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DRAFT REPORT

**UNITED STATES' INTENT AND THE CREATION
OF THE TULE RIVER INDIAN RESERVATION**

Report prepared for
Tule River Indian Tribe
Porterville, California

by

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CHAPTER 1
ANTHROPOLOGICAL STUDY OF ABORIGINAL GROUPS
IN THE TULE RIVER AREA

I. Prehistory of the Upper San Joaquin Valley

Relatively few archaeological studies have taken place within the upper San Joaquin valley of California. Early work, conducted in the 1920s and the 1930s occurred within the area traditionally occupied by the Southern Yokuts Tribes, that is the area in the vicinity of Tulare, Buena Vista and Kern Lake. These studies, which included the examination of artifact collections owned by private residents, as well as a review of material collected at new excavations, produced many artifacts and human remains.¹

A striking aspect of the material cultural assemblages described in these two studies is the wide variety of artifacts. Material cultural items include artifacts made wholly or in part of asphaltum; clay artifacts including beads and shards from vessels; artifacts made of woven fiber, including basketry, cordage for netting, and matting; artifacts of steatite (soapstone) including arrow straighteners, vessels and small items such as beads; chipped stone artifacts, such as projectile points and knives; bone implements, including awls, and bi-pointed "needles"; ground stone implements including those associated with plant processing, and artifacts that are believed to be associated with fishing technology; and decorative artifacts such as beads and pendants made of marine shell. In addition to this wide variety of artifacts, excavators revealed the remains of semi-circular house pits with the impressions of post molds, and associated fire hearths. (Due to the period of time during which these early studies took place, this cultural material was not dated in any "absolute" fashion.)

More recent archaeological investigations have provided a slightly more refined chronological sequence of human occupation of the southern valley area. The earliest occupation

¹ D.W. Gifford and W. Egbert Schenck, "Archaeology of the southern San Joaquin Valley, California," University of California Publications in American Archaeology and Anthropology, Volume XXIII, 1926, *passim*.; Waldo R. Wedel, *Archeological Investigations at Buena Vista Lake Kern County, California*. Bulletin 130, Smithsonian Institution Bureau of American Ethnology, (Washington: Government Printing Office, 1941, *passim*.)

identified thus far appears to have occurred around 8,000 years ago. This "Paleo-Indian" occupation is similar to early occupation sites from other areas of the United States, in that the artifacts collected from this occupation are those that would be used by a people primarily oriented towards the exploitation of big game.

Artifacts collected from later occupations indicate that people in this area had developed a more broad-based subsistence economy that included the exploitation and processing of various plant components. The most recent archaeological manifestation includes the remains of a prehistoric lifestyle similar to that observed among the Yokuts at the time of European contact. (Indeed, some of the early excavations occurred at the locations of Yokuts village sites deduced from historical documents — and likely represent protohistoric occupation sites.) Although Wedel indicated that he believed that the Yokuts cultural pattern had no great time depth in this area, later researchers indicate that this pattern (which includes a diversified strategy of resource procurement, abundant material goods and a semi-permanent settlement system), may have existed within the southern valley area for at least the last 2000 years.²

II. Aboriginal Title

At the time of European contact Yokuts Indian tribes occupied the entire San Joaquin River valley, from the foothills of the Tehachapi Mountains in the south, northward to the mouth of the drainage near the present day site of Stockton. The Tule River proper represents a tributary of this great watershed, and the Tule River Indian Reservation is located near the southeastern perimeter of the San Joaquin drainage basin. Although most historical documents make reference to the "Tule River Indians", among Native American people there never existed a political or ethnic entity known specifically as the Tule River Indians. Rather, the Indians residing in the vicinity of Tule River and the current reservation would have defined themselves as belonging to one of approximately 50 Yokuts Indian Tribes.

² Wedel, *Archeological Investigations at Buena Vista Lake Kern County, California*, passim.; William J. Wallace, "Southern Valley Yokuts," Volume 8 (*California Handbook of North American Indians*, 20 vols. William C. Sturtevant, general editor, (Washington: Government Printing Office, 1978), passim.

The term Yokuts comes from the native word *yokoch*, meaning person. The Spanish described the Yokuts as "Tularenos" or "people of the rush marshes", a description which Kroeber indicated was close to the Yokuts' ethnic definition of themselves.³ Basically, the term "Yokuts" describes a large group of linguistically related people, divided into many small tribes or "tribelets", each with a distinctive dialect, a name, and a territory. However, beyond the tribe, there was no land owning authority, and the Yokuts Indians would be regarded as a "non-political, ethnic" nationality.⁴

Researchers estimate that prior to european contact, there may have been as many as 50 Yokuts tribes. The existence of at least 40 tribes has been documented, however by the time that early ethnographers began working in this area, the Spanish had already forced the Yokuts groups at the north end of the San Joaquin valley into missions. Thus the estimate of 50 Yokuts tribes is based upon a comparison of the "empty" area at the north end of the valley with the number of tribes occupying the southern portion of the valley. Estimates of the aboriginal Yokuts population range between 18,000 and 22,000 people. The average number of people within each tribe or tribelet is estimated as 350.⁵

Kroeber indicates that the degree to which Yokuts groups at the south end of the valley could understand groups at the north end of the valley was unparalleled among Native American groups within California.⁶ The exceptions to this linguistic similarity include some of the tribes located far south in the Sierra Nevada foothills, which possessed dialects rather distinct from one another. This dissimilarity in dialects between different Foothills tribes, as well as between Valley and Foothill tribes, could be attributed to any of several factors, including 1) isolation from their closest Yokuts neighbors due to the character of their specific territories 2) their

³ A. L. Kroeber, *Handbook of the Indians of California*, Bulletin 78, Smithsonian Institution Bureau of American Ethnology, (Washington: Government Printing Office, 1925), passim.

⁴ A. L. Kroeber, "The Nature of Land-Holding Groups in Aboriginal California," *Aboriginal California: Three Studies in Culture History*, Robert F. Heizer, ed., (Berkeley: University of California, 1966), p. 100.

⁵ Kroeber, *Handbook of the Indians of California*, passim.; S. F. Cook, "The Aboriginal Population of the San Joaquin Valley, California," *Anthropological Records*, Volume 16, Number 2, 1955, passim; A. L. Kroeber, "The Nature of Land-Holding Groups in Aboriginal California," *Aboriginal California: Three Studies in Culture History*, Robert F. Heizer, ed., (Berkeley: University of California, 1966), passim.

⁶ Kroeber, *Handbook of the Indians of California*, passim.

association with other groups of Indians such as Shoshonean and Chumash Indians, and/or 3) successive waves of migration from the north part of the Yokuts territory into the foothills area.

Anthropologists have traditionally described individual Yokuts Tribes as belonging to one of three major divisions, these divisions being dependent upon the geographical position of a tribe within the San Joaquin valley. Thus there are the Northern Valley Yokuts, the Southern Valley Yokuts and the Foothills Yokuts. Individual tribes within each of these divisions possessed similarities in terms of linguistic dialect and other cultural values (such as subsistence strategies) that made them more similar to one another than to Yokuts Tribes within other divisions.

