA,

July 1, 1851.

SIR: Obedient to your instructions, I have the honor to submit my first monthly report of the sick treated by me, among the tribes of Indians in the valley of the San Joaquin.

In the reservation between the Stanislaus and Tuolumne rivers, the most important disease among the Indians, and which cannot be treated by themselves successfully, is syphilis. This disease, affecting their constitutions, is too violent to be influenced by the simple remedies known among them, and generally progresses to a fatal termination. Incapable as they are of treating a disease so malignant in its character, it is left to the benevolence of the white man to save them from its ravages and prevent the decimation of their tribes.

According to my instructions, I have also vaccinated many of the tribes of the We-chil-la, Suc-ca-ah, Co-to-plane-mis, Chap-pah-seins and Sage-nom-nas, to the number of four hundred and forty, and treated them during the different stages of the vaccine disease. I find the Indians understand fully the object of the vaccination, and appreciate the interest taken in their welfare by the agents of the government.

It is but a few years since the ravages of small-pox was felt among the several tribes in this country, scattering and disorganizing them; and now,

the cases that have occurred in San Francisco, and the fear that it will come again among them, causes them to manifest the greatest desire to be vaccinated.

I am, sir, very respectfully, your obedient servant,

W. M. RYER, *M. D.*

To Colonel ADAM JOHNSTON,
United States Indian agent.

CHONCHILLA RIVER, *July 31, 1851.*

THE UNITED STATES INDIAN DEPARTMENT,

To W. M. RYER, *M. D.,*

DR.

To medical services rendered per order of Colonel Adam Johnston, United States Indian agent, for the San Joaquin district, California, by vaccinating and treating, during the vaccine disease, three hundred and five (305) men and boys of the Awalache, Si-yan-ti, Po-to-yan-ti, Co-co-noon, A-pang-assi, A-tache, belonging to the reserve between the Tuolumne and Mercede rivers-----	\$610 00
To the vaccination of three hundred and ninety (390) women and children of the same tribes-----	780 00
To the vaccinating and treating, during the vaccine disease, of six hundred and twenty men and boys (620) of the Chow-chillers, Choot-chancers, Hou-et-chus, Po-ha-ha-chis, Nook-choos, Pit-cuch-es, Cassoos, Toomnas, Tollinches, Po-ke-as, Watch-ahets, Itaches, Choo-nemnes, Monas-----	1,240 00
To the vaccination and treatment, during the vaccine disease, of seven hundred and forty-two (742) women and children of the same tribes-----	1,484 00
Total amount-----	<u>4,113 00</u>

I hereby certify that the within bill is correct, and that the number vaccinated and attended are as mentioned.

ADAM JOHNSTON,
U. S. Indian Agent.

MARCED RIVER, *September 30, 1851.*

KING'S RIVER, *August 31, 1851.*

THE UNITED STATES INDIAN DEPARTMENT,

To W. M. RYER, *M. D.,*

DR.

To medical services rendered per order of Colonel Adam Johnston, United States Indian agent for the valley of the San Joaquin in the vaccination and treatment of the vaccine disease of nine hundred and twelve (912) men and boys of the Taches, No-ton-toos, Wimilch-choi-nucks, In-tem-peach-es, Tu-huk-nahs, Ho-len-mahs, Wis-cum-n-

Ta-lum-nes, Cah-was, Yo-kols, Itaches, Choe-wem-nes, Cho-co-men-as, Ho-mel-ches; and No-ton-no-tos, No-nous and Tulare lake	
Indians-----	\$1,824 00
To the vaccination and treatment, during the vaccine disease, of eleven hundred and two (1,102) women and children of the same tribes-----	2,204 00
Total amount-----	<u>4,028 00</u>

I hereby certify that the above bill is correct, and that the number charged for have been vaccinated and treated as above mentioned.

ADAM JOHNSTON,
U. S. Indian Agent.

MERCEDE RIVER, September 30, 1851.

