

**Mechoopda Indian Tribe**  
**of the**  
**Chico Rancheria**

Dr. Stephen Dow Beckham  
Pamplin Professor of History  
Lewis & Clark College  
Portland, Oregon

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## Maidu and Konkow Indians of the Sacramento Valley

At the time of Spanish colonization in Alta California in 1769, the Maidu and Konkow Indians occupied the watersheds of the Feather River and a portion of the east and west banks of the Sacramento River at its confluence with Chico Creek. Ethnographic identification of these people divides them into two larger groups: (1) Maidu, the Northeastern Maidu or Mountain Maidu residing in the upper watershed of the North and Middle Forks of the Feather River, and (2) Konkow, the Northwestern Maidu, residing along the lower North, Middle, and South Forks of the Feather River and along the Sacramento near its confluence with Chico Creek (Riddell 1978:370).

In 1978 Francis A. Riddell described the linguistic distribution of these peoples:

Maidu was spoken by the people living in the high mountain meadows lying between Lassen Peak and the town of Quincy some 50 miles to the south and east, probably in four dialects (American Valley, Indian Valley, Big Meadows, and Susanville). Konkow was spoken in a number of dialects along the lower reaches of the Feather River Canyon up to about Richbar, in the surrounding hills, and in the adjacent parts of the Sacramento Valley (Riddell 1978:370).

C. Hart Merriam, a distinguished and noted linguist and ethnographer from the University of California, Berkeley, worked with Maidu and Konkow informants in the first three decades of the twentieth century. On the basis of many years of intermittent interviews with these Indians, Merriam created the following classification of what he termed "Midoo Stock: "

### Northern Division

- 20.a. Mitchopdo
- 20.b. No'to-koi-yo
- 20.c. Sa-ap-kahn-ko band
- [No 20.d. grouping]
- 20.e. Oso'-ko band

### Central Division

- 20.f. Kon'-kow or Ti-mah (Concow)
- 20.g. Tahn'-kum
- 20.h. Kow'wahk
- 20.i. Kum-mo'-win

Southern Division or Nissenan

- 20.j. To-sim'me-nan
- 20.k. Ho'-mah band
- 20.l. Nis'sim Pa'we-nan
- 20.m. Nis'-se-nan
- 20.n. No-to'-mus'se band
- 20.o. Es'to Nis'se-nan band

(Bancroft Library 1994:8)

Volume 8, *California*, of the *Handbook of North American Indians* included an essay on the Maidu-Konkow and another on the Nissenan, also known as the Southern Maidu. The Nissenan occupied the lower reaches of the Feather River, the Yuba, and the American River (Wilson and Towne 1978:387-388).

The word *Mícupda* or *Mícupda* referred to two villages lying a few miles—perhaps four or five—south of Chico, California (Riddell 1978:370). Merriam used the term in two ways: first to identify one of fourteen dialectic variants of Maidu, and second, to identify a village on a plain four and a half miles south of Chico on a small creek (Sep-sim-se-we or Little Butte Creek). Merriam found a number of variant spellings of the village name:

Mitch-op-do (Machoopda, *Chico Record and Chico Enterprise* Nov. 7, 1929); Ma-chucks, Johnson 1850; Mc-chuck-nas; Ma-chuck-na; Mechoopda, Royce 1906; Mechoopka; Michoapdos; Michopda; Mi-chop-da; Michopdo; Mich-op-do; Mitschopda; Wa-chuck-na; Wachuknas) . . . (Merriam n.d., Reel 122, Fr. 419).

Maidu settlement reflected their lack of tribal or political structure. The Maidu lived in "village communities," each an autonomous unit. The "village community" included a central village with a *Kúm*, a semisubterranean earth-covered lodge that the people used as a ceremonial room. Usually the head man of the "village community" resided in the *Kúm*. His role was that of advisor and spokesman. Francis Riddell has observed: "The separate villages were self-sufficient and not bound under any strict political control by the

community headman. The central location around the largest assembly chamber of one village was primarily for ceremonial and subsistence activities" (Riddell 1978:373).

### Rancho Arroyo Chico

On November 7, 1844, Mexican Governor Manuel Micheltoarena granted a large tract of land—Rancho Arroyo Chico--east of the Sacramento River at its confluence with Chico Creek to William Dickey. The property contained an estimated five leagues of land. In 1844-45, three men—Dickey, Sanders, and Yates—lived briefly on this property. Dickey soon, however, sold the grant to John Bidwell, an overland emigrant of 1841 (Bowman 1958: No. 29; Bancroft 1888[6]:16).

Born in Chatauqua County, New York, in 1809, Bidwell emigrated to Astabula, Ohio, with his parents, and later settled in Missouri where for two years he taught school. In 1841 he joined John Bartleson to lead a party of forty overland to California. On arrival to the Sacramento Valley, Bidwell went to work for John Sutter, a Swiss immigrant who was seeking a Mexican grant to property along the American River. Bidwell spent nearly fourteen months engaged in disassembling Fort Ross, the Russian American Company's outpost at Bodega Bay. Sutter had purchased the post and pillaged it for windows, doors, lumber, furniture, and tools. Bidwell later recalled: "then I came up into the Sacramento Valley and took charge for Sutter of his Hock farm (so named from a large Indian village on the place), remaining there a little more than a year—in 1843 and part of 1844" (Bidwell).

Bidwell found that Sutter had developed his property by the employment of Native Americans. He recalled:

Most of the labor was done by Indians, chiefly wild ones, except a few from the Missions who spoke Spanish. The wild ones learned Spanish so far as they learned anything, that being the language of the country, and everybody had to learn something of it. The number of men employed by Sutter may be stated at from 100 to 500—the latter number at harvest time (Bidwell 1890).

During his employment by Sutter, Bidwell gained experience in working with the Indians of California's central valley. He found their

labor critical in developing and maintaining agricultural enterprises as well as mining for gold.

Bidwell made his initial fortune in the mines. He began work in March, 1848, the American River. Writing about Bidwell's venture, historian Hubert Howe Bancroft noted: "Seeing the gold and the soil [at Coloma, site of James Marshall's first discovery], he said there were similar indications in the vicinity of his rancho, at Chico. Returning home he searched the streams thereabout, and was soon at work with his native retainers on Feather River, at the rich placer which took the name of Bidwell Bar" (Bancroft 1888[6]:69). Bidwell's success was a function of Indian laborers who worked the placers to produce gold from his claim. Bidwell's grubstake enabled him to hire a large staff to develop Rancho Arroyo Chico. In 1850 the Bureau of the Census enumerated the household of John Bidwell, age thirty, a miner in Butte County. Living with him were the following:

Harper, Thomas N.	27	b. NY	Miner
Denton, B. F.	29	b. NY	Trader
Denton, M. S.	35	b. NY	Trader
Lynch, Wm. C.	23	b. Tenn.	Trader

(Bureau of the Census 1850)

A number of events in the 1850s challenged Bidwell. He had to transform his sprawling ranch into a productive, agricultural enterprise. He had to check trespass and he had to fight to secure validation of the land grant issued by Governor Manuel Micheltorrena. Bidwell filed his claim for certification on March 30, 1852, with the American land commissioners adjudicating the validity of Spanish and Mexican grants in California pursuant to the Act of March 3, 1851, 9 Stat. 631. (The 1851 Act was entitled "An Act to ascertain and settle the private land claims in the State of California" and it required all claimants to land title to establish their title to the satisfaction of a Commission established pursuant thereto.) Bidwell's claim gained confirmation by the District Court on July 16, 1855. An appeal against that ruling, *United States v. Bidwell*, was dismissed by the California Supreme Court on January 11, 1859. The land commissioners confirmed his claim in March, 1859. Finally on April 4, 1860, Bidwell gained patent to 22,214.47 acres, a deed recorded in Butte County, California (Bowman 1958:No. 29).

During the prolonged years of waging a legal battle to hold the land grant, Bidwell continued to hire workers. These included many

Indians—employed in the manner that he had learned through his work for John Sutter—and others. The Bureau of the Census enumerated Bidwell’s household in 1860. A farmer, age 40, Bidwell gave his real estate value at \$52,200 and his personal estate at \$56,640. A striking document to his enterprise, however, was the size of his household:

Proal, Oliver	38 M	Farm Superintendent	NY
Robbins, C. H.	26 M	Farm Laborer	NC
Schenk, H.	43 M	Farm Laborer	NY
Neal, Duncan	32 M	Farm Laborer	NY
Bassett, Saml.	26 M	Farm Laborer	NY
Wilson, J.	30 M	Farm Laborer	Tenn.
Boling, J. W.	28 M	Farm Laborer	Tenn.
Jones, T. M.	36 M	Farm Laborer	KY
McKenna, A.	23 M	Farm Laborer	IA
Keep, Robt.	29 M	Farm Laborer	OH
Morfen, J.	31 M	Farm Laborer	IA
Hudson, S. M.	22 M	Clerk	NY
Wood, Geo.	40 M	Chief Clerk	NY
O’Ferrel, R. H.	23 M	Clerk	MD
Barton, F. A.	22 M	Clerk	KY
Size, Jno	40 M	Mast. Miller	PA
Brown, L.	36 M	Mast. Miller	PA
Greenleaf, A.	38 M	Millwright	VA
Silsby, W. H.	36 M	Master Wagon Maker	PA
Mann, Jno	37 M	Mast. Blacksmith	NY
O’Brien, M.	56 M	Mast. Blacksmith	Ireland
Gunn, Wm.	26 M	Teamster	IL
Lee, Robt.	28 M	Teamster	AL
Carmichael, D.	37 M	Gardner	Ireland
Whitaker, J.A.	30 M	Gardner	KY
Gardner, Chas.	24 M	Farm Laborer	KY
Vassar, Jos.	29 M	Farm Laborer	NY
Vassar, Albt.	20 M	Farm Laborer	NY

Bidwell had twenty-eight Euro-American males living and working at his ranch headquarters. Not enumerated were the dozens of Indians who worked as domestic and agricultural laborers on Rancho Arroyo Chico. Indians “not taxed” were not included in the decennial census schedules until 1900 (Bureau of the Census 1860).