Today, descendants of both Southern Valley Yokuts Tribes and Foothill Yokuts Tribes occupy the Tule River Indian Reservation. Kroeber indicated that (in 1925), the largest proportion of people living on the Tule River Indian Reservation were members of the *Yauelmani* (*Yawelmani*) Tribe — one of the Southern Valley Tribes that occupied an extensive territory including the area in the vicinity of the Paso Creek "below the Tejon ranch house."⁷ Wallace indicates that the Yawelmani dialect became the dialect normally spoken by the Indian people on the Tule River Indian Reservation's *lingua franca*.⁸ Other Southern Valley Indian Tribes represented on the reservation include the Koyeti and the Chunut. Foothills Indian Tribes represented on the reservation include the Wukchamni, the Yaudanchi (*Yawdanchi*), the Bokninuwad, and the Hometwoli (*Humetwadi*, *Homtinin*).

III. Aboriginal Land Use Patterns — Settlement and Subsistence Strategies

As stated above, one of the character-defining features of tribal groups is the concept of the ownership of a territory. In addition to a distinct dialect, each Yokuts Tribe possessed a recognized territory within which members of the tribe possessed certain proprietary rights —

⁷ Kroeber, *Handbook of the Indians of California*, p. 482.

⁸ Wallace, "Southern Valley Yokuts," *passim*.

such as the right of residence and the right to resources.⁹ However, recognition of territorial rights does not necessarily imply exclusive use of an area, rather there may have been some overlap in territories and different tribes likely shared resource extraction sites.

Kroeber estimates that the average territory for each tribe (average size of 350 people), would have been about 250 square miles.¹⁰ Within this territory, there may have been one or more relatively permanent settlements.

The population of a Yokuts tribelet ... sometimes lived most of the year and mainly in one principal village which might have the same name as the community itself. In other cases, and perhaps more often, however, there were several synchronous settlements in a tribelet, of which one would be the largest and recognized as dominant.¹¹

Although all Yokuts groups can be described as subsistence hunters and gatherers, differential distribution of resources within various regions of traditional Yokuts territory resulted in differences in resource orientation and emphasis. In a general sense, it can be said that the subsistence strategy of the various Yokuts tribelets was determined by their geographic position within the valley — the largest differences occurring between tribelets that occupied the valley floor, and those that occupied the foothills.

For example Wallace indicates that the fifteen Southern Valley Yokuts Tribes occupied the areas adjacent to three, low-lying, shallow lakes named Tulare, Buena Vista and Kern, as well as the system of freshwater sloughs and tule marsh that formed between the lakes and their tributary streams — the Kings, Kaweah, Tule and Kern Rivers.¹²

Adjacent to all these waters lay an extensive swamp or tularia, which shrank and expanded seasonally. Besides providing an inexhaustible supply of animal and

⁹ An extensive trade network with neighboring groups (including other Yokuts Tribes and tribes from different ethnic groups), provided an outlet for acquisition of goods of relative scarcity within a particular territory.

¹⁰ Kroeber, "The Nature of Land-Holding Groups in Aboriginal California," *passim*.

¹¹ *Ibid.*, p. 98.

¹² Wallace, "Southern Valley Yokuts," *passim*.

plant foods; the contiguous rivers, sloughs, and lakes served as a waterway for travel.¹³

Yokuts Tribelets in the southern valley practiced a subsistence strategy primarily dependent upon the abundance and variety of aquatic foods including fish, fresh water mussels, aquatic plants and some reptiles (i.e. turtles). Migratory and resident waterfowl provided another important source of food, as did the ubiquitous tules. Tules also supplied much of the raw material for making material cultural items such as baskets and boats.

Wallace states that Southern Valley Yokuts fished year round. They people used a variety of methods to collect fish including the use of large drag nets or smaller hand-held nets; spearing fish from covered scaffolding; trapping fish in submerged conical basketry traps; and shooting fish with bow and arrow. Similarly, the Southern Valley Yokuts obtained waterfowl through a variety of means including the use of nets and snares.

Apparently, the Southern Valley Yokuts did not depend heavily upon land mammals or plants for subsistence, but used these resources to supplement their diets. Deer, antelope and elk all were harvested, when they ventured near the lakes and sloughs. The larger game animals were taken with the use of bow and arrows

Although acorns were absent from their home territories, other plants supplemented the Southern Yokuts diet. Dried tule root and tule seeds, and the seeds and roots of a variety of wild grasses provided vegetal staples. Southern Yokuts exchanged surplus dried fish for acorns with their foothill neighbors.¹⁴

By contrast with the Southern Valley Yokuts, the Foothill Yokuts Tribes practiced a subsistence strategy geared more towards exploitation of land mammals and plants, supplemented at different times of the year by fishing. Deer and acorns figured as prominent food sources. Spier points out that the subsistence strategy of Foothills Yokuts Tribes was broad based, rather than specialized, a generalization that could probably be applied to the Southern Valley Yokuts

¹³ Wallace, "Southern Valley Yokuts," p. 448.

¹⁴ Ibid., pp. 449-450.

Tribes as well — the difference between subsistence strategies being one of emphasis on food resources rather than upon the variety of foods being exploited.¹⁵

¹⁵ Robert F. G. Spier, "Foothill Yokuts," Volume 8, (California) *Handbook of North American Indians*, 20 vols. William C. Sturtevant, general editor, (Washington: Government Printing Office, 1978), passim.

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CHAPTER 2
THE HISTORY OF GOVERNMENT POLICY AFFECTING THE INDIAN TRIBAL
GROUPS LIVING IN THE TULE RIVER AREA, CALIFORNIA
1851-1876

Introduction

On July 3, 1851, George W. Barbour, one of three "Treaty Commissioners" appointed by President Millard Fillmore to negotiate treaties with various California Indian tribes, met with leaders of the Indian tribes who claimed the lands within the Tule River Basin. Barbour convinced the tribal spokesmen to agree to a treaty in which they ceded a vast area of their aboriginal territory in exchange for a reservation where the government would protect them from non-Indian intervention (Figure 1).¹ In addition, the government promised to provide the Indian signatories of the treaty and their people with specified goods and services that would enable them to subsist and eventually adapt to an agricultural economy.²

The "Paint Creek Treaty" marked the first official involvement by the United States government with the Indian tribes who occupied the Tule River Basin. However, the Senate failed to ratify the "Paint Creek Treaty" or any of the seventeen other treaties their commissioners negotiated with the California Indian tribes. Yet, in these treaties the government negotiators clearly implied that the "Reservation Policy," which had evolved during the preceding decade, would be instituted amongst the California Indian tribes. More importantly, despite the lack of ratification, the government provided many of the services and some of the provisions that they had promised in the "Paint Creek Treaty." These included providing supplies, although they were often inadequate; advisory personnel, directed to instruct the Indians in the arts of agriculture and animal husbandry; and Indian agents, who oversaw the welfare of the Tule River Indian people.

¹ Robert F. Heizer, "The Eighteen Unratified Treaties of 1851-1852 Between The California Indians And the United States Government," [hereafter "Eighteen Unratified Treaties"] *Archaeological Research Facility*, Department Of Anthropology, University of California, Berkeley, 1972, p. 33.