CAHUIA RIVER, September 26, 1851.

THE UNITED STATES INDIAN DEPARTMENT,

To W. M. RYER, M. D.,

DR.

To medical services rendered per order of Col. Adam Johnston, United States Indian agent for the valley of the San Joaquin, California. In the vaccination and medical treatment of four hundred and seventy (470) men and boys of the Atach, Ko-ya-ta, Pos-ke-as, Car-soos, Pah-huh-bach-is, Watch-a-hets, Monas, Qu-chow-we, Wo-lass-i, Wock-soche, Pat-wish-a, Po-kon-wel-lo, Yah-wil-chin-ne, and others who live on the creeks and the lakes in the neighborhood-----	\$940 00
To the vaccination and treatment, during the vaccine disease, of six hundred and five (605) women and children of the same tribes-----	1,210 00
	<u>2,150 00</u>

I hereby certify that the above bill is correct, and that the number charged for have been vaccinated and attended as above mentioned.

ADAM JOHNSTON,
U. S. Indian Agent.

MERCEDE RIVER, September 30, 1851.

CAHUIA RIVER, CAL., September 26, 1851.

SIR: With this, my last monthly return, I very respectfully submit the following:

Around the various reserves made to the Indians, American citizens have settled for the purpose of farming, mining, and continuing permanently other occupations. Through these reserves are, for the most part, the great roads leading to the principal mines of the Sierra Nevada. Indeed, such are the

locations of the Indians (and the character of the country, geographically and socially, will admit of no other location,) that they must of necessity intermix and be in constant communication with the whites. To the extent of their intermixing; will they communicate such epidemic infections or contagious diseases as may be generated by or affect either. If, then, it is proper or necessary to protect American citizens by quarantine and hygienic laws in other places, it is equally necessary, to effect the same object, to adopt such preventive measures in this country as will protect our own citizens from the baneful effect of diseases generated or continued among their immediate neighbors—the Indians with whom they must daily more or less associate in business—or in the travelling of the great roads to the mines.

Of the class of diseases most dangerous to the *miner*, unquestionably small-pox is among the most important—for of all diseases there is not one that calls for the protection of a house, a uniform temperature of the air, and the luxuries of a well-arranged sick-chamber, more than the small-pox. You well know that the miners of California, for the most part, sleep in blankets on the ground, in the open air, or under the shelter of a tent or a bush-house, which illy protect them from the inclemencies of the seasons and render them obnoxious to the assaults of disease. They are poorly supplied with the necessaries for the curing of disease, and it is not to be presumed that a disease of so much virulence could pass among the settlers and miners near the reservations without numbering hundreds among its victims. Then our duty to our fellow-citizens calls for the vaccination of the Indians, to prevent them (our citizens) from being exposed daily to the contagion of small pox.

The Indians in good faith have come from the mountains,—given up their mines and hunting grounds to the miners,—and have settled upon the various reserves set apart for them, and are desirous of learning from the white man the customs of civilized life. They daily are with the whites, seeking employment or partaking of their bounties; or if not these, then some other communication is had, for they are almost always with some of our people, as the roads from the cities to the placers lead by the “*rancherias*” of the Indians. But a short time since, several cases of small-pox were in San Francisco and Stockton. If but one case had reached the nearest “*rancheria*” of the Indians, hundreds would have fallen victims to the disease: it would have spread among them like the fire spreads on our wide prairies: they would have called upon the settlers around the reservations for assistance, and spread the disease among them and the travellers of the road; or if they did not do this, then they would have fled to the mountains, abandoned the reserves set apart for them by the agents of the government, and thrown themselves upon the mines, carrying with them disease and death. But again: apart from the necessity of vaccinating the Indians, as a preservative measure to the white settlers of California, there are other considerations of duty still higher.