John Bidwell married Annie Ellicott Kennedy of Philadelphia. The Bidwells had no children, but they continued to maintain their large estate, elegant home, and a large staff of employees who operated

their farm, orchard, and ranch headquarters. Although John Bidwell planted a vineyard, he and his wife were ardent advocates of prohibition. He served in the House of Representatives, 39<sup>th</sup> Congress, 1865-67, ran for governor of California in 1880, and in 1892 was the nominee of the Prohibition Party for president of the United States, receiving 2.3% of the national vote (bioguide.congress.gov).

In 1897 John Bidwell, age seventy-seven, drew up his will. He left his estate to his wife who was to serve as executrix. In the event that he survived his wife, Bidwell provided for the sale of his real and personal property with numerous specific bequests to relatives and friends. Article 21 of his will laid out his intentions for the Indians who lived and worked on his property:

21. To the board of Home Missions of the Presbyterian church, that is to say the California branch of that society, to be used as they may deem best for the benefit of the Indians residing at the Indian village on Rancho Chico, \$500. Also to said branch of Home Missions, for the permanent home of said Indians, so long as they or any of them desire to live thereon, the following tract of land, to-wit: Bounded on the southwest by a line fifty feet easterly and parallel to the fence along the right of way of the California and Oregon railroad, on the northwest by Front street of Chico Vecino, on the northeast by Holly avenue of Chico Vecino, and on the southeast by Rancheria lane; on condition nevertheless that any Indians who may become dissipated, criminal or troublesome, forfeit the right to live thereon. Should the said Board of Home Missions refuse to accept these bequests, I devise and bequeath the same to the Woman's Christian Temperance Union of Chico to execute the same" (Bidwell 1897:3).

Bidwell's will thus defined how he and his wife controlled the residency of Indians on Rancho Arroyo Chico. Indians who had the privilege of living on the Bidwells' land had to conform to their standards of behavior. Any Indian who appeared "dissipated" or who became a "criminal or troublesome" forfeited the right of residency. The Bidwells—not the Indians—established the standard (Bidwell 1897).

Bidwell clearly had a sense of responsibility for the Indians who had worked for him. In Article 27 of his will he provided that if any of the specific legacies he had enumerated in Articles 7 to 26 should lapse or fail, he requested his executors to provide "for the following named Indians of said Indian village, viz: Lafonso, Wm. Conway,



Paulisse, Rufus, Pablo, Maggie Lafonso, W-Co-pe (Barber), and Nellie Conway (Bidwell 1897:4).

On November 29, 1909, Annie E. K. Bidwell gave to the Home Mission Board of the Presbyterian Church the tract occupied by the Indians on the Rancho Arroyo Chico. Her gift prescribed the conditions under which Indians could occupy the property:

1. That the second party [Home Mission Board] and its successors shall not use, cause to be used, or allow to be used, directly or indirectly, said land or any part thereof for the purpose of making or selling intoxicating liquors and should said conditions be broken, the title herein granted by this deed shall cease, revert to, and be vested in the said Annie E. K. Bidwell, her heirs or assigns.

2. That the said Board of Home Missions shall recognize the validity of the possessory rights granted by the party of the first part to individual Indians resident within the boundaries of the tract of land herein described and their descendants, as evidenced by Certificates of title issued over the signature of the said first party and shall not in any manner interfere with such occupancy except in cases of such persons as may become habitually drunken, disorderly or addicted to gambling in which cases said Board of Missions shall have authority to cancel said certificates of title and to dispossess and eject from the limits of the tract of land herein described and to prevent the return thereto of such drunken, disorderly or gambling persons [emphasis supplied].

3. That the said Board of Missions may locate other Indians of good character on such lots or portions of said land as may become vacant by death or desertion, provided such vacant lots or tracts shall not be needed for the use and occupancy of the descendants of the present inhabitants of the tract of land hereinabove described" (Pillsbury 1938).

Mrs. Bidwell's terms again defined the circumstances through which Indians might live on the property she gave to the Board of Home Missions. Their residency was fixed by her standards, not those of the Indian community.

In 1917 Annie E. K. Bidwell drew up her will; it was a lengthy document of thirteen pages with codicils. In the matter of the Indians

residing on Rancho Arroyo Chico, Annie Bidwell reflected the intentions of her late husband by making several special provisions:

- # To "Mrs. Amanda Wilson, wife, of Santa Wilson, to use for herself, and such Indians as she may choose to bestow thereof" she provided for the gift of table linen, bedding, and towels not selected by three of her Kennedy relatives (Bidwell 1917:5).
- # To the National Indian Association in New York City, she gave \$3,000 "for the benefit of Indians under their (its) charge, as said Association may deem wise to use it" (Bidwell 1917:6).
- # To the California Indian Association in San Jose, she gave \$4,000 "to be used for the benefit of their Indian Schools in Northern California, especially [sic] their school at Aquinda" (Bidwell 1917:8).
- # To the Board of Home Missions of the Presbyterian Church in the United States, incorporated in 1872, she gave "the herewith described land for an endowment fund for the benefit of the Indian village on Rancho Chico (which village has already been deeded by me to said Board to be possessed of at my death) and said land may be sold if deemed advi[s]able, by said Board for the benefit of resident Indians of said Indian Village, known as the Mechoopda Indian Village. The land herewith conveyed or bequeathed is described as follows, in a private map signed by me, but not yet published, called 'Map showing the Mansion Subdivision of John Bidwell Rancho, W. A. Luey, Civil Engineer, April, 1908', and is as follows: Blocks 41, 42, 43, 44, 51, 52 bounded on northerly side by Sacramento Avenue, easterly side by Chestnut Avenue, Southerly side by Lincoln Avenue, and Westerly side by Wat-te-o Avenue" (Bidwell 1917:8-9).

In the codicil to her will, Annie Bidwell provided for the gift of her clothing to her sister-in-law and two nieces. Then she added: "The remainder to be distributed according to their judgment, including in this distribution my friends Mrs. Genevieve Lafonso and Mrs. Amanda Wilson [Indian women resident on Rancho Arroyo Chico] (Bidwell 1917:13).

In a further codicil to the will on January 25, 1918, Annie Bidwell made cash provisions for twenty-seven Indians resident on or formerly living on her property:

To Mr. Billy Preacher I bequest the sum of one thousand (1,000) dollars.

To Jack Frango, I bequeath the sum of one hundred (100) dollars.

To Rufus Pulisse I bequeath the sum of five hundred (500) dollars.

To Mrs. and Mrs. George Barber I bequeath the sum of five hundred (500) dollars. Total, one thousand [sic] (1,000) dollars.

To Mrs. Mary Asbil I bequeath the sum of eight hundred (800) dollars, and to her son Henry the sum of eight hundred (800) dollars; and to her son John the sum of eight hundred (800) dollars.

To Pablo Silvers I bequeath the sum of five hundred (500) dollars, and to his daughter - Mrs. Martha Hidalgo, five hundred (500) dollars.

To Mrs. Genevieve Lafonso I bequeath the sum of seven hundred (700) dollars; and to her daughters Donna and Genevieve, two hundred (200) dollars each; total \$400; and to her daughter Sybil Norton two hundred (200) dollars, and to Genevieve's mother I bequeath the sum of two hundred (200) dollars.

To Austin McLean, now at Covelo, I bequeath the sum of seven (700) dollars.

To Lama Young invalid, I bequeath the sum of seven hundred (700) dollars to be placed in the hands of Mrs. Amanda Wilson, to be used by her for his support.

I bequeath to Mrs. Emma Cooper the sum of three hundred (300) dollars and to her niece Evylin, three hundred (300) dollars.

To Mr. Tom Odock I bequeath the sum of two hundred (200) dollars.

To Mrs. Amanda Wilson I bequeath the sum of one thousand (1,000) dollars.

To Santa Wilson the sum of one thousand (1,000) dollars.

To William Conway I bequeath the sum of one thousand (1,000) dollars.

To his son Isaiah I bequeath the sum of nine hundred (900) dollars.

To Ely Nuckols I bequeath the sum of five hundred (500) dollars.

To Roy Nuckols I bequeath the sum of \$400.

To Myrtle Nuckols I bequeath the sum of four hundred (400) dollars and direct that my executors place this money in her hands and not in the hands of any other person.

To Marguerite Henry I bequeath the sum of two hundred (200) dollars and direct my executors to place this sum in her hands, and hers only" (Bidwell 1917:15-16).

### Indian Community at Rancho Arroyo Chico

Through her twenty-seven bequests in 1918, Annie E. K. Bidwell identified a number of adults in the Indian community who had worked for and resided on the Bidwell ranch at Chico. W. C. Randolph, a clerk in the employ of the Bureau of Indian Affairs, visited the community in April, 1914, and reported his findings to Horace G. Wilson, supervisor of the Roseburg Superintendency of Indian Affairs, Roseburg, Oregon. He found the following people:

William J. Conway, half breed, age 53, Educated in the public schools of Butte County, claims to be an engineer and band leader.

Belle Conway, half breed, age 42, allotted at Round Valley.

Aaron Conway, half breed, age 12, attends Normal school, Chico.

Dewey Conway, half breed, age 15, attends Chemawa Ind. School.

Pueblo Silver, full blood, age 49

Hazel Silver, full blood, age 40

Martha Silver, age 23, attended Dist. sch. 6 years.

Aneta Silver, 13, at Greenville School, attended Riverside 1 ½ yrs.

Homer Silver, 5

Carl Cook, illeg. Son of Martha Silver, age 2

Caddo Sparks, full blood, age 80

Delbert Sparks, full blood, age 26, has been to Dist. sch.

Mrs. Tom Frank, FB age 85.

Chico Tom, FB, age 80.

Frank Henry, FB, age 40.

Bessie Henry, FB, age 28.

Viola Henry, age 12, Greenville School.

Sweeney Henry, age 10, Greenville School.

Margarette Henry, age 8, attends Dist. school.

Marie Henry, age 1.

Richard Cooper, HB, age 52.

Emma Cooper, 1/4, age 30

Evaline Williams, FB, 11 (niece) attends dist. school.

Iaziah Conway, HB, age 22, son of William J. Conway

Florence Conway, HB, age 19.

Johnie Asbel, HB, age 45, Allotted at Covelo.

Mary Asbel, HB, age 40

Henry Asbel, age 15, Chico High School.

Johnie Asbel, age 6.

Sandy Wilson, FB, age 45

Manda Wilson, HB, age 50

Burney Wilson, age 20, Has attended Dist. sch. Also Chemawa Ind. School, now at Haskell.