² *Ibid*, pp. 35-36.

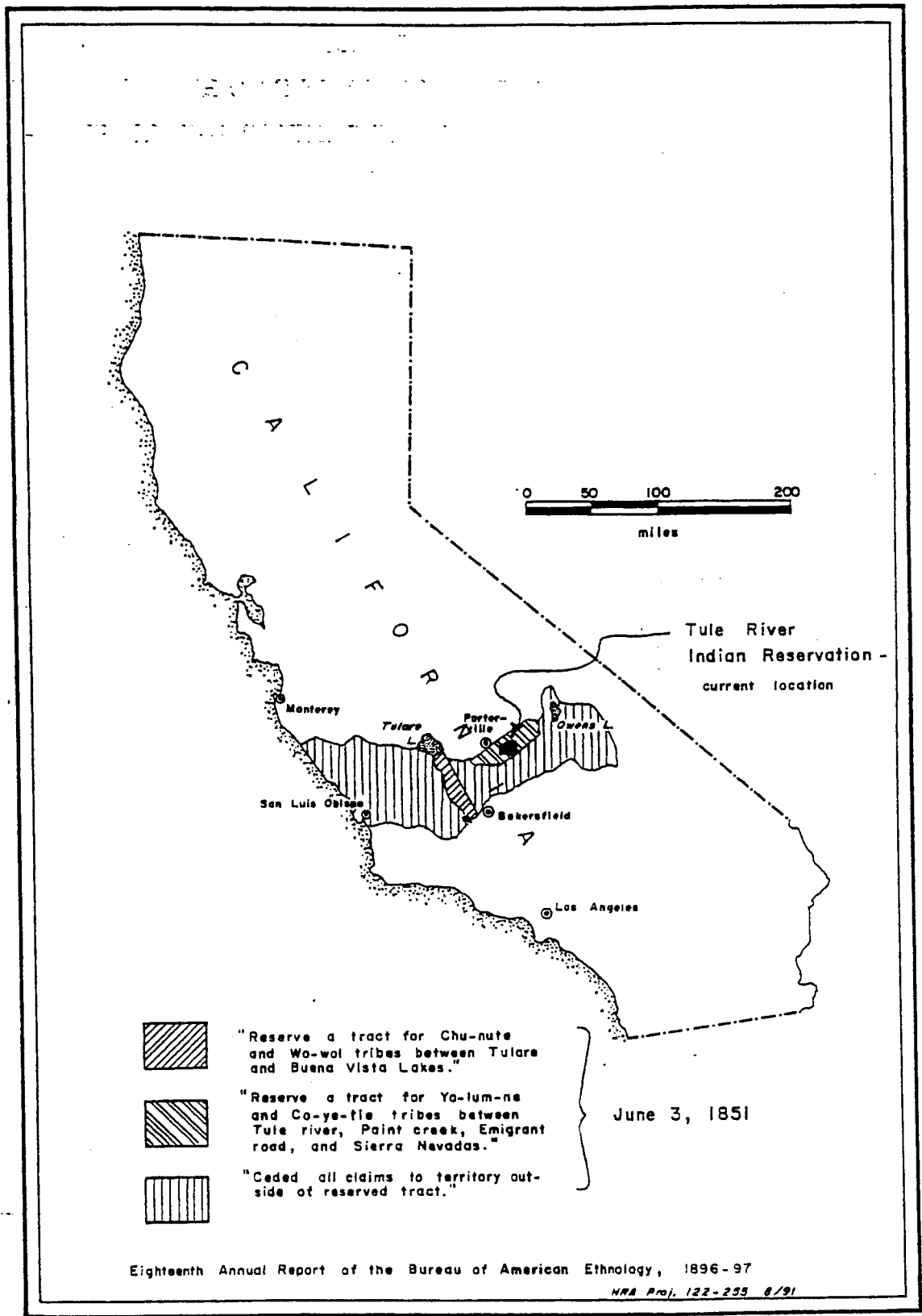


Figure 1. Ceded and Reserved Lands, 1851 Treaty.

The most serious consequence of the Senate's failure to ratify the 1851 treaty was that the Tule River Indians were prevented from utilizing the small portion of their homeland that the federally appointed negotiators had promised would be reserved for them under the terms of the treaty. During the mid-1850s, the Office of Indian Affairs (OIA) rectified this situation by establishing a small reservation, or "Indian Farm," for the Tule River Indian Tribes on lands located west of their present reservation, but within the boundaries outlined in the 1851 treaty. The historic record clearly indicates that government officials, including the Commissioner of Indian Affairs (CIA), the Superintendent of Indian Affairs for California (SI), and the local Indian Agent considered this land to be the Tule River Indian Reservation. The reservation, commonly referred to as the "Madden Farm" or "Tule River Farm" served as the home for the Tule River Indian Tribes until President Ulysses S. Grant issued an Executive order on January 9, 1873 that outlined the general boundaries of what is today the Tule River Indian Reservation.

I. Implementation of the Reservation Policy in California: 1850-1852

The evolution of the United States policy, as it affected the Indian tribal groups in California, mirrored, in many ways, the general "Indian Policy" developed by government officials during the late 1840s and the early 1850s. The rapid expansion of the United States' territorial boundaries during this period and the simultaneous movement westward by hundreds of thousands of Euro-Americans, prompted officials to reassess the policy of "removal" that had dictated the country's treatment of Indian people since the 1830s.

In 1848, William Medill, Commissioner of Indian Affairs, suggested a new approach to dealing with native people. Medill, in his annual report to the president, proposed that there should be two large colonies established for the Indians. One colony would be located north and the other south of the most commonly traveled western routes. The establishment of these colonies would reasonably ensure the safety of the westward emigrant from "hostile" Indians. Moreover, Medill proposed that by "confining each [tribe] within a small district of country, so that, as the game decreases and becomes scarce, the adults will gradually be compelled to resort to agriculture and other kinds of labor to obtain subsistence, in which aid may be afforded and

facilities furnished them."³ Thus the colonization or reservation policy would serve the dual purpose of providing protection to non-Indians while furthering the government's "civilization" objective.

Medill's plan related primarily to the eastern tribes that had been moved west of the Mississippi River. Yet, within two years, Indian officials expanded the reservation concept to include all of the western Indian tribes. Orlando Brown, Medill's successor as Commissioner of Indian Affairs, worried that the increasing traffic through, and settlement on, Indian lands by non-Indians would soon result in violent confrontation between Indians and non-Indians. In addition, Brown posited that the presence of non-Indians competing with Indians for subsistence would result in an increase in inter-tribal conflict. His primary concern was that the settlers were seriously depleting the available game animals, thus destroying the most critical portion of the Indians' sustenance. As a result, Commissioner Brown deemed it

expedient and advisable to take measures to bring about a proper understanding with the Indians, which will secure their good will, and prevent collisions and strife among them, by obligating each tribe to remain as much as possible within their respective districts of country ... Instructions have accordingly been given to hold a treaty with the different tribes.⁴

Brown's plans for a series of treaty negotiations with various western Indian tribes ended when Congress failed to appropriate the necessary funds.