The Indians are unable to cope with diseases of so formidable a nature, and they must succumb to their ravages. They have given up the placers and the lands endeared to them by the association of birth and childhood; they have thrown themselves upon the generosity of the “*pale faces*,” and beg of them to aid them from their superior endowments and wisdom, and prevent the decimation of their tribes by such malignant diseases as may be introduced among them by the white men. They have been called upon, and they have come to learn civilization and to abandon the habits of years.

in doing this, it has been so arranged that they see, daily, the manners and customs of our own people. From them the Indians take diseases, imported from foreign states by our commercial connexion with them.

It is scarcely just for us to refuse aid to those who have become dependent upon us, after we, by our own voluntary act, have made them dependent. If we put them in positions to contract disease, we certainly can do no less than assist them, by those means which superior wisdom and intelligence place in our power, for the prevention and curatation of disease.

It is the liberal policy of our government to treat the Indians with parental regard, and in the spirit of benevolence and Christianity. In this view, the agents of government have made promises to the Indians, in their treaties, that they would endeavor to teach them, by furnishing farmers, mechanics, school teachers, &c., the arts of the white man, and fit them for association with the civilized. It is not difficult to perceive that the first step which must be taken to cause the Indians to adopt the customs of our people, is to fortify them, to the extent we are capable, against such diseases as may be brought to this country by our commerce with foreign nations, and to endear them to us by protecting, rather than estrange them by the fear they would have of our diseases.

I do not think it is the will of our government to destroy the Indian, (although we know that of many tribes, there is not now one drop of their blood flowing in the veins of any man living,) for the generous policy of giving to them flour and meat, implies that the government would not let them perish of hunger, in California. Surely it would scarcely be consistent, if they were permitted to perish of a disease which could have been prevented.

The holy fathers of the Catholic church in the missions held it as a religious duty to vaccinate the Indians, and they vaccinated a great number of the chiefs of the tribes of the Sierra Nevada. They even have vaccinated whole tribes, as in the case of Captain Cornelius's tribe.

With this manner of reasoning I have gone forward and vaccinated, and treated during the vaccine disease, all the Indians between the Cahuia and Stanislaus rivers, (with the exception, perhaps, of a few stragglers,) according to my appointment and contract; and although, when I have deducted the expenses I have been subjected to from the amount expressed in the bills, I will have made less prospectively than I would directly by my private practice in Stockton, yet I feel pleased that I was the selected agent to carry out an undertaking so commendable.

The Indians, understanding from the Padres of the missions the object of vaccination, submit cheerfully, and, in some instances, crowd around or follow me for the purpose of receiving the virus upon their arms. They have, in most instances, manifested a grateful appreciation of the act, and seem to believe that the government intends not to destroy them, or the agents would not use means to prevent the ravages of disease. It is my desire, as soon as I recover from my present fatigue, to make an extended report of the diseases of the Indians in the mountains and on the plains of California, and of their medical wants, &c., &c., and will with pleasure forward should the department require it of me.

In referring to my notes I find that I have travelled over fifteen hundred miles in the fulfilment of my obligations to the government. Much of this has been on mountain trails, where many a lone traveller has received an Indian burial.

I have, almost every night, been compelled to sleep wrapped in my blanket.

ets upon the ground. I have been compelled to call to my assistance two medical gentlemen, and have employed assistants in the prosecution of this task ; this, too, in a country where the price of grain per pound for your horse-feed varies from twenty-five to fifty cents, and when the individual traveller's expenses will range from ten to sixteen dollars per day. Sir, you have seen me at my labors, and been a witness to the privations, hardships and dangers I have mentioned; for you, too, sir, have experienced many of them.

In conclusion, I beg to assure you that my original price, before you reduced it by the contract, would have been reasonable and just; and my private practice in Stockton, in a financial point of view, would have been more valuable to me than the contract.

I have the honor to be, very respectfully, your obedient servant,
W. M. RYER, M. D.

Colonel ADAM JOHNSTON,
U. S. Indian Agent, &c.