Sherman Wilson, age 18, Dist school,

Eva Wilson, age 16, Dist school.

Edward Wilson, age 11

Pete Frank, FB, age 75.

Billy Pitch, FB, age 75.

Lama Young, HB

Ernie Young, HB, age 22, Attended dist. sch. Greenville 2 yrs.

Elvira Young, FB, age 25

Jack Franko, FB, age 75.

Mike Jefferson, absent from home

Rufus Placer [Pulissa], absent from home

Jesse Slack, FB, age 24

Susan Slack, FB

Bud Ben, absent from home  
Fred Ben, absent from home  
Molin Ben, absent from home

Etta Fratus (wife of Frank Fratus)

Elmer LaFonte, FB, age 25 (son of Mrs. Manda Wilson) good education,  
attended University)

Randolph, in his report to Superintendent Wilson, recited some of the history of the Indian community residing at Rancho Arroyo Chico:

The history of this little band of Indians is intimately connected with the Bidwells, General Bidwell, now deceased, and Mrs. Annie E. K. Bidwell, who now resides on the Bidwell estate at Chico. I had known before that this band of Indians was occupying land belonging to the Bidwell estate. I had an interview with Mrs. Bidwell, and she states that the Indians have camped on their land since they first came to the country.

As the white settlers came in, the Indians were gradually driven away from their old homes, and established a headquarters on the Bidwell ranch. I do not believe that these Indians belong to any particular band, but are remnants of various small bands, originally living in Butte and nearby counties [emphasis supplied]. Mrs. Bidwell states that in former days these Indians were urged to select land for themselves and to take all they wanted, and were also offered deeds to such land as they would select -- from the Bidwell estate. This estate was formerly a large grant, but a great deal of it has been sold and given away. It originally comprised several thousand acres where the City of Chico now stands, a State Normal School and a High School, in said city. A few years ago a large park, extending along Chico Creek was given to the public by Mrs. Bidwell. There is also a State Experimental school located on the estate. Mrs. Bidwell has been working for the welfare of these Indians for many years, in fact, since she first located at Chico, as also did her husband during his lifetime. They built the houses now occupied by the Indians, two of these houses cost over \$3000.00 each, that is, the ones occupied by Sandy Wilson, who is a minister, and Elmer Lafonte, a young educated Indian.

Mrs. Bidwell has also maintained a school for the Indians, and taught them herself. She has in fact, given them many years of service, her land, and invited them into her own home, (which is a splendid mansion) and has them at her own table. She has employed them in various capacities, paying them good wages, and allowing them to go outside to work, and then taking them back again when they returned from their wanderings. Mrs. Bidwell is now getting very old, and has practically lost her voice, though she is this season campaigning for the prohibition cause.

The request of Mr. [William J.] Conway, that lands in Chico, Butte County, be purchased for the band of Indians, is decidedly impracticable. The land about Chico is some of the most fertile in the world, verdant and luxuriant California is there seen at its best. The land upon which the Indians are now living (about 15 acres) is entirely surrounded by residences of white people. This land – apart from being practically part of a City – is very fertile and is worth perhaps \$1000.00 for agricultural purposes. This band of Indians has had opportunity in the past – as above stated – to acquire land here, but have failed to take advantage of their opportunity. In addition to all that has been done for this band of Indians by the Bidwells, as set forth in this report, the old people are supplied with subsistence continuously. They each carry a book, and can go into the stores of Chico and purchase anything they require, to the extent of \$10.00 per month (Randolph 1914).

In concluding his assessment of the situation of the Indian community at Chico, BIA Clerk Randolph reported that Guy R. Kennedy, Mrs. Bidwell's nephew and attorney, told him that deeds were executed but not yet recorded for the Indian homes on the Bidwell property. He also learned that Mrs. Bidwell had made provision for "some sort of a trust" to care for the Indians in the future.

Between 1928 and 1933 the Bureau of Indian Affairs mounted an enrollment program of California Indians in anticipation of settlement of the aboriginal land claims in the state in the United States Claims Court. Each head of a family filed a witnessed affidavit with a BIA enrollment officer. The affidavit sought information on blood quantum, tribal affiliation, ancestry of parents and grandparents, and other information. The following data documents a majority of the families resident on the Bidwell property at Chico between 1928 and 1933. The data unequivocally confirmed the conclusion of W. A.

Randolph that the Indian community was made up of "remnants of various small bands, originally living in Butte and nearby counties." The data actually went farther in documenting the mixed ancestry and places of origin of the people who worked for the Bidwells and lived on their ranch.

Final Application

899	6935	Azbill, John B.	Chico Head	M	66	4-12-1862
		½ Wailaki, Humboldt Co.; never allotted				
900	6936	Azbill, Mary	Chico Wife	F	65	12-24-1863
		½ Concow, Butte Co., never allotted				
901	6935	Azbill, Henry	Chico Son	M	29	9-22-1899
		½ Concow				
902	6935	Azbill, John F.	Chico Son	M	22	10-15-1906
		½ Concow				
903	6935	Azbill, Kenneth	Chico Gson	M	2	2-15-1926
		5/8 Concow				
		Family never allotted; No. 4, Box 101, Chico, CA.; "Lives on land set aside by widow of John Bidwell, Chico, California"				

John B. Azbill was born in Humboldt County, CA.; he identified his tribe as Wy-lacca; he could name no chiefs, headmen, or captains alive in 1852; his father, Frances Marion Azbill was a white man from Missouri; he thought his mother's Indian parents were born in Humboldt or Trinity counties.

Kenneth Azbill was the son of John F. Azbill and Effie Elliott of Covello, Round Valley Indian Reservation; they were not married; Effie in 1929 was married to Ernest Miller. (Application No. 6935, Roll 21)

Mary Azbill was known as Mary Kaala prior to her marriage. She identified herself as "½ Con-cow, Butte County, Ca." She said her mother was Sow-wih-kee-nih, or "Alvina" of the Con-cow Tribe; she identified her father as Kemo Kaala, a Hawaiian. (Application No. 6936, Roll 21)

?	6929	Bain, Bud	Head	M	47	8-30-1881
		3/4 Noi-ma (Nue-muck) of Colusa County				
?	6926	Bain, Bessie	Wife	F	45	6-15-1883



4/4 Mi-cho-da  
6929 Bain, Marie                      Dau    F      15      1-26-1913

Bud Bain married Bessie, 4/4 Mi-chop-da. Bain said his father, Charlie Bain, was possibly a Modoc Indian; he said his mother, Susan, was a ½ Noi-ma, or Nue-muck Indian) and that her father was Negro.  
(Application 6929, Roll 21)

Bessie Bain identified her father as Jack Slack, a Mi-cho-da and her mother as Hattie (Holmes) Slack, a Ukie from Mendocino County.  
(Application 6926, Roll 21)

3604 8459 Clements, Luther Chico Head M      37      4-9-1891  
                ½ Michopda, Butte Co.  
3605 6906 Clements, Esther A.    Chico Wife F      21      10-16-1907  
                7/16 Sioux/Pit River  
3606 6906 Clements, Luther Laverne    Son    M      3      6-28-1905  
                7/16 Michopda/Sioux/Pit River  
                Never allotted; live at Fort Bidwell, Modoc County, CA.  
  
3817 6939 Conway, Isaiah    Chico Head M      37      12-26-1891  
                ½ Ukie and Wintun  
3818 6940 Conway, Stella    Chico Wife F      30      9-1-1898  
                3/4 Wailaki  
3819 6939 Conway, Juanita May    Chico    Dau    F      15      8-18-1913  
                5/8 Wailaki [later Juanita Simpson]  
3820 6939 Conway, Ivan James    Chico Son    M      6      7-23-1922  
                5/8 Wailaki  
3821 6939 Conway, Vernon W.    Chico Son    M      4      2-3-1924  
                5/8 Wailaki  
                Family never allotted; Box 327, Chico, CA.; "live on lands set aside by the widow of John Bidwell"

Isaiah Conway married Stella McKay on 9-1-1898. She was 3/4 Indian of the Wy-lacca Tribe, Round Valley; he identified himself as ½ Ukie and Win-tun of Mendocino and Tehama counties, CA. He said his father was William Jennings Conway and that his mother was Nellie, a woman of the Win-tun Tribe, Tehama County.  
(Application 6939, Roll 21)

Stella Conway, formerly Stella McKay, identified herself as born at Round Valley Reservation, Covello, CA.; she said she was 3/4 Indian of the Wailaki Tribe. She said her father was James McKay, 1/2 Wailaki, and that her mother was Emma, 4/4 Wailaki.

(Application 6940, Roll 21)

3834 6943 Conway, William Jennings    Head    M     67    10-7-1861  
1/2 Yuki

3835 6943 Conway, Dewey                    Son    M     30    3-30-1898  
1/2 Yuki

3836 6943 Conway, Jodie                    Son    M     27    6-15-1901  
1/2 Yuki and Wintun

Family never allotted; Box 327, Chico, CA.; house and automobile ; value \$2,500; widower. Live on lands set aside for the use of Indians by widow of John Bidwell."

William J. Conway was a widower. He said Nellie, his first wife who died in 1907, was 1/2 Win-tun, Tehama Co. He said Belle, his second wife who died in 1919, was 1/2 Wy-lacea of Mendocino County. Conway gave his blood quantum as 1/2 Ukie Tribe, Mendocino County, CA. His father, John Jenning Conway was a white man; his mother, I-me or "Eliza" was a Yuki Indian.

(Application 6943, Roll 21)

6053 6933 Franco, James                    Single    M     63    12-12-1869  
1/2 Concow, Butte Co., Never allotted; 4929 8<sup>th</sup> Street,  
Chico, CA.

James C. Franco, born in Butte Co., CA.; not married. He identified himself as "1/2 Con-cow Tribe"; descent from Alvira Franco, mother, alive on 1 June 1852. He was unable to identify the chiefs, captains, or headmen of the tribe in 1852. His father, Juan Franco, was a Spaniard; his mother, Alvira, was an Indian of the Concow Tribe.