Luke Lea, who replaced Brown as Commissioner of Indian Affairs in July of 1850, supported his predecessor's suggestions. Lea, in his annual report, posited that the reservation policy should be extended to the "wilder" tribes west of the Mississippi River, including California. He argued that these tribes should be

³ Commissioner of Indian Affairs, "Annual Report [CIA, "Annual Report"], 1848, *House Executive Document* [H. Exec. Doc.] 1, 30th Congress [Cong.], 2d session [sess], serial set [serial], 537, p. 386. See also Robert A. Trennert, *Alternative to Extinction: Federal Indian Policy and the Beginnings of the Reservation System* (Philadelphia: Temple University Press, 1975), pp. 30-31.

⁴ CIA, "Annual Report," 1849-1850, *Senate Executive Document* [S. Exec. Doc.] 1, 31st Cong., 1st sess., serial 550, pp. 942-943.

placed in positions where they can be controlled, and finally compelled by stern necessity to resort to agricultural labor or starve ... There should be assigned to each tribe, for a permanent home, a country adapted to agriculture, of limited extent and well defined boundaries; within which all, with occasional exceptions, should be compelled constantly to remain until such time as their general improvement and good conduct may supersede the necessity of such restrictions. In the mean time the government should cause them to be supplied with stock, agricultural implements, and useful materials for clothing; encourage and assist them in the erection of comfortable dwellings, and secure to them the means and facilities of education, intellectual, moral, and religious.⁵

Lea found however, that implementing the basic tenets of the "reservation policy" in California would prove to be difficult.

While many of the territories west of the Mississippi River remained largely unsettled in the late 1840s, California had experienced a significant influx of westward immigrants during the preceding decade. These settlers joined an already established population of Mexicans and Spaniards who had occupied the country during the 17th and 18th centuries. With the discovery of gold at Sutter's Mill in January of 1848, the "rush" of settlers from the east increased dramatically. Although the United States had established a military government in California as early as July of 1846, military officials proved unable to protect the California Indian tribes, or their lands, from flagrant abuses by non-Indians.

By 1850, the Commissioner of Indian Affairs had received communications from a number of individuals, both private citizens and government officials, who had been directed to provide information and suggestions on the proper course of Indian policy in California. The majority warned that a crisis was imminent unless the government acted to intervene. Sylvester Woodbridge, a missionary located in Benecia, cautioned the government that the miners in California were not only killing Indians indiscriminately, but they were seriously depleting the traditional food sources of the Indians. Woodbridge claimed that these practices prompted the Indians to raid white settlements and to steal any available provisions to avoid starvation. He

⁵ CIA, "Annual Report," 1850, *H. Exec. Doc. 1*, 31st Cong., 2nd sess., serial 595, p. 36; Trennert, *Alternative to Extinction*, p. 56; Francis Paul Prucha, *The Great Father: The United States Government and the American Indians*, 2 vols. (Lincoln: University of Nebraska Press, 1984), vol. 1, pp. 324-325.

suggested that the government provide the Indians with lands of their own and properly supervise and instruct them in the arts of husbandry and agriculture.⁶

John C. Fremont, a noted western explorer and the son-in-law of Senator Thomas Hart Benton of Missouri, supported some of Woodbridge's suggestions. Fremont, in a letter to the Commissioner of Indian Affairs, estimated the California Indian population to be in excess of 40,000 individuals. He suggested that, since there were numerous small, but distinct, tribes living in close proximity to each other, the Office of Indian Affairs should not attempt to establish agencies for each tribe. Fremont recommended that "the country ... be divided into sections, to be placed under the control of respective agencies. Of these there should be three, having at their disposal eight subagents, all under the direction of a superintendent."⁷ Fremont added that if the government decided to provide gifts to the various tribes, "farming materials; grain and other seeds, stock, horses & cattle; provisions, blankets and light readymade clothing, would be among the presents most suitable to them at the present time."⁸

Prompted in part by similar reports by numerous individuals, Congress, on September 28, 1850 authorized the Indian Office to appoint three agents to administer to the California Indian tribes. Congress failed however, to provide funds to pay for the agents' salaries and maintenance when they approved the annual appropriations bill two days later. Commissioner of Indian Affairs Luke Lea, appointed O. M. Wozencraft, George W. Barbour and Redick McKee to fill the three positions before he realized that he lacked the funds to pay or support

⁶ Albert L. Hurtado, *Indian Survival on the California Frontier* (New Haven: Yale University Press, 1988), pp. 127-128.

⁷ John C. Fremont to CIA, June 17, 1850, Letters Received, Office of Indian Affairs [LROIA], 1824-1881, California Superintendency [CS], 1850, Roll 32:1849-1852, M234, National Archives [NA]; Hurtado, *Indian Survival on the California Frontier*, p. 128.

⁸ Ibid. For further information regarding reports on the conditions of the California Indian Tribes during the late 1840s and the early 1850s, see William H. Ellison, "The Federal Indian Policy In California, 1846-1860," *Mississippi Valley Historical Review*, vol. 9, (1922), 46-48; Prucha, *The Great Father: The United States Government and the American Indians*, pp. 383-384.

them in their new positions. Fortuitously, Congress had approved a \$25,000 line item to fund treaty negotiations between the government and the tribes in the appropriations bill.⁹

Acting Commissioner of Indian Affairs A. M. Loughery subsequently advised the three agents that they had been suspended as agents and appointed, with the sanction of the President, commissioners to "hold treaties with various Indian tribes in the State of California."¹⁰ Loughery advised the three men that since the government had very little information about the California Indians, it would be requisite for them to obtain the information they could regarding "their manners, habits, customs and extent of civilization." Loughery emphasized the necessity of negotiating with the various tribes to "conciliate the good feelings of the Indians, and to get them to ratify those feelings by entering into written treaties, binding on them towards the government and each other."¹¹

Wozencraft and his associates wholly supported the implementation of the "reservation system" as the only way to successfully obviate conflict between the Indians and the non-Indians. In a letter to Commissioner Lea, written in May of 1851, Wozencraft stated that the majority of the Indians in California had been

located, and had resided as long as their recollections and traditions went, on the grounds now being turned up for gold, ... They [the Indian tribes] have been patient in endurance, until necessity taught them her lesson, (which they were not slow to learn, as it is measurably instinctive with the Indian,) and thus they adopt, from necessity, that which was deemed a virtue among Spartans and the result is, we have an incipient border war; ...¹²

⁹ 9 Stat. 519; 9 Stat. 558; CIA, "Annual Report," 1850, *H. Exec. Doc. 1*, 31st Cong., 2nd. sess., serial 595, p. 42. On February 27, 1851, Congress appropriated an additional \$25,000 for conducting treaty negotiations with the Indian tribes in California (9 Stat. 572).

¹⁰ CIA, "Annual Report," 1850, *S. Exec. Doc. 1*, 31st Cong., 2d sess., serial 587, pp. 151-152; Alex H. Stuart, Secretary of the Interior, to Luke Lea, October 9, 1850, LROIA 1824-1881, CS 1849-1880, Roll 32:1849-1852, M234, RG 75, NA.

