

WASHINGTON, D. C.

PUBLIC DOCUMENT.

LETTER FROM THE SECRETARY OF THE INTERIOR.

Communicating the report of Edward F. Beale, Superintendent of Indian Affairs in California, respecting the condition of Indian affairs in that State.

DEPARTMENT OF THE INTERIOR, Washington, March 3, 1853.

SIR: I have the honor to transmit to you, herewith, a letter from the Commissioner of Indian Affairs of the present date, accompanied by an original report of Edward F. Beale, Superintendent of Indian Affairs for the State of California, on the subject of Indian affairs in that State.

The original report is sent, because of the impossibility of having it copied in time; and for the same reason I must request that the committee of the Senate may also have the use of it.

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

ALEX. H. STUART, Secretary.

Hon. W. K. Sebastian, Chairman of the Committee on Indian Affairs, Senate.

DEPARTMENT OF THE INTERIOR, Office Indian Affairs, March 3, 1853.

SIR: I have the honor to enclose, herewith, a report made to this office by Edward F. Beale, Esq., Superintendent of Indian Affairs for the State of California, in view of his important character, and of the urgent necessity for immediate legislation in regard to Indian affairs in that State. I respectfully recommend that this may be done without delay, the original report is transmitted.

Very respectfully, your obedient servant,

L. LEA, Commissioner.

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

To Luke Lea, Esq., Commissioner of Indian Affairs.

SIR: On my arrival in California, in the month of September last, I immediately entered on the discharge of my duties, as expressly required by law, to "exercise administrative examination over all claims, and accounts, and vouchers for disbursements, connected with the Indian Affairs of California; and also to exercise a general supervision over the 'official conduct and accounts' of the Indian Agents under my superintendency; and also to discharge the duties of superintendent in relation to the Indians themselves. And in discharge of these duties I have from time to time made communications to your office, and now make a general report, to show, as nearly as possible, the condition of our Indian relations in California, and to suggest the measures which I deem necessary for the future well-being of the Indians, and the management of the public service in relation to them, in that State. In doing this, I premise, what is well known to you, that our laws and policy with respect to Indians have been neglected or violated in that State, and that they are deprived from their homes and deprived of their hunting-grounds and fishing-waters at the discretion of the whites; and when they come back to these grounds and waters to get the means of subsistence, and when they take cattle and stock from the inhabitants of California, they are often killed, thus giving rise to retaliation and to wars; and in this way a state of things exists there which is not known in the other parts of the United States, where the Indian intercourse laws are enforced by the Government, and Indian territories are protected by the Government.

This anomalous state of things is necessary to be remembered, in order to understand the operations of the superintendent and of the agents in that country.

To remedy this state of things, and to secure to the Indians the rights which are accorded them with some food, and make some compensation for the country taken from them, the established policy of making treaties with them was adopted by the Government, and several treaties made; all of which were rejected; so that the Indians remain without practical protection from law or treaties, and the Government officers have to do the best they can to save them from death by massacre or starvation.

For that purpose, the rejected treaties stipulated for the Indians, to give them some food, and for supplies of food; and a part of the food, in the form of beef cattle, was immediately contracted for, and some part delivered; but in some of these deliveries great irregularities occurred, (which I have heretofore communicated) to the great injury of the Indians and the Government.

The following official questions and answers, between myself and agent Wozencraft, will exhibit what I deem irregularities in his official conduct, and as he is now in this city, he can give the explanations which the case may admit of.

1. How were the weights estimated?

2. By asking any persons who might be on the ground to say what they thought the average weight of the drove to be.

3. Have you any further proof than the mere word of the traders, that the Indians ever received any money for the beef?

4. None; I have not any. Generally say the beef which was issued during the negotiation of the treaties. It was not weighed.

5. Have you not given drafts on the Government for cattle which are not yet delivered?

6. Yes.

7. Have you not ordered beef, to the amount of fifteen hundred head, to be delivered between the Fresno and Four Creeks, without ever having been in the Four Creeks region?

8. I have never been in the Four Creeks region, but have ordered the beef to be delivered to the Four Creeks country to contain?

9. I do not know.

10. If you did not know, how could you determine the amount of cattle necessary for their subsistence?

11. From what was promised them by the treaties.

12. How do you know that the Indians of the Four Creeks ever received any of that beef?

13. Nothing further than that I was told so by the traders at the Fresno. I have no proof of it.

14. How far is the Fresno from the Four Creeks?

15. Eighty miles.

16. Do you not know that, in some instances, the traders who issued and the contractors for the supply of the beef were the same men?

17. Yes.

18. Were the contracts made by you verbal or written?

19. A. With Mr. Norris my contract was simply a verbal one; with Messrs. Savage & Haler it was, on my part, the acceptance from them of a proposition, which I understand was the same as a contract.

20. I have sometimes, when on a visit to the reservations, seen the traders killing beef for the Indians, but do not know whether it was the beef furnished by me or not. It was the impression on my mind, however, that it was the beef of the Government. I was told it was so.

21. I acknowledge the above answers as those made to E. F. Beale, in reply to questions put by him, in his official capacity as Superintendent of Indian Affairs for California.

22. U. S. Indian Agent?

23. I certify that the above is a true copy of the original in my possession.

E. F. BEALE, Superintendent Indian Affairs.

Statement made by Col. Williams to the undersigned, this 7th day of June, 1852.