(Application 6933, Roll 21)

?        6934 Pilissa, Rufus                    Single M     54    4-2-1874  
4/4 Mi-shop-da

"Lives on lands set aside for use of Indians by widow of John Bidwell"

Rufus Pilissa, single, male; Puli-da, his father, was of the Mi-cho-da Tribe [so spelled]; Lizzie, his mother, was of Che-no Band; grandson of Yo-lo-sa, chief of Cheno Band (Application 6934, Roll 21)

9241 6901 Mike Jefferson                      Wid. M      72      12-14-1856  
 4/4 Mi-chop-da, Butte Co.  
 Never allotted, "Lives on land set aside for Indians by widow of John Bidwell"

Jefferson identified himself as 4/4 Mi-chopda. He said that his deceased wife, Julia who died about 1899, was 4/4 Con-cow Tribe. He gave his father's name as Wee-no-kah and his mother as Say-o-meh.  
 (Application 6901, Roll 21)

10449 8235              Lafonso, Elmer N.              Head M      40      5-16-1888  
 3/4 Mi-shop-da, Butte Co.

10450              8235 Lafonso, Donna May              Dau F      15      6-24-1913

3/8 Mi-shop-da, Butte Co. [later Donna M. Rickard]

10451              8235 Lafonso, Genevieve              Dau F      13      2-4-1915

3/8 Mi-chop-da, Butte Co. [later Genevieve Aranda]  
 Never allotted; Box 110, Chico, CA.; wife is not a claimant; live on lands set aside for the use of the Indians by Mrs. John Bidwell

Genevieve Lafonso was of the "Pueblo and New Mexican Indian Tribe, Las Cruces, New Mexico." Her blood quantum was not given.

Elmer N. LaFonoso identified himself as 3/4 Mi-chop-da Tribe, the son of Lafonso (Ho-lai), a Mi-chop-da and Mandy Wilson, 1/2 Indian "formerly Con-cow tribe, and Mi-chop-da." His mother's father was a white man and her mother was Wi-sum-tah.  
 (Application 8235, Roll 25)

14206              9857 Nuckells, Commodore Leroy Chico      Head 29      12-28-1899

1/2 Pit River

14207              7597 Nuckells, Leona M.              Wife 24      5-10-1904

14208	½ Wintun 9857 Nuckells, Maynard L.	Chico Son	5	9-5- 1923
14209	½ Wintun 9857 Lillian N.	Chico Dau	4	11-17-1924
14210	½ Wintun [later Lillian Stubblefield] 9857 Nuckells, James A.	Chico Son	2	6-18- 1926
14211	½ Wintun 9857 Nuckells, Barbara G.	Chico Dau	4 mo.	1- 28-1928

[later Barbara Beasley]  
½ Wintun  
Family resided at Kennett, Shasta County, CA.

Commodore Nuckells identified himself as ½ Pit River Indian. He said his father, James Nuckells, was ½ Indian from Covello; his paternal grandfather was Calvin Nuckells, a white man. He said his mother, Jane (Riley) Nuckells was ½ Indian from Paskents, Tehama County; his maternal grandfather was a white man. He identified his wife as ½ Wintun from Shasta County.  
(Application 9857, Roll 29)

14212	6929 Nuckells, Eli	Chico Head	33	6-14- 1895
14213	½ Wailaki and Yuki 6929 Nuckells, Virgil ½ Wailaki and Yuki	Chico Son	12	9-12-1916

Eli Nuckells was separated from his wife, Tomasita, a ½ Indian woman of an unknown tribe. He identified himself as ½ Wylacea and Ukie of Mendocino and Tehama counties. "Live on lands set aside for Indians by Mrs. John Bidwell."  
(Application 6929, Roll 29)

19198	6937 Sylvers, Homer M.	Chico Head M	20	2-13- 1908
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¾ Wintun/Michopda  
Never allotted, Gen. Delivery, Chico, CA.; lives on lands set aside for Indians by widow of John Bidwell

Homer Sylvers married Vera Belle ?, a white woman. He stated that he was 3/4 Wintun/Michopda tribes of Tehama and Butte Counties, CA.

He identified Pablo Sylvers, a 1/2 Win-tun, as his father and Hazel Sylvers, a 4/4 Mi-chop-da, his mother.

(Application 6937, Roll 21)

19199 6938 Sylvers, Pablo Chico Wid M 66 6-22-1872  
1/2 Wintun

19200 6938 Cook, Carl Andrew [later Carl Delgado] M 16 4-10-  
1912

5/8 Wintun, Tehama County [grandson of Pablo Sylvers]  
Gen. Delivery, Chico, Ca.; "live on lands set aside for  
Indians by widow of John Bidwell"

Pablo Sylvers said his wife, Hazel Sylvers, died 12-23-  
1923; he identified his mother as Ellen Sylvers, a Wintun  
woman. He said his father, Charlie Sylvers, was a  
Mexican.

(Application 6938, Roll 21)

21476 6887 Wilson, Burney Head M 34 7-5-1894  
1/2 Con-cow, Butte Co.

Wilson, Catherine, No. 20801, enrolled with Margaret  
Acquina Wheeler, 20800

"Wife, Cora Wilson, application No. 9726, Roll No. 2. Lives  
on lands set aside for use of Indians by John Bidwell"

Burney Wilson identified himself as 1/2 Con-cow Indian, the  
son of Santa and Mandy Wilson. His wife, Cora, was 4/4  
Seneca from Oklahoma.

(Application 6887, Roll 21)

21581 6888 Wilson, Santa Head M 69 1-12-1899  
1/2 Concow, Butte Co.

21582 6889 Wilson, Mandy Wife F 65 12-14-1893  
1/2 Concow, Butte Co.

Box 95, Chico, CA.; never allotted; "live on lands set aside  
by will of John Bidwell"

Santa Wilson identified himself as 1/2 Con-cow; he said his  
mother, Jennie, was of the Con-cow Tribe; his father,  
Santa, was a Mexican

(Application 6888, Roll 21)

Mandy Wilson identified herself as ½ Con-cow Tribe; her mother was Wee-sum-to, a Con-cow woman and her father was an unknown white man.

(Application 6889, Roll 21)

21583 6885 Wilson Sherman Chico Head M 32 4-30-1896  
½ Concow, Butte Co.

21584 6886 Wilson, Margaret Chico Wife F 22 9-16-1906  
½ Concow, Mendocino Co. [Margaret Honde Geary, Round

Valley]

"Live on lands set aside for Indians by the will of John

Bidwell"

Sherman Wilson identified himself as ½ Con-cow Tribe, a son of Santa and Amanda "Mandy" Wilson. He said his parents were both ½ Con-cow.

(Application 6885, Roll 21)

Margaret (Hoxie) Wilson identified herself as ½ Concow, born at Covelo, Mendocino County, CA. She said her father was Wesley Hoxie, a ½ Con-cow Indian and that her mother, Maggie Pollard, was a ½ No-me-lacea of Tehama County, CA.

21908 6899 Young, Ernest R. Head M 36 8-17-1892  
½ Wintun and Mi-cho-da

21909 6990 Young, Elvira Wife F 41  
¾ Colusa County

Never allotted; "Live on lands set aside for use of Indians by Mrs. John Bidwell"

Ernest R. Young identified himself as ½ Mi-cho-da and Win-tun. His father, Lama Young, was ½ Mi-cho-pda; his mother, Harriet, was ½ Win-tun.

(Application 6899, Roll 21)

Elvira Young identified herself as ½ Indian of an unknown tribe. She said her father was Charley Bain and that her mother was Susan Bain, ½ Indian of the Noi-ma or Nue-muck Tribe of Colusa County and that Susan's father was Negro or Hawaiian.

(Application 6990, Roll 21)

(Bureau of Indian Affairs 1928-33)

## Purchase of Lands to Create the Chico Rancheria

The provisions made by John and Annie Bidwell for their former Indian employees were not transacted according to their plans. Although Annie Bidwell issued certificates of ownership to lots to the various Indian residents on the Bidwell ranch, none of the deeds was recorded in Butte County. Thus the guarantee of fee ownership of the properties was not achieved. The Home Mission Society of the Presbyterian Church declined to accept the responsibility as trustee of the two tracts of land: the residential area and the additional land to be used for endowment purposes. The failure of the Home Mission Society of the Presbyterian Church thus threw the responsibility for the Indian community back to the administrator of the Bidwell estate.

Guy R. Kennedy, Annie Bidwell's nephew and executor, proceeded as best he could to carry out his aunt's intentions. He permitted the Indian families to continue to reside on the Bidwell lands at Chico and he paid the taxes on the two properties: the residential tract and the tract for endowment purposes. Kennedy shared the role of executor with the Union Trust Company of San Francisco, a corporation that in 1923 merged with the Wells Fargo Bank. Kennedy's death on March 11, 1933, drove affairs in a new direction. The Annie Bidwell estate went into final probate for final disposition of its assets. No longer was there a trustee willing to pay the taxes on the land occupied by the "Bidwell Indians."

In anxiety about their residences, in 1934 the inhabitants of the "Mechoopda Indian Village" appointed Isaiah Conway and E. N. Lafonso as their representatives "in regard to our homes and any other matter that pertains to our interest." Fifteen residents signed the document selecting the representatives. The signers were: Mike Jefferson, Rufus Pullisa, Pablo Silvers, Homer Sylvers, Mrs. Emma Cooper, Evelyn S. Williams, Elvira Young, Eli Nuckolls, Bud Bain, Carl Delgado [aka Carl Cook, son of Martha Sylvers], Santa Wilson, Jodie Conway, Dewey Conway, Sherman E. Wilson, and Edward Wilson (Jefferson et al. 1934).

On March 25, 1935, the Superior Court of Butte County, California, issued a "Decree of Partial Distribution" of the remaining assets of Annie E. K. Bidwell. The principal concern of the court was numerous unpaid legacies and gifts of personal property as designated in Mrs. Bidwell's will and its codicils and of two tracts of real estate in the City of Chico. The court identified the land as follows:

Parcel 1: All of the right, title and interest of the above entitled estate in and to that certain real property located in the County of Butte, State of California, more particularly described as follows, to-wit:

Being a portion of the Rancho Arroyo Chico, beginning at an iron post on the northerly side of Sacramento Avenue at its junction with the westerly side of a street formerly known as Chestnut Street (being the easterly line of the present Indian Village, formerly known as Ma-choop-da Indian Village), the same being the southeasterly corner of Block F. Of Chico Vecino; thence northerly along the westerly line of Chestnut Street four hundred and forty-two (442) feet to the southerly line of First Street; thence westerly along the southerly line of First Street thirteen hundred and forty-two and 85/100 (1342.85) feet to the right of way line of the California and Oregon (now Southern Pacific) Railroad; thence southerly along said Railroad right of way four hundred and seventy-three (473) feet to the northerly line of Sacramento Avenue; thence easterly along said northerly line of Sacramento Avenue eleven hundred and seventy-four (1174) feet to the place of beginning.