¹¹ CIA, "Annual Report," 1850, *S. Exec. Doc. 1*, 31st Cong., 2d sess., serial 587, pp. 151-152.

¹² Wozencraft to CIA, May 14, 1851, CIA, "Annual Report," 1851, *S. Exec. Doc. 1*, 32nd Cong., 1st sess., serial 613, p. 487.

Wozencraft and his fellow agents realized and endorsed the policy of persuading the Indian tribes to abandon their refuges in the mountains and to settle on the reservations outlined in the treaties that they had been directed to negotiate. The reservations would, according to Wozencraft, enable federal officials to regulate contact between Indians and non-Indians, thus ending the frequent raids and conflict between the two races. Also, on reservations the Indians would "learn the ways of civilization, and thereby become useful members in the community."¹³

Early in the spring of 1851, Wozencraft, McKee and Barbour traveled together from San Francisco east through Stockton to Camp Barlow on the Mariposa River. Here they met and negotiated their first treaty with six Indian tribes. The following month they obtained a treaty agreement with 16 tribes that had assembled to meet them on the San Joaquin River. At that point the commissioners decided that, given the vast extent of country and the extensive number of tribal groups that they had yet to consider, they would separate, each taking responsibility for a specific region or district. McKee accepted the responsibility for treating with those Indian tribes in the northern portion of California. Wozencraft assumed the task for the central part of the state and George Barbour would be in charge of negotiating with the tribes in the southern district including the Indian tribes in the Tule River Basin.¹⁴

After leaving Camp Barlow, Barbour proceeded south meeting and negotiating treaties with a number of the Indian tribes in the portion of California south of the Sacramento River. After negotiating a treaty with the tribes in the vicinity of Kings River, Barbour sent out runners to alert the Indian tribes located north of the Kern River that he wanted to meet with them. On June 1, 1851, Barbour established a camp on Paint Creek. He indicated that he found "the chiefs, captains and principal men of four tribes, with many of their people already on the ground." According to Barbour, the Indians that had assembled represented only a portion of the over 2,000 Indians who lived in the area. He learned that a some of the Indians lived in the

¹³ Ibid.

¹⁴ Wozencraft to CIA, May 15, 1851, CIA, "Annual Report," 1851, *S. Exec. Doc. 1*, 32nd Cong., 1st sess., serial 613, p. 486.

vicinity of Buena Vista Lake; while the others lived on the head waters of Tule River and Paint Creek.¹⁵

Barbour met with the leaders of the assembled tribes on June 3, and convinced them to enter into a treaty of "peace and friendship" with the government. The leaders of the *Chu-nute*, *Wo-wol*, *Yo-lum-ne*, and *Co-ye-tie* Tribes acknowledged that the government held exclusive "jurisdiction, control and management" of their actions. The leaders promised to refrain from retaliation against other Indians or non-Indians who had injured their people. Finally, the leaders agreed to "severally forever quit claim to the government of the United States [their right] to any and all lands to which they or either of them now or may ever have had any claim or title whatsoever."¹⁶

Barbour, as the government's representative, agreed that in exchange for these concessions the government would set aside a reservation for the various tribes. The boundaries of the reservation for the *Chu-nute* and *Wo-wol* would include

all that district of country lying between the head of the Tulare or Tache lake and Kern or Buena Vista lake; to the Ya-lum-ne and Co-ye-tie tribes, all that district of country lying between the Tule River and Paint Creek, and between the Emigrant road (being the same over which the military escort accompanying the said commissioner passed to this camp) and the Sierra Nevada, running the lines from the head of Tule river and Paint Creek in the same general direction of said streams to the nearest points of the Sierra Nevada, ...¹⁷

In addition, Barbour promised the Indian leaders that the government would provide, for a period of two years, the necessary supplies, farming equipment and assistance that would enable the Indian people to subsist and to learn to farm on their respective reservations. The supplies included;

¹⁵ G. W. Barbour to CIA, July 28, 1851, CIA, "Annual Report," 1851, S. Exec. Doc. 1, 32nd Cong., 1st sess., serial 613, p. 494.

¹⁶ Heizer, "Eighteen Unratified Treaties," pp. 33-34.

¹⁷ Quoted in Heizer, "Eighteen Unratified Treaties," pp. 34-35.

two hundred beef cattle ... thirty cows and two bulls, six large and six small ploughs, twelve sets of harness complete, twelve work mules or horses, twelve yoke of California oxen, fifty axes, one hundred hoes, fifty spades or shovels, fifty mattocks or picks, all necessary seeds for sowing and planting for one year, one thousand pounds of iron, two hundred pounds of steel, five hundred blankets...¹⁸

A variety of items of clothing and sewing equipment were also included. To assist the Indians in learning the "arts of civilization," the government promised that they would provide an individual "skilled in the business of farming," as well as a blacksmith, a wood worker, a supervisor and a school teacher.¹⁹

After concluding the negotiations, Barbour proceeded south. In late June of 1851, he met and negotiated a treaty with what he considered to be the "last of the tribes in the San Joaquin and Tulare valleys, from the Stanislaus river north, to the Los Angeles south, including the whole country from the top of the Sierra Nevada to the coast."²⁰ Barbour continued south intending to negotiate with the Indian tribes in the vicinity of Los Angeles and along the Colorado River and near the southern border of California. However, lacking the funds and/or presents for further negotiations with the southern Indians, Barbour suspended his mission. He returned to San Francisco, by way of the Tulare Valley, where he apparently quieted a threatened confrontation between Indians and non-Indians.²¹

Although George Barbour concluded his negotiations in late June, McKee and Wozencraft continued their negotiations until December of that year.²² All of the commissioners forwarded the signed documents to Luke Lea, the Commissioner of Indian Affairs, who transmitted them to Alex H. Stuart, the Secretary of the Interior, in May of 1852.

¹⁸ Heizer, "Eighteen Unratified Treaties," pp. 34-35.

¹⁹ Ibid, pp. 35-36.

²⁰ G. W. Barbour to CIA, July 28, 1851, CIA, "Annual Report," 1851, *S. Exec. Doc. 1*, 32nd Cong., 1st sess., serial 613, p. 494.

²¹ Ibid., pp. 494-495.

²² Ellison, "The Federal Indian Policy In California, 1846-1860", pp. 54-56.

The treaties that Lea forwarded to Stuart contained virtually all of the elements of the government's "reservation policy." The California Indian tribes ceded all of their right, title and interest to their aboriginal territory to the government in exchange for guaranteed protection from non-Indians on a relatively small tract of their former lands. Also the government promised that they would assist the Indian tribes in obtaining the skills necessary to subsist on the land. To insure their survival during the learning or "civilization" process, the government agreed to provide food, clothing and agricultural equipment for a specified goods period.