That Dr. Wozencraft proposed to Colonel Williams that he would give him (Williams) the contract for supplying the Indians with 2,500 head of beef, upon the following condition: Each beef to weigh 400 pounds, at 12 1/2

cents per pound, or \$62.50 each, provided he (Williams) would pay to Wozencraft one-half the profits after allowing Williams \$10 a head each, which Williams refused to do; and which was agreed to pay Wozencraft \$25,000 for said contract as above mentioned; and which agreement was reduced to writing by Wozencraft, and read by him to Williams, which Williams signed without reading, supposing the contents to be as read by Wozencraft. At a subsequent interview at San Francisco, Williams found the paper signed by him to be in accordance with the first proposition of Wozencraft, (as above,) and not agreeable to the one subsequently agreed upon, which he signed, having to be paid to him by Wozencraft for \$25,000, which the (Williams) refused to comply with said agreement; whereupon Wozencraft said he should consider the contract void, as he could do better.

With respect to Mr. Barbour, and the delivery of the Indians the cattle received from Col. Fremont, and for which drafts were given, it would appear by the accompanying documents, that a very small part only went to the Indians; the agent, after receiving the cattle from Colonel Fremont, having put them in the hands of the trader named Savage, since killed in some affray; who converted the greater part of them to his own use. The following statement, made to me by the person employed by Savage to deliver cattle to the Indians, will show the nature and extent of this malversation.

Official statement of Joel H. Brooks to Superintendent of Indian Affairs, dated San Francisco, September 21, 1852.

On or about the 29th August, 1851, I was appointed by Major James Savage, the Indian trader on the Fresno, to take charge of nine hundred (1,900) head of cattle, that were delivered to the Indian agents, Barbour and Johnson, by Col. J. C. Fremont, on the river San Joaquin.

My instructions from Savage were, that when I delivered cattle on the San Joaquin and King's river, and to other more southern Indians, I was to take receipts for double the amount of cattle delivered, and to make no second delivery in case any should return to the band; and when on Indians on the Fresno, to deliver one-third less than were received for me.

I also ordered to sell all beef I could to miners, who I did to the amount of about \$120 or \$130, and to deliver cattle to his clerks, to be sold to the Indians on the San Joaquin, at 25 cents per pound; and I know that such sales were made to those Indians.

In October, I received a written order from Savage, to take charge of nine hundred and eight head of cattle, to be driven to the mines, and sold to miners and others. I was also requested, in the same communication, to destroy the order as soon as read, which was done, after I had read it aloud in the presence of the Indians, and the trader named Tom McNamee.

In November, I received a similar order to deliver to Godey four hundred and fifty head, which was done. The best of these were to be sold as soon as possible, and the remainder to be herded by Godey elsewhere.

After the cattle were driven to the mines, and sold to miners and others, I was ordered to deliver the cattle to the Indians on the river Fresno, and delivered to P. Rainbolt, a person appointed by Savage to receive them, eight hundred head. I also gave to Savage receipts to the number of seventeen hundred head of cattle, and to the value of \$120,000.

After the cattle were on the Fresno, none were ever delivered to the more southern Indians, although I know that Tom Kit, the chief of the tribe on the San Joaquin, frequently sent after them. Some were sent to the Indians on the Kings river, and others to stock his rancho on the San Joaquin.

Uta, had charge of that rancho, and was a part of Savage's, and I have seen some of the cattle I had charge of in their corral.

JOEL H. BROOKS.

With respect to Agent McKee's pecuniary operations I have but little knowledge, as his accounts were required to be settled at the Department here; but many certificates were returned to him, which he never presented to the Government, (believed to be about \$32,000,) and that over and above the appropriation made by Congress. I refused to pay these liabilities, there being no appropriation for that purpose. The following official correspondence applies to some of Agent McKee's operations and his replies are on file in your office. Copies thereof, I understand, will be embraced in the correspondence called for by a resolution of the Senate of the 21st ultimo.

Copy of a letter from Major Wells to Captain Townsend, A. G. G., dated Bonita Barracks, Arizona, 1852.

I have had the honor of receiving from headquarters Pacific division, copies of communications from the Hon. C. M. Conrad, Secretary of War, Luke Lea, Commissioner of Indian Affairs, and a letter from Redick McKee, Indian Agent, all in reference to certain reports made by me, in relation to the command of an escort attending the latter gentleman on a tour among Indian tribes, from Sonoma valley to the Klamath river. These papers having been referred to me, I will state in full my reasons for introducing those reports into my report, remaining now, and that they were made officially, as an officer of the Government, uninfluenced in any particular by either private or personal considerations, and pointed solely at the system (if so it can be called) of issuing fresh beef to the Indians, as a means of inducing them to accept of the same; and if such inference to be drawn by any one, the matter, I suppose, is open to investigation; and in such an event it would afford me great gratification to meet with a result alike advantageous to the Government and creditable to me personally.

None; I have not any. Generally say the beef which was issued during the negotiation of the treaties. It was not weighed.

Have you not given drafts on the Government for cattle which are not yet delivered?

Yes.

Have you not ordered beef, to the amount of fifteen hundred head, to be delivered between the Fresno and Four Creeks, without ever having been in the Four Creeks region?

I have never been in the Four Creeks region, but have ordered the beef to be delivered to the Four Creeks country to contain?

I do not know.

If you did not know, how could you determine the amount of cattle necessary for their subsistence?

From what was promised them by the treaties.

How do you know that the Indians of the Four Creeks ever received any of that beef?

Nothing further than that I was told so by the traders at the Fresno. I have no proof of it.

How far is the Fresno from the Four Creeks?

Eighty miles.

Do you not know that, in some instances, the traders who issued and the contractors for the supply of the beef were the same men?

Yes.

Were the contracts made by you verbal or written?

A. With Mr. Norris my contract was simply a verbal one; with Messrs. Savage & Haler it was, on my part, the acceptance from them of a proposition, which I understand was the same as a contract.

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I acknowledge the above answers as those made to E. F. Beale, in reply to questions put by him, in his official capacity as Superintendent of Indian Affairs for California.

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