Parcel 2: All of that certain real property situated in the City of Chico, County of Butte, State of California, more particularly described as follows, to-wit:

Beginning at a point on the southerly line of Sacramento Avenue at its intersection with the easterly right of way line of the California and Oregon (now Southern Pacific) Railroad; thence southerly along the easterly line of said Railroad right of way to a point marked by the intersection with said line of the northerly line of Lincoln Avenue produced; thence easterly along said northerly line of the extension of Lincoln Avenue to the extension of the easterly line of Parcel 1 hereinabove described, being the extension of the easterly boundary of the Indian Village formerly known as Me-choop-da Indian Village; thence along said extension of the easterly boundary of said Indian Village to the southerly line of Sacramento Avenue; thence westerly along the southerly line of Sacramento Avenue to the point of beginning.

The Superior Court of Butte County, in the probate, "distributed" these two parcels of land to Harris Pillsbury and defined his responsibilities. Pillsbury was given the authority "to sell at public or private sale, improve, lease, mortgage, convey in trust, pledge,



hypothecate, transfer, exchange or otherwise deal with the whole or any part of the trust property." The court further ruled:

The trustee shall hold the same trust estate in perpetual eleemosynary trust for the benefit of any Indians of Northern California, who may at any time be members of or residents of the Indian Village at Chico, California, sometimes known as Me-choop-da Indian Village, and the trustee shall use the entire net revenue and profit from the trust estate, if any, for the privilege and/or economic benefit of any or all of said Indians; in addition the trustee may in his discretion allow any or all of said Indians to use or reside upon any real property which may from time to time constitute a part of the trust estate (Superior Court of Butte County 1935) [Emphasis supplied].

The probate ruling of the Superior Court of Butte County thus was consonant with the terms of the wills of John Bidwell and Annie E. K. Bidwell in providing that the two parcels of land were for the "benefit of any Indians of Northern California" who were members of or residents of the Indian village at Chico. Neither the Bidwells nor the Superior Court named any tribe or particular Indian band as beneficiaries. The usage by both the Bidwells and the court was generic—"any Indians of Northern California."

Aware that the Department of the Interior might purchase the lands occupied by the Indians in Chico, the Butte County Supervisors on May 7, 1934, had resolved "to take such steps as may be necessary and will cancel the delinquent taxes of said lands as soon as the transfer is made to the United States Government or some other municipal or political subdivision" (Butte County Supervisors 1934). The involvement of the federal government on behalf of the Indians in Chico, however, was not forthcoming. When Agent Oscar L. Lipps of the Bureau of Indian Affairs expressed interest in 1935 whether or not these people could consider organizing under the Indian Reorganization Act of 1934, he received a firm "no" from John Collier, Commissioner of Indian Affairs. Collier's telegram read:

YOURS FOURTEENTH CHICO TRACT NOT NOW A  
GOVT RESERVATION HENCE INELIGIBLE FOR  
ELECTION AT PRESENT PROBABLY OPPORTUNITY  
LATER [Emphasis supplied]. (Collier 1935)

Rev. Pillsbury informed the Sacramento Indian Agency that he accepted the role of trustee "to provide the means for transferring title to the property to the Federal Government." Superintendent O. H. Lipps so reported to the Commissioner of Indian Affairs (Lipps 1935).

The Bureau of Indian Affairs continued an interest in the Bidwell property at Chico. In August, 1935, Agent Edward Post of the Sacramento Agency visited the community and found an Indian population of approximately sixty. He gave a bit of the community's history:

This village was established by General and Mrs. Bidwell at the time when many of the Indians in the vicinity of Chico were moved to the Round Valley Reservation. A group of Indians were kept at Chico by General Bidwell to work his ranch holdings, as a result the present village came into being and was maintained by General and Mrs. Bidwell during their lifetime.

At their death Mechoopda Indian Village was left to the Board of Home Missions of the Presbyterian Church, a corporation in trust as an endowment for the benefit of the Indian Village.

This property is described as blocks F-G-H in Chico Vacino Subdivision and consists of approximately 11 ½ acres, together with buildings to house the population. It is more particularly described as being bounded on the South by Sacramento Avenue, on the East by North Ivy Street, on the West by Southern Pacific R. R. Company, and on the North by First Avenue.

There is also another tract left in trust for these Indians, described in the will as being blocks 41, 42, 43, 44, 51 and 52 bounded on northwesterly side by Sacramento Avenue, easterly side by Chestnut Avenue, southerly side by Lincoln Avenue, and westerly side by Wat-te-o Avenue, as shown on a map made by W. A. Luey, Civil Engineer, April 1908, unpublished, unrecorded, and now lost, as being in Mansion Subdivision of John Bidwell Rancho

Post learned that the Home Mission Society had issued a quit claim deed to return the entire property to the Bidwell estate, but he could not find a copy of the agreement (Post 1935).

On June 4, 1938, Harris Pillsbury submitted to the Department of Interior a "Proposal for Sale of Land," the two tracts in Chico, California. Pillsbury stated that the land was for the "use and occupancy of the Me-choop-da Indians of California," a definition that did not reflect the terms established by the Superior Court of Butte County when it named him trustee in 1935. Pillsbury offered to sell the two tracts for \$3,000, to insure that the land was free of any lien or encumbrance, and that he would furnish the title insurance. Pillsbury explained in his proposal that the title "as it now stands is subject to the following conditions." The conditions were three defining clauses laid down in 1905 by Annie E. K. Bidwell: (1) Prohibition on any use of the land for the making or selling of "intoxicating liquors," (2) right to expel "such persons as may become habitually drunken, disorderly, or addicted to gambling," and (3) to "locate other Indians of good character" on the land. Pillsbury said that the only encumbrance on the land would be the three conditions, if the United States could not eliminate them by legal proceedings or if he could not nullify them (Pillsbury 1938).

On May 20, 1939, the Sacramento Abstract and Title Company issued a preliminary title report on the two tracts in Chico, properties proposed for transfer to the "United States of American, in trust for the Indians of Me-choop-da Indian Village." The company reported that there was a sewer lien of \$2,064.89 for 1934-35 and 1938-39 against the property (Sacramento Abstract and Title company 1939).

On July 31, 1939, William Zimmerman, Assistant Commissioner of Indian Affairs, provided a summary of efforts by the Bureau of Indian Affairs to purchase the two tracts in Chico. He advised Roy Nash of the Sacramento Agency that Butte County had cancelled \$1,494.11 in overdue taxes and that the City of Chico had cancelled its tax lien. Zimmerman advised Nash to proceed with payment to Rev. Morris Pillsbury for the property (Zimmerman 1939).

Dewey Conway, a resident in the Indian community in Chico, on October 7, 1939, sought clarification about the status of the land where he resided. An owner of the Arrowhead Indian Herbs Company, he argued that he was permitted to practice "herb remedies" without the oversight of the state Medical Board laws or for practicing medicine without a license (Conway 1939). Superintendent Roy Nash answered without equivocation on October 10, 1939:

. . . you are advised that the Chico land is a commonly known as a rancheria, that is, land that has been

purchased on behalf of the Government for certain Indians [Emphasis supplied]. For your information I quote as follows the notes found under Section 21 of Title 25, United States Code Annotated:

1. Power of congress in general with respect to liquor legislation in interests of Indians. Congress alone has the right to determine the manner in which the guardianship of the United States over Indians shall be carried out, and it [is] immaterial whether Congress designates a settlement as a 'reservation' or a 'colony' . . . .

13. Effect of section on other legislation. The federal prohibition against taking intoxicants into an Indian colony within a state does not deprive the state of its sovereignty over the area, since the federal government, by such prohibition does not assert exclusive jurisdiction within the colony . . . .

Enactments of the federal government to protect and guard its Indian wards only affect the operation with an Indian colony of such state laws as conflict with the federal enactments . . . (Nash 1939).

The Bureau of Indian Affairs drew a public voucher for \$3,000 on October 18, 1939, to pay Harris Pillsbury for the "Purchase of Lands for Landless Indians in California, Act of March 8, 1925, (Special Funds)" (Sacramento Indian Agency 1939). Rev. Pillsbury signed the voucher on October 21, 1939, and returned it to the Sacramento Indian Agency (Pillsbury 1939). The Bureau of Indian Affairs identified the source of its purchase funds:

The funds to be used for payment of the consideration of \$3,000 will be from the appropriation 'Purchase of Lands for Landless Indians in California, Act of March 3, 1925, Special Funds,' which appropriation repealed by Section 4(b) of the Permanent Appropriation Repeal Act, 1934 (48 Stat. 1227), was reappropriated and made available until expended for payment of obligations heretofore incurred or to be incurred hereafter as may be pertinent thereto, for the relief of landless Indians of that State, see the Act of August 9, 1937 (50 Stat. 564-573). This appropriation does not involve tribal funds of the Indians of the Me-choop-da Indian Village (Mendenhall 1940) [Emphasis supplied].

The chronology of events for the acquisition of the two tracts of the Chico Rancheria was as follows:

Deed dated January 7, 1939.

Deed recorded in Butte County, March 3, 1939, Vol. 225, p. 1113.

Deed dated February 16, 1939.

Deed recorded in Butte County, March 3 and May 5, 1939, Vol. 212, p. 418, and Vol. 224, p. 320.  
(Elliott 1940; Nasewytewa 1980)

The "Certificate of Title," No. 504, Order No. 44508, issued by the Title Insurance and Guaranty Company of Sacramento, stated that the "title to said property was indefeasibly vested in fee simple of record in United States of America, in trust for the Indians of Me-choop-da Indian Village, as of the 13<sup>th</sup> day of December, 1940, at 8:00 o'clock A.M. of said day, except as shown under Schedule 'B' hereof" (Boitang 1940).