Lea apologized for not sending the documents to Stuart earlier, explaining that he and his staff wanted to "consider them all in connexion [sic], and some of them ... were not received until recently, and because it was believed that further information was necessary to enable the department to judge correctly as to their merits."²³ Lea expressed concern that members of the California Congressional delegation opposed the treaties and "that there was violent opposition to them in the legislature of that State." Lea admitted that some of the provisions of the treaties differed from similar treaties that had been negotiated with other Indian tribes that year. He worried however, that if Congress rejected the treaties there would be "a general Indian war" that would be "disastrous to the interests of that State and the country at large."²⁴

Opposition from local and state officials stemmed primarily from their reluctance to allow any potentially productive land from being designated as an Indian reservation. These individuals mounted vocal opposition to the proposed reservations despite the contention by a number of government officials, that had surveyed the lands and deemed them to be marginally productive and generally worthless.

Edward F. Beale, who had been appointed to the office of Superintendent of Indian Affairs for California in March of 1852, supported Lea's contention that failure to ratify the treaties would result in an increase in confrontations between Indians and non-Indians in California. Beale posited that, although there were problems with the treaties, primarily regarding the amount of compensation allowed by the commissioners, in his opinion "no other course of policy, however studied or labored it may have been, could so readily and effectually

²³ Lea to Stuart, May 14, 1852, quoted in Heizer, "Eighteen Unratified Treaties," pp. 16-17.

²⁴ Ibid.

secure the objects in view." He considered the lands that the commissioners had outlined for the reservations to be inferior and inadequate. Beale thought that the

system of reservations as adopted in these treaties, is but the natural result and consequence of the policy pursued throughout, and may be stated to involve two important considerations, viz: whether those [reservations] already selected for them may be justly considered as suitable and appropriate. Humanity and justice alike urge acquiescence in the former.²⁵

Beale contended that the suggestion, proposed by many Californians, that all of the Indians be moved east of the Sierra Nevadas or far to the north or south, was impractical. Beale did not support the provisions of the treaties that guaranteed agricultural implements and teachers for the Indian tribes. Yet he regarded the "other provisions of the treaties, although they may be considered novel in their character, as both suitable and appropriate to the wants and desires of the Indians."²⁶

Colonel E. A. Hitchcock, commander of the War Department's Pacific Division, worried that failure to ratify the treaties would result in a general uprising in California. He cautioned his superiors that the Indian tribes probably did not understand that Congress would have to ratify the treaties before they took effect. He worried that if the "promised supplies are entirely withheld, very serious consequences, and perhaps some unusual distress, may follow as a direct result."²⁷

Alex H. H. Stuart, Secretary of the Interior, sent the treaties to President Millard Fillmore on May 22, 1852. Stuart noted that the treaties were controversial and that they lacked the support of the California Congressional delegation. Yet he said that prior to submitting them, he and the California Congressman had agreed to allow Beale to review the treaties. He

²⁵ Edward F. Beale, Superintendent of Indian Affairs for California, to CIA, May 11, 1852, LROIA 1824-1881, CS 1849-1880, Roll 32:1849-1852, M234, RG 75, NA; Heizer, "Eighteen Unratified Treaties," p. 20.

* Heizer, "Eighteen Unratified Treaties," p. 24.

²⁷ Colonel E. A. Hitchcock to Adjutant General George P. Jones, April 27, 1853, LROIA 1824-1881, CS 1849-1880, Roll 33: 1853-1854, M234, RG 75, NA.

submitted Beale's favorable report along with the treaties and encouraged the President to send them to the Senate as soon as possible.²⁸

The opposition to the treaties mounted and the California legislature appointed several committees to review the documents and to make recommendations to California Congressional delegation. The committees unanimously recommended that their Congressmen oppose ratification. They held that the treaty commissioners had been far too generous in the provisions that they promised the Indian tribes. Moreover, contrary to Beale's report, the legislative report contended that the lands set apart as reservations constituted some of the state's most valuable agricultural and mining lands. The report submitted to Congress by the California legislature suggested that instead of establishing a number of large Indian reservations, the government should create small farms, or rancherías, where the Indians could grow the crops necessary for subsistence with only a modicum of support from the government.²⁹

The United States Senate met in closed session in early July to consider the treaties. On July 8, 1852 the Senate overwhelmingly rejected all 18 of the treaties. The senators also voted to seal all information related to their considerations for over 50 years.³⁰

Conclusion

The President, Congress and the Office of Indian Affairs supported extending the federal "reservation policy" to the Indian tribes in California. The reserved lands included in the treaties constituted a very small portion of the state's existing land base and, as Beale noted in his review of the treaties, the reserved lands were, in many cases insufficient to accommodate the designated Indian tribes. Most historians agree that the intense lobbying effort waged by

²⁸ Alex H. H. Stuart to the President of the United States, May 22, 1852, quoted in Heizer, "Eighteen Unratified Treaties," pp. 11-12.

²⁹ Hurtado, *Indian Survival On The California Frontier*, p. 140.

³⁰ Heizer, "Eighteen Unratified Treaties," p. 2; Hurtado, *Indian Survival On The California Indian Frontier*, pp. 140-141; Gerald Thompson, *Edward F. Beale and the American West* (Albuquerque: University of New Mexico Press, 1983) pp. 50-51. HRA reviewed the California Treaty files at the National Archives. Little information was found in the files, except for copies of the treaties and the order directing that the files be sealed.

prominent Californians against ratification served as the single most important factor influencing the final vote.

Congress' rejection of the treaties with the California Indian tribes underlined the inability of the government to convince the residents of their newly acquired territories of the value of the government's Indian Policy. Congress effectually negated the land rights of the California Indian tribes, who the commissioners had treated with, and thereby created a potentially untenable position for future government officials.

The Indian tribes included in the treaties generally remained faithful to the provisions that they had agreed to. They lived within the boundaries of the lands designated as their reservations, under the terms of their respective treaties and attempted, under the direction of government supervision, to acquire the skills necessary to farm their lands successfully. Also, despite the rejection of the treaties, Congress continued to fund implementation of the majority of the provisions of the reservation policy for the Indian tribes in California.

II. The Implementation of the Government's Reservation Policy In California: 1852-1856

President Millard Fillmore appointed Edward F. Beale, Superintendent of Indian Affairs for California on March 4th, 1851. Despite political opposition based primarily on Beale's association with John C. Fremont, and Fremont's father-in-law, Missouri Senator Thomas Hart Benton, Congress approved his appointment on March 11th. Beale obtained notoriety as a military leader in California during the war with Mexico where he gained extensive knowledge of the native people, the topography and the potential riches of the new territory. He assumed his position as the newly appointed Superintendent of Indian Affairs on March 11th, after Congress affirmed the presidential appointment.