On December 10, 1940, Edwin H. Hooper, chief clerk of the Sacramento Indian Agency, compiled an assessment of the "Possessory Rights" of the Chico Rancheria. He found the following:

# "Nature of Occupant's rights: The present occupants ['seventeen families of Indians who are members of the Me-chop-da Indian village'], or their ancestors, were given permission to live on this land by General John Bidwell. Upon his death, the land passed by will to his widow, Mrs. Annie Bidwell. Upon Mrs. Bidwell's death the land in question was bequeathed by her to the Indians of the Me-choop-da Indian Village, setting up a trust with the Board of Home Missions of the Presbyterian Church as trustees. The Board of Home Missions refused to accept the appointment as trustees and by court action Reverend Harris Pillsbury was appointed trustee. It was understood at the time Reverend Pillsbury was appointed that he would only accept appointment for a limited time, pending negotiations by the Government to acquire the land and assume trusteeship on behalf of the Me-choop-da Indian Village."

Hooper found a right-of-way for a road through Parcel 1 and three power poles erected by Pacific Gas and Electric Company. None of these improvements, he wrote, "interfere with the use of the property by the Indians and said poles have been on the property for many years" (Hooper 1940).

By the spring of 1941 the situation of the Chico Rancheria remained in limbo. Luemealia Freitas wrote to the Sacramento Agency seeking permission to get a lot on the Chico Rancheria. Edwin H. Hooper declined her request and wrote: "The land purchase at Chico and the organization of Indians residing there has not been completed as yet. Therefore, until the Chico Indians have had time to organize and are in a position to say who is to move onto the property, no one will be allowed to move onto the property" (Hooper 1941).

The records of the Bureau of Indian Affairs document the limited involvement of the federal government with the Chico Rancheria in the 1940s. John G. Rockwell, a field agent of the Sacramento Agency wrote on March 26, 1946, to C. C. King of the Butte County Welfare Department about the site: "Replying to your letter of March 1, you are advised that Mechoopda Indian Village is held in trust by the United States for the bona fide residents of the Village. The land only is held in trust by the government. Any improvements placed thereon belong to the individual Indians (Rockwell 1946). Rockwell's letter further confirmed that federal presence at Chico Rancheria was limited.

During the first eleven years of the existence of the Chico Rancheria there was no community organization, no minutes, and no vote on the Indian Reorganization Act. Finally, in the spring of 1950, the petition of Delta Psi Delta of Chico State College to obtain land for a fraternity house finally sparked a community response. The officers of the fraternity went to the Sacramento Agency to try to get a lot for the building they wanted to erect. The resident of the Chico Rancheria responded. In March, 1950, they appointed Elmer Lafonso to preside at a meeting and Mrs. Jodie Conway to take minutes. Conway's minutes documented what happened:

Action was then taken to establish a quorum for any meeting to take up or act on any matter of behalf of the Indians and there [sic] affairs of the Chico Rancheria. There being nineteen (19) resident voter's of the Rancheria a motion was made & seconded that eleven (11) members be present at any meeting to form a quorum before any action can be acted upon of the affairs of the Indians (Conway 1950).

The residents of the Chico Rancheria opposed sale or lease of a lot to the fraternity.

In the 1950s the Central California Agency of the Bureau of Indian Affairs developed an annual compilation of the rancherias, reservations, tribal councils, and representatives in California. In the "1953 Tribal Officers-Sacramento Area" the BIA enumerated forty-three reservations and rancherias, but had no data for Chico Rancheria. In the "1954 Mission Area" the BIA enumerated twenty-three groups, but had no data for Chico Rancheria. In "Tribal Council Data-Sacramento Area, March, 1955," the BIA enumerated 101 groups, including:

Chico Rep - Sherman Wilson, Rt 4, Box 192, Chico  
Date Last Election: [blank]  
Date Next Election: [blank]  
Term in Office: [blank]  
Treas. Bonded: [blank]  
Remarks: "No Committee"

The data of the Bureau of Indian Affairs from 1940 to 1955 thus confirms that the Chico Rancheria had no government document nor any governing body during the first fifteen years of its existence (Bureau of Indian Affairs, Central California Agency, n.d.).

On January 28, 1955, Agent Leonard W. Hill wrestled with the difficulties in assigning land on the Chico Rancheria. The problems were, in part, the lack of a membership roll, a land code, or any form of community government. Hill wrote Barton Greenwood, Commissioner of Indian Affairs:

It must be admitted that the Bureau is not on sound ground with respect to a decision in the case. However, the procedures proposed are in keeping with the practices currently employed on other reservations and in connection with one recent assignment on the Chico Rancheria itself. As to the qualifications for membership of Mr. Bud Bain, whether he is a Mechoupda Indian or not, he has been recognized for several years as a member of the group and the Bureau itself has made most of its contacts with the group through Mr. Bain as the recognized Spokesman, even though no formal election has ever been held or any organization perfected. On the other hand, Mrs. Cora Conway is not a California Indian and admitted as much in the meeting that I attended, stating that she was an Oklahoma Indian (Hill 1955) [Emphasis supplied].

Issues surrounding the assignment of land—that of the

Arrowhead Indian Herbs Company—compelled the Bureau of Indian Affairs in 1955 to prepare a “List of Assignees” of the Chico Rancheria. The list, dated December 18, enumerated “Heads of Families,” family members, their ages, and miscellaneous remarks. The “Heads of Families” were as follows:

Sherman E. Wilson, 59  
Harold S. Wilson, 25  
Marie Van Syckle, 42  
Bud Bain, 74  
Susan Clements, 91  
Emma Cooper, 78  
Homer Sylvers, 46  
Juanita Simpson, 42  
Eli Knuckols, 61  
Vernon Conway, 31  
Jodie Conway, 54  
Mary Asbil, deceased  
Jack Frango, deceased  
Rufus Pulisse, deceased  
George Barber, deceased  
Pablo Sylvers, deceased  
Billy Preacher, deceased  
Donna (LaFonso) Rickard, 43 [Nespelem, Washington]  
Genevieve (Lafonso) Aranda, 40  
Lama Young, deceased  
Evylin (Cooper)Williams, deceased  
Mrs. Amand Wilson, deceased  
Santa Wilson deceased  
William Conway, deceased  
Isaiah Conway, 61  
Roy Nuckolls, ?  
Ely Nuckolls, 60  
Myrtle Nuckolls, deceased  
Marguerite Henry, deceased  
Burney O. Wilson, deceased  
Luther Clements, 61 [Gerber, California]  
Eva (Wilson) Pierce, 57 [Oakland, California]  
Edward Wilson, deceased  
Martha Hidalgo, deceased  
(Bureau of Indian Affairs 1955)



## Termination of the Chico Rancheria

In 1953 House Concurrent Resolution 108 had identified the Indian rancherias of California as a target for termination of federal responsibilities. The development of the "Work Sheet for California Indian Reservations" in the years 1953-62 was an effort of the Bureau of Indian Affairs to find out with whom it needed to work as it put together plans for withdrawal of federal services and patenting of federal fee lands.

On December 20, 1955, the BIA completed its assessment of what it needed to do for termination of the Chico Rancheria:

Roads	\$3,000
Land Surveys	\$1,000
Other Legal Assistance:	\$3,000
Appraisal of Properties:	\$1,300
Programming & Planning:	\$3,000
Total:	\$11,400

This assessment of costs stemmed from site visits made by J. N. Lowe and M. A. Logsdon to Chico on December 7 and discussions of termination with Sherman E. Wilson and Carl A. Delgado on December 7 and 8. "Both of these gentlemen," noted Lowe and Logsdon, "were very favorable toward the proposal and are anxious to have the rancheria subdivided so individuals can develop their allotments." Sherman Wilson presided over a meeting on December 20, attended by the BIA and twenty members of the Chico Rancheria. The BIA report read: "The purpose of the proposed legislation was explained and discussed by the members of the group. Those present were unanimously in favor of asking the Government to seek authority to complete its responsibility and allot the land in fee to the various members of the tribe" (Bureau of Indian Affairs 1955a).

In 1955 the community of the Chico Rancheria drafted its first constitution and by-laws, identifying the document as organizing "all eligible voters of the Chico Indian Rancheria enrolled at the Sacramento Indian Agency, Sacramento California, as The Machoopda Indians." Article 3 of the draft constitution defined membership:

Those chosen and listed as beneficiaries and their heirs in the will left by Mrs. Annie E. K. Bidwell who have attained the age of 21 or, although less than 21, are married and are not less than

18 years of age, shall comprise the membership of the General Council and shall be entitled to vote at all General Council meetings" (Machoopda Indians 1955:1)

The constitution thus based membership in the community not by tribe, nor by band, nor by Indian descent, but on the terms in the will of Annie E. K. Bidwell. Mrs. Bidwell had excluded any drunken, troublesome, or criminal Indians from her property. The Butte County Court, in the final probate of her will, had defined the beneficiaries of residency on the Bidwell as "any Indians of Northern California" (Machoopda Indians 1955b).

The residents of the Chico Rancheria took no action on the draft constitution. Months passed. In May-June, 1957, the *Sacramento Bee* and other newspapers reported on pending rancheria termination bills. On June 1 a feature article discussed the potential impacts of termination on the elderly residents of the Chico Rancheria. Agent Leonard Hill sent copies of the articles to the Commissioner of Indian Affairs and noted:

We believe the author of this article [June 1], in an effort to emphasize the plight of old people generally, has overemphasized the problem as it relates to the people of Chico Rancheria. Generally speaking, this band of Indians is well integrated into the non-Indian community life. Unfortunately, the author of the article did not interview the leaders and officers of the group. It would be mentioned that this group previously proposed to write and sponsor a terminal bill of their own but consented to join forces with the other rancheria groups in sponsoring H.R. 6564 (Hill 1957a).

On August 12, 1957, Agent Hill, anxious about pending termination, wrote to Isaiah Conway: "Since the Chico Rancheria is not formally organized and there is not a constitution and by-laws containing membership regulations, it probably will be necessary to prepare such membership requirements or regulations in order that a determination can be made as to eligibility to appear on the roll" (Hill 1957b) [Emphasis supplied]. The staff of the Bureau of Indian Affairs began pressing residents the Chico Rancheria to organize so that it would have a membership roll to distribute the assets of the rancheria when it was terminated. In short, the Tribe was being organized so that it could be terminated.

During the spring of 1958 the staff of the Sacramento Area Office, BIA, revised the draft constitution and by-laws of the Machoopda Band of Indians of the Chico Rancheria. Ten Broeck Williamson, Area Director, attended a meeting at Chico Rancheria in July and noted on July 20: "The first order of business was a discussion of the constitution and by-laws which was redrafted in this office and returned to the rancheria on March 28, 1958. Following a reading and discussion of the document, it was resolved by a vote of 14 to 0 that the document be sent to the Central Office for the approval of the Commissioner (Williamson 1958). Area Director Hill forwarded the constitution and bylaws to the Commissioner for his approval and lamely observed on September 5, 1958: "Although the Chico Rancheria is among those included in the Rancheria Law, 85-671, we believe that it would be desirable to have the constitution approved and placed into use" (Hill 1958) [Emphasis supplied].

On August 18, 1958, Congress passed P.L. 85-671, the California Rancheria Termination Act. The Chico Rancheria was one of several identified in this law. On June 21, 1959—ten months after termination by Congress—the Commissioner of Indian Affairs approved the constitution and by-laws of the Chico Rancheria (Emmons 1958). Since Congress had severed the federal relationship with the community, the legality of the Commissioner's approval of the governing document was problematic. Moreover, there is no evidence that the constitution and by-laws even were forwarded to the Secretary of Interior for approval.

On March 21, 1960 Commissioner Glenn F. Emmons reported to Area Director Leonard M. Hill that his staff had reviewed and revised the proposed plan for distribution of assets of the Chico Rancheria. He wrote:

As you know, the Constitution and By-laws of the Machoopda Indian Band of the Chico Rancheria was approved (June 21, 1959) after the passage of the Rancheria Act. One of the reasons why this Band was organized was to assist in the determination of how the rancheria assets were to be divided under the Rancheria Act. The terms of the plan do not state that the new organization participated in the preparation of the plan, but indications are that the General Council did assist. In order that the terms of the plan may reflect the assistance rendered by the Machoopda Indian Band in the preparation of the plan, we suggest that the final sentence of the plan read, after the date of

February 26, 1959, 'with the assistance of the General Council of the Machoopda Indian Band.' The General Council and the distributees are probably the same people, but showing them as the Council rather than as distributees gives significance to their organizational document (Emmons 1960a).

The Bureau of Indian Affairs thus attempted to create an atmosphere of legitimacy to the development of the distribution plan for the Chico Rancheria, even to the extent of inserting words to imply involvement of the General Council.

Commissioner Emmons then supplied the language to define the beneficiaries of the termination proceeds:

The Indians recognized by the group as entitled to share in the assets of the rancheria are those persons of Indian blood living on March 1, 1958, whose names appear on the list of beneficiaries in the will of Mrs. Annie E. K. Bidwell, and first generation descendants of beneficiaries even though such beneficiaries were not living on March 1, 1958 (Emmons 1960a).

On March 11, 1960, Commissioner Emmons issued the "Plan for the Distribution of the Assets of the Chico Rancheria, According to the Provisions of Public Law 85-671, Approved August 18, 1958." The plan identified the two land parcels in the rancheria. Parcel 1, lying between First and Sacramento Avenues and Mechoopda and North Cedar Streets—included 49 lots, one of them the cemetery. Emmons reviewed the history of the rancheria and noted:

The Me-Choopa-Da Indian Village was originally established by General and Mrs. John Bidwell for the benefit of Indians in their employ. In 1909 Mrs. Bidwell deeded Parcel 1 to the Board of Home Missions of the Presbyterian Church for the benefit of these Indians. When Mrs. Bidwell died her will left Parcel 2 to the Board of Home Missions; however, by court order a trustee was appointed for both parcels and they were deeded in 1939 to the United States of America in trust for the Indians of the Me-Choopda Indian Village for a sum, which included delinquent taxes and certain assessments. The Indian residents of the village were also individually mentioned in Mrs. Bidwell's will" (Emmons 1960b:2) [Emphasis supplied].

"The Plan for Distribution" provided for conveying Lots 19, 23, and 49 (including the cemetery) to a "legal entity organized to accept

them." It provided for road upgrades, sale of parcel 2 and the distribution of those proceeds, revoking of the constitution and by-laws, conveying of lots to individuals, and other provisions. The plan for distribution of the residential lots confirmed that the BIA identified different classes of residents at the Chico Rancheria:

2. Convey ownership of Lot Nos. 1 and 25 to the Indian(s) who occupied these lots for at least a year immediately previous to March 21, 1960. It is understood that this conveyance does not make the individuals concerned members of the Me-Choopda Indian Band of the Chico Indian Rancheria, nor does it make them eligible to participate as distributees in assets to be taken in community ownership or in division of proceeds from the sale of Parcel 2.

Lot Nos. 1 and 25 merely read "Occupant" on the map and in the roster of distributees (Emmons 1960b:3-10). Marie Van Scykle resided on Lot No. 1; Bud Bain resided on Lot No. 25 (Abbott 1960).

The BIA's "Plan for Distribution" led to the filing of a formal protest on April 25, 1960, by Robert E. Laughlin, attorney in Chico. Bud Bain, a resident of the Chico Rancheria for more than sixty years, Maire Bain Kai Van Syckle, Ruth Kai Carreras, and Lorraine Kai Santos objected to the "Plan for Distribution." They argued that were entitled to share in the distribution of the real property of the Chico Rancheria, that they had been excluded from the plan, that the distribution was "arbitrary and discriminating," and that the plan deprived them of "valuable property right without due process" (Bain et al. 1960:1-2).

The Bain family reminded the BIA that the terms of Annie E. K. Bidwell's will of 1918 provided that the Home Mission Board "might locate other Indians on such lots as might become vacant." The protest further reviewed the order of the Butte County Court in the probate of Mrs. Bidwell's estate, the naming of the special trustee, and stated that the "protestants are and have been for many years 'Indians of the Me-choopa-da Village' and are beneficiaries of said trust" (Bain et al 1960:3).

The Bain protest confirmed the lack of a functioning government among the residents of the Chico Rancheria:

For many years there has been non [QUESTION FROM Dennis J. Whittlesey: is the word "non" or "no" in the document?] chief or council or other recognized

governing body in respect to the Indians of the Chico Rancheria. The individual Indians have come and gone as their employment or their wishes dictated. Most of the residents who attained professional status or financial success moved from the Rancheria. The Bureau of Indian Affairs has had little concern with the property and has been relatively inactive in respect to its administration or improvement (Bain et al 1960: 3) [Emphasis supplied].

The Bain protestants noted that on November 10, 1954, Area Director Hill had identified Bud Bain, Marie Van Syckle, and Mrs. John (Genevieve) Aranda as residents of the rancheria and, among the non-resident members, he listed Mrs. Lorraine Santos (formerly Saucedo). They pointed out that on December 28, 1955 that the petition for distribution of the real property of the rancheria included the name of Bud Bain (Bain et al 1960: 3-4).

The Bain protest argued that just because members of their family were not explicitly identified in the monetary bequests of Annie E. K. Bidwell in 1918 such exclusion did not bar them from sharing in the benefits of the rancheria property. They argued that Mrs. Bidwell's bequests were "individual money bequests and for no other purpose" whereas P.L. 95-671 "was enacted for the benefit of all the indians of the Chico Rancheria, not just for the benefit of those whose ancestors were fortunate enough to receive bequests of money from Mrs. Bidwell" (Bain et al 1960: 4-5).

The Bain protest further observed:

It will be noted, that of the 45 distributees under the plan, only 7 of them reside on the Chico Rancheria. Thirty-two of them do not even live in the county in which the property is situated and 7 of the 32 do not even live in the State of California. The interest of the great majority of the distributees is not in having the land for their uses as a residence but lies in the money which will accrue to them by reason of its sale.

The plan is further inequitable because it favors some families to the exclusion of others. The plan was proposed by the Nuckolls family (10 of whom have full distributive shares), the Sylvers family (6 of whom have full distributive shares), the Clements family (4 of whom have full distributive shares), the Wilson family (11 of whom have full distributive shares), the Conway

family (3 of whom have full distributive shares), the Aranda family (4 of whom have full distributive shares), the Azbill family (3 of whom have full distributive shares). One member of the Wilson family (Ruth Payne) was included as an 'adopted' child. She is an Oklahoma Indian and she has never resided on the Chico Rancheria except for a few months when she was a child. Bernice Rogers and Mary Jane Pomeroy were included in the Nuckolls family to receive shares and they have never resided on the Rancheria. Barbara Jean Beasley, Darwin Nuckolls and Alfred Nuckolls were included in the Nuckolls family to receive shares and they have never resided on the Rancheria. Earl Clements and Joyce Dranon were included in the Clements family to receive shares and they have never resided on the Rancheria (Bain et al. 1960:5-6) [Emphasis supplied].

On November 23, George W. Abbott of the BIA wrote to Robert E. Laughlin, attorney for the Bain family, stating: "Our ruling that Mrs. Van Syckle and Mr. Bain are to receive lots 1 and 25 respectively does not make them members of the Me-choop-Da Indian Band of the Chico Indian Rancheria. They do not meet the membership requirements" [Emphasis supplied] (Abbott 1960).

On December 11, 1960, the distributees of the BIA's plan for the assets of the Chico Rancheria approved it by a vote of 35 to 2 (Hill 1960a). On December 13, 1960, Area Director Hill confirmed that the plan was final and that the BIA could proceed to sell the fourteen acres of Parcel 2 to the State of California to become part of Chico State College (Hill 1960b). On December 21, 1960, Ten Broeck Williamson of the BIA sent to the Chico Rancheria a draft "Articles of Association of Nonprofit Association." The proposed organization was to take over ownership and management of Lots 19, 23, and 36, parts of Parcel 1 that included the cemetery (Williamson 1961).

The distributees of the assets of the Chico Rancheria in 1962 created a non-profit association with forty-six shares of stock (Me-choop-da Tribe Association 1962). On January 25, 1964, by a vote of twenty to zero the Mechoopda Indian Band revoked its constitution and bylaws. Henry Azbill and Thelma L. Wilson attested to the validity of the vote (Mechoopda Indian Band 1964).