Edward Beale assumed his post upon arriving in San Francisco in August of 1852. He immediately initiated a tour of the reservations north of San Francisco and reported to

Commissioner of Indian Affairs Luke Lea that he (Beale) was formulating a plan for the conduct of the office but that a plan would have to await his visit to the southern reservations.³¹

During his first weeks as superintendent, Beale found that the conduct of Indian affairs in California was in a disastrous state. He discovered evidence of gross mismanagement by his predecessors rooted primarily in fraudulent claims for supplies intended for the various Indian tribes. Beale devoted countless hours in the fall of 1852 to a review of the accounts of agents McKee, Barbour and Wozencraft. The superintendent found that thousands of cattle and other supplies, purchased by the government and designated for distribution to the Indian tribes, had been sold instead to non-Indians. Beale obtained evidence implicating all three of the commissioners and his longtime friend John C. Fremont in suspicious contracting practices.³²

The magnitude of the fraud alarmed Beale since it had disastrous implications for the future of the federal relationship with the California Indian tribes. Tension between many Indian tribes and non-Indians had escalated in the months following the 1851 treaty negotiations. The rejection of the treaties by Congress, coupled with the scandalous contracting practices, had left the California Indians hungry and quarrelsome. Beale sought to alleviate the situation and in October, 1852 he outlined his proposed plan to Commissioner Lea. Beale suggested that the government establish a number of military posts or reservations where the Indian people would be gathered. The reservations would be staffed by military personnel proportionate to the number of Indians. Also, each reservation would have a resident Indian agent and personnel to instruct the Indians in proper farming techniques. Beale held that the reservations should be temporary so that if the press of non-Indian settlement should increase, the reservations could be moved. The cost to the government under Beale's plan would be negligible since the expense

³¹ Ellison, "The Federal Indian Policy In California, 1846-1860," p. 59-60; Thompson, *Edward F. Beale and the American West*, pp. 51-52.

³² Hurtado, *Indian Survival on the California Indian Frontier*, pp. 141-142; Thompson, *Edward F. Beale and the American West*, pp. 53-54; Prucha, *The Great Father*, p. 387-388; Ellison, "The Federal Indian Policy In California, 1846-1860," p. 58-59.

of maintaining the troops would be paid for by selling the excess products raised by the Indians.³³

In an impassioned letter to Lea written one month after he had proposed his plan, Beale detailed the miserable conditions of the California Indian tribes. He pointed out that the Indians had been

Driven from their fishing and hunting grounds, hunted themselves like wild beasts, lassoed, and torn from homes made miserable by want, and forced into slavery, the wretched remnant which escapes starvation on the one hand, and the relentless whites on the other, only do so to rot and die of a loathsome disease, the penalty of Indian association with frontier civilization ... Humanity must yield to necessity. They are not dangerous; therefore they must be neglected. I earnestly call the early attention of the government to this condition of affairs, and to a plan I have proposed in a previous letter for its relief. It is a crying sin that our government so wealthy and so powerful, should shut its eyes to the miserable fate of these rightful owners of the soil.³⁴

Beale's proposal reflected the prevailing sentiments of the California citizenry. They had lobbied successfully to thwart ratification of the treaties and the majority of Californians remained obdurate in their stance against providing any potentially valuable lands to be set aside for the use of the Indian people. Beale's plan also received favorable response from government officials who sought ways to decrease expenditures for implementing Indian policy.

In December of 1852, Superintendent Beale travelled to Washington D.C. to explain his plan more fully to federal officials. Beale pressed his cause convincingly, and on March 3, 1853, Congress approved legislation providing for the establishment of five military reservations in California or on the borders between that state and Utah and New Mexico Territories.

³³ Thompson, *Edward F. Beale and the American West*, pp. 53-54. Beale's reservation plan differed in some aspects from the policy implemented during the latter part of the 1850s with many of the Indian tribes located on the Great Plains and in the Northwest. When Beale proposed his plan California was by far the most populated area in the west and the press of emigration undoubtedly influenced Beale's recommendation that Indian tribes be moved from their homeland, if it happened to lie in an area of concentrated non-Indian settlement. In addition, Beale's recommendation that the reservations be designated temporary, reflects the later application of Indian policy to other western Indian tribes since the large reservations assigned to these Indian tribes in the early 1850s were later reduced significantly whenever an influx of non-Indians lobbied for a reduction of the reservations.

³⁴ Prucha, *The Great Father*, p. 389.

Congress directed that the reservations be limited to 25,000 acres or less and that they should be established on the unsettled public domain. In order to implement the plan Congress appropriated \$250,000 designated to be used exclusively for "removing" the Indians to the designated reservations.³⁵

Secretary of Interior Robert McClelland ordered Edward Beale to return to his post in California and to begin immediate implementation of the plan approved by Congress and the President. McClelland cautioned Beale that the monies appropriated to institute the plan should be strictly accounted for and that he should coordinate the selection of the reservations with the appropriate military officials. McClelland advised Beale that ensuring the "security, subsistence and protection" of the California Indians should be his sole concern. The Secretary also told Beale that it would be the Superintendent's responsibility to notify "the agents in that State of the fact of their agencies having been abolished."³⁶

Upon his return to California in August of 1853, Beale began to implement the reservation plan. Yet he complained that the financial restrictions contained in the Act of March 3, unnecessarily compromised his actions. Beale doubted that he would be able to comply with the required quarterly accounting procedures since he would be in the field "forever actively and actually employed, to the almost entire exclusion of office business." Superintendent Beale also worried that the Act directed that the existing three agencies be abolished, but there were no provisions allowing him to establish sub-agencies. Beale told George Manypenny, who had replaced Luke Lea as Commissioner of Indian Affairs in March 1853, that although he had proposed in his plan the abandonment of the three agencies, he had anticipated replacing them with up to six sub-agencies and an equal number of assistants. Beale said that "without the assistance of such subordinate officers, it is impracticable for me to control the entire Indian policy of this state." The California Superintendent asked Manypenny to consider his objections and implied that he would hire the necessary assistants hoping that the government would

³⁵ 10 Stat., 238.

³⁶ McClelland to Beale, April 13, 1853, CIA "Annual Report," 1853, *H. Exec. Doc. 1*, 33rd Cong., 1st sess., serial 710, pp. 464-466.

sanction his actions. Beale assured Manypenny that he believed his plan could succeed if he were given sufficient latitude in its implementation.³⁷

In early September, 1853 Beale held a council at Tejon Pass, located north of Los Angeles, near the southern reaches of the San Joaquin Valley. The Indians that he met with represented the many of the tribes that inhabited the San Joaquin Valley, including the Tule River Indian tribes. For two days Beale explained to the tribal representatives the government's intentions. At the end of the two day council the assembled leaders professed their acceptance of Beale's plan, which included the commencement of a "system of farming and instruction, which would enable them in a few years to support themselves by the produce of their own labor." Beale promised that as a part of the plan "the government would furnish them with seed of all kinds, and provisions sufficient to enable them to live until the produce of their own labor should be sufficient to them." He emphasized that they would no longer be able to roam free as they had in the past but that they would have to "leave their old homes in the mountains and settle at some other point where the government would be able to watch over and protect them from the whites, as well as the whites from them."³⁸

Beale advised the Commissioner that the only resistance he encountered from the Indians was related to the Indians' "disinclination to leave their old homes and hunting-grounds and to settle so far away from them." He informed Manypenny that he "found it utterly impossible to overcome this difficulty until I had promised them that the reserve selected for them should be somewhere in the vicinity of the place where that conference was held."³⁹ Thus Beale selected the Tejon Valley as the first of the five military reservations that he had outlined in his plan.

Beale assured Manypenny that there were no non-Indian settlers or any evidence of settlement in the valley. He indicated that there were rumors that the land might be a part of a Spanish land grant, but he felt confident that the government could purchase the lands at a

³⁷ Beale to Manypenny, August 22, 1853, CIA, "Annual Report," 1853, *H. Exec. Doc. 1*, 33rd Cong., 1st sess., serial 710, pp. 467.