## Chico Rancheria Was Never a Reservation

On April 8, 1864, Congress legislated the organization of Indian affairs in California. Among the provisions of this enabling statute was the provision:

That there shall be set apart by the President, and at his discretion, not exceeding four tracts of land, within the limits of said state, to be retained by the United States for the purposes of Indian reservations, which shall be of suitable extent for the accommodation of the Indians of said state, and shall be located as remote from the settlements as may be found practicable, having due regard to their adaptation to the purposes for which they are intended:

*Provided*, That at least one of said tracts shall be located in what has heretofore been known as the northern district;

*And provided, further*, That if it shall be found impracticable to establish the reservations herein contemplated without embracing improvements made within their limits by white persons lawfully there, the Secretary of Interior is hereby authorized and empowered to contract for the purchase of such improvements, at a price not exceeding the fair valuation thereof, to be made under his direction. But no such contract shall be valid, nor any money paid thereon, until, upon a report of said contract and said valuation to Congress, then same shall be approved and the money appropriated by law for that purpose;

*And provided, further*, That said tracts to be set apart as aforesaid may, or may not, as in the discretion of the President may be deemed for the best interests of the Indians to be provided for, include any of the Indian reservations heretofore set apart in said state, and that in case any such reservation is included, the same may be enlarged to such an extent as in the opinion of the President may be necessary, in order to its complete adaptation to the purposes for which it is intended (U.S. Congress 1864: 39-41)  
[Emphasis supplied].

Known as the "four reservations act," the 1864 statute has never been rescinded by Congress. Congress did, however, provide in 1891



and 1907 for the purchase of reservation lands for the relief of the Mission Indians. Congress took particular care in defining which bands and tribes were covered by these two acts. For example, it excluded the Chemehuevi tribe from the 1907 statute because that tribe did not qualify as Mission Indians. Its alleged "reservation" on the west bank of the lower Colorado River was thus the function not of a treaty, executive order, or Act of Congress, but exists merely on the basis of an order of the Secretary of Interior withdrawing the lands from further sale or homesteading.

On March 3, 1925, Congress authorized the purchase of federal fee lands for landless Indians in California. Some of these funds were reappropriated in the Act of August 9, 1937 (50 Stat. 564-573) and were used by the Bureau of Indian Affairs to buy lands for more rancherias. In 1939 the federal government purchased the site of the Chico Rancheria using these monies. The purchase and holding of title in fee simple by the United States did not make the Chico Rancheria a reservation. The purchase of the real property from Harris Pillsbury was merely for the purpose of creating a home for landless Indians of northern California.

## Conclusions

This report has presented an overview of the history of the creation, operation, termination, and distribution of the assets of the Chico Rancheria. The report is founded on an extensive exploration of primary documents and leads to the following conclusions:

1. The word "Mechoopda" (and its several variant spellings) referred to a village, or perhaps two villages, approximately four miles south of the City of Chico in the watershed of Butte Creek. Linguist C. Hart Merriam also used the word to identify one of fourteen band or dialectic groups of Maidu, a collective usage founded on his field work with Maidu informants in the first three decades of the twentieth century.
2. Following his supervision in 1843-44 of Indian laborers in the employment of John Sutter, John Bidwell began extensive use of Indian labor in his mine on the American River and at Rancho Arroyo Chico. In anticipation of death, Bidwell in his will in 1897 made provision for a place of residency for the Indian laborers and their families who had served him for a half century. Bidwell

instructed the Home Mission Board of the Presbyterian Church to expel from residency on his property any Indians who became dissipated, troublesome or criminal. John Bidwell identified no specific tribe as beneficiary to his philanthropy.

3. Annie E. K. Bidwell deeded in 1909 Parcel 1, a residential tract on Rancho Arroyo Chico, to the Home Mission Society of the Presbyterian Church to hold in trust for the Indians who had worked for her and her late husband. Mrs. Bidwell instructed the Mission Board to expel any Indian "habitually drunken," "disorderly," or "addicted to gambling." She also gave the Mission Board the instruction to "locate other Indians of good character" on the property. Annie Bidwell identified no specific tribe as beneficiary to her philanthropy.
4. In 1914 W. C. Randolph of the BIA visited the Indian village on the Bidwell ranch and observed: "I do not believe that these Indians belong to any particular band, but are remnants of various small bands, original living in Butte and nearby counties." Randolph identified no tribe as having a beneficial interest or control over the village on the Bidwell ranch.
5. The BIA enrollment of California Indians, 1928-33, enumerated many of the Indians of the Chico Rancheria. The affidavits executed by these people confirmed the observation made in 1914 by Agent Randolph. The village was made up of people of Wailaki, Concow, Noi-ma (Mue-muck), Mi-chop-da, Sioux, Pit River, Yuki (Ukie), Wintun, Hawaiian, African-American, and white ancestry. Some were unable to name the Indian band from which they were descended.
6. In 1935 the Butte County Superior Court in the final probate of the estate of Annie E. K. Bidwell appointed Harris Pillsbury trustee of Parcels 1 and 2. The court told Pillsbury to "hold the same trust estate in perpetual eleemosynary trust for the benefit of any Indians of Northern California, who may at any time be members of or residents of the Indian Village at Chico, California, sometimes known as Me-choop-da Indian Village . . . ." The court, in its reading of Mrs. Bidwell's will, clearly understood that Indian residency on the Bidwell property was open to "any Indians of Northern California." It named no tribe or band as beneficiary, excepting the mixed population of the "Indian Village at Chico, California."

7. Harris Pillsbury acted as trustee for the Chico Rancheria from 1935-39 in full awareness that residency on the property was defined by the terms of the will of Annie E. K. Bidwell. He expressed to the BIA his responsibility to prohibit the residency of "any Indian "habitually drunken," "disorderly," or "addicted to gambling." During Pillsbury's tenure as trustee, no tribe or band was identified as having beneficial interest in the property excepting those individuals who met the terms of Mrs. Bidwell's will.
8. In 1935 Commissioner John Collier ruled that the Chico Rancheria was not a government reservation and ineligible to vote on the Indian Reorganization Act. The residents of the Chico Rancheria never voted on nor organized under the I.R.A.
9. In 1939 the Bureau of Indian Affairs, using re-appropriated funds from the "Purchase of Land for Landless Indians in California Act of March 3, 1925," bought the two land parcels from Harris Pillsbury who used the funds to pay off remaining liens against the property. The deed recorded title vested in "United States of America, in trust for the Indians of Ma-choopa-da Indian Village." The individual Indians with beneficial interest were not those of any tribe or band, but those who had met the residency requirements to 1939 as defined by the wills of John and Annie E. K. Bidwell.
10. From 1939 to 1950 there is no evidence of any community government on the Chico Rancheria. The request of Delta Psi Delta to obtain a lot for a fraternity house prompted a meeting of the residents in 1950 to oppose the project. In 1955, sixteen years after federal ownership, the BIA found no government. Commissioner Greenwood wrote: "It is apparent that this group has never submitted a definite membership roll; that no official and accepted survey of the lot and block subdivision of this rancheria is available and that the group does not have an approved land code." That same year Area Director Hill noted that "no formal election has ever been held or any organization perfected."
11. The residents of the Chico Rancheria drafted a constitution in 1955. It was redrafted by the BIA in the spring of 1958. Article 3 defined membership in the "Machoopda Indian Band" as "All persons of Indian blood living on March 1, 1958, whose names appear on the list of beneficiaries in the will of Mrs. Annie E. K. Bidwell" and, secondly, to "All children born to members of the

Machoopda Indian Band, including children born to beneficiaries named in Mrs. Bidwell's will, even although such beneficiaries were not living on March 1, 1958." Membership was thus not a function of tribal or linguistic background but was determined by Mrs. Bidwell's will. The will established standards for residency based on moral values not on tribal affiliation or the existence of a tribe.

12. The Bureau of Indian Affairs expedited the creation of a community government at the Chico Rancheria to set the stage for termination of federal supervision and distribute the assets of the rancheria.

On July 20, 1958, the community adopted a constitution and by-laws.

On August 18, 1958, Congress passed the Rancheria Termination Act.

On January 21, 1959, the Commissioner of Indian Affairs approved the constitution and by-laws of the Chico Rancheria.

13. The Bureau of Indian Affairs created a plan to distribute the assets of the Chico Rancheria and tweaked the plan by inserting words to suggest that the General Council of the Mechoopda Village had participated in its development. The plan identified the beneficiaries of the asset distribution by the terms of Mrs. Annie E. K. Bidwell's will, namely those persons or their descendants who met her standards of moral conduct.
14. Bud Bain, his daughter, and granddaughters protested the BIA's distribution plan. Mrs. Bidwell had found Bain's moral character lacking and had tried to drive him off her property. He did not leave and remained for decades, but neither Bain nor his wife, a member of the Slack family, were named in Mrs. Bidwell's legacies. The Bain family—residents of the village—received two lots but did not qualify for distribution of other assets. The Bureau of Indian Affairs thus followed the will of Annie E. K. Bidwell and its inclusion into Article 3, Membership, of the Machoopda Indian Band as determining asset distribution of the rancheria.
15. The Chico Rancheria was never an Indian reservation. Congress set the number of reservations in California at four in 1864 and legislated exceptions only in the case of the relief acts of 1891

and 1907 for the Mission Indians of California. The lands purchased by the BIA under funding appropriated in 1925 and 1937 were used for rancherias, not reservations. The land was federal fee land. In the case of the Chico Rancheria, for example, all structures and improvements belonged to residents, not the government.

16. In the Rancheria Termination Act of 1958 Congress terminated federal ownership of the Chico Rancheria. The federal government had never entered into a government-to-government relationship with a tribe on the Chico Rancheria. The community was multi-tribal and multi-ethnic. When the Commissioner of Indian Affairs approved the Mechoopda Band constitution and by-laws in 1959, Congress had already legislated the termination of federal land ownership of the Chico Rancheria.
17. When rancheria terminations were reversed through stipulated settlements of federal litigation, the federal courts did not determine that the lands within the former Chico Rancheria were "Indian Country" but rather the settlement documents provided that rancherias would be restored to the status they enjoyed prior to Termination. Thus, there was no establishment through the stipulated judgments of what had never been. And an agreed judgment would not reverse the fact that the Chico Rancheria was never an Indian tribe with a federal government-to-government relationship.

The Chico Rancheria was a place of residency of Indians whose entitlement to live there was a function not of tribe, nor language, nor ethnicity, but of the dictates of John and Annie E. K. Bidwell of the moral behavior of their former employees. The federal government accepted the Bidwells' definition when, in distribution of the assets of the Chico Rancheria, it excluded the family of Bud Bain, excepting for ownership of the two lots where family members resided in 1958.

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