³⁸ Beale to Manypenny, September 30, 1853, CIA, "Annual Report," 1853, *H. Exec. Doc. 1*, 33rd Cong., 1st sess., serial 710, pp. 469-470.

³⁹ *Ibid.*

reasonable price if Congress upheld title to the purported grant. Beale offered a discouraging assessment of the location of additional reservations. He told Manypenny that he had surveyed most of the state and, except for the land in the Tejon Valley and the lands included in a small experimental Indian farm that he had located the previous year on the San Joaquin River, "there is not sufficient land for a single reservation of the quality required. I say of the quality required, because ... it [is] indispensable that ... the land on which the system is to be commenced should be of the best quality ... well watered, well timbered, and adjacent to a mountainous country."⁴⁰ Beale suggested that, since the lands in the northern portion of the state contained vast mineral potential and were heavily settled, most of the northern Indian tribes should be removed to the thinly populated, and agriculturally rich southern part of the state. He admitted that this might require the government to purchase additional lands, but Beale assured Manypenny that this aspect of his plan had the support of most of the California congressional delegation.⁴¹

Manypenny responded to Beale's September letter the following November and advised him that he could not sanction the involvement of the federal government in land purchases. He suggested that if Beale could not locate a sufficient number of sites for reservations on vacant and unsettled lands, then he "should postpone for the present all action touching the practical operations of the 'plan' and await further legislation on the part of Congress."⁴²

During the remainder of his tenure as Superintendent of Indian Affairs for California, Beale devoted the majority of the 1853 Congressional appropriations, as well as most of his time, to developing his "experiment" at the Tejon reservation and the farming venture on the San Joaquin River. He had always contended that the Indian tribes in the northern part of the state needed little attention since, except for a minority of recalcitrant Modocs, the northern tribes had

⁴⁰ Ibid, p. 470-471. Beale officially named the Tejon Reservation, Sebastian, in honor of Senator William Sebastian, Chairman of the Senate's Indian Affairs Committee, Thompson, *Edward F. Beale and the American West*, p. 71. Federal officials referred to the Tejon Indian Reservation under a variety of names including; "Sebastian," the "Sebastian Military Reserve," the "Sebastian Indian Reservation," or the "Sebastian Reservation."

⁴¹ Beale to Manypenny, September 30, 1853, CIA, "Annual Report," 1853, *H. Exec. Doc. 1*, 33rd Cong., 1st sess., serial 710, pp. 470-471.

⁴² Manypenny to Beale, November 18, 1853, CIA, "Annual Report," 1853, *H. Exec. Doc. 1*, 33rd Cong., 1st sess., serial 710, pp. 480-481.

not proved hostile to the non-Indian population. Beale contended that most of the northern Indians could be moved to the Tejon reservation, which he believed could eventually support over 50,000 Indian people. Beale submitted several glowing reports of the progress at Tejon, and by the spring of 1854 he projected that the crops raised on the reservation would produce over \$435,000. However, Manypenny and other federal officials became increasingly concerned with Beale's expenditures, his infrequent accounting reports and the fact that the land at Tejon might possibly be located on lands included within a Spanish land grant, which, if true, would violate the terms of the 1853 appropriation bill.⁴³

Beale's single-minded approach to managing the California Superintendency, coupled with his extravagant financial support of the reservation at Tejon, prompted Commissioner Manypenny to demand explanations for his conduct. Manypenny also requested Beale to provide an estimate of projected expenses for the 1854 fiscal year. In May of 1854, Beale submitted a request for over \$600,000 to operate the California Superintendency but provided little information to defend his spending practices. Manypenny moved quickly to replace Beale. On May 31, he informed a newspaper in Washington D.C. that Beale had been officially relieved of his post. Beale learned of Manypenny's actions in late June. Beale's successor, Thomas J. Henley, formerly the postmaster in San Francisco, assumed the position of Superintendent of Indian Affairs for California in July, 1854.⁴⁴

In late July, Henley and Beale traveled together to the Tejon Indian Reservation where they made an account of the government's property. On August 28, Henley submitted a report to Manypenny detailing the conditions and the welfare of the Indians at Tejon. He supported Beale's reservation plan since, in Henley's estimate, "removing them to suitable reservations, requiring them to labor, and issuing to them only such articles of food and clothing from time to time as will supply their wants" was the only beneficial option. Henley calculated that there were over 1500 acres being cultivated at Tejon which would produce good crops of wheat,

⁴³ Thompson, *Edward F. Beale and the American West*, pp. 68-70.

⁴⁴ *Ibid*, pp. 70-72. Thompson underlines the fact that Beale's close association with John Fremont and Thomas Hart Benton, noted adversaries of Commissioner Manypenny, served to infuse a political element into Beale's tenure. In addition, Beale made several unauthorized trips to the east during his term, a fact that Manypenny cited when he dismissed Beale.

barley and corn. He found only two buildings on the reservation, one "old" adobe structure used for the employees and a new house built as a residence for the "superintendent." Henley estimated that there were 700 Indians on the reservation, a number far below the 2500 that Beale had reported to Manypenny the previous year. The Indian people had no housing and lived "mostly in habitations as they are accustomed to." He proposed making a number of physical improvements to the reservation but generally considered the location to be "a good one."⁴⁵

Henley returned north to San Francisco through the San Joaquin Valley stopping to visit the Indian tribes located along his route. He estimated that there were 300 Indians living on Tule River who "subsisted on fish, acorns and grass seeds." Henley did not believe that the Tule River Indians were suffering but he noted that non-Indian settlers were beginning to settle in the vicinity and he recommended that the Tule River Indians "ought to be removed." He suggested that the Tule River people be moved to the Tejon reservation the following year. Henley told Manypenny that the crops that would be harvested at Tejon during the following season would be sufficient to support the Tule River Indians and several thousand additional Indian people that he proposed moving to the reservation.⁴⁶

In September of 1854, Henley established a second reservation at Nome Lacke for the Indian tribes who lived in the Sacramento River Valley. The new Superintendent submitted his budget for the 1855 fiscal year to Manypenny in December 1854, and suggested that he be allowed to create two additional reservations. Henley reasoned that the additional reservations were essential because many of the Indians lived far from either the Tejon or the Nome Lacke reservations. He noted that California's

fifty and possibly one hundred thousand [Indians] are scattered in small tribes over its entire area. The reluctance of the Indian to remove far from his old home is well known. Whilst he will go willingly to a Reserve within the region

⁴⁵ Henley to Manypenny, August 28, 1854, LROIA 1824-1881, CS 1849-1881, Roll 33:1854, M234, RG 75, NA; CIA, "Annual Report," 1854, *S. Exec. Doc. 1*, 33rd Cong., 2d sess., serial 746, pp. 508-513.

⁴⁶ CIA, "Annual Report," 1854, *S. Exec. Doc. 1*, 33rd Cong., 2d sess, serial 746, pp. 511-512.

whereupon he has hunted and fished, nothing but force can take him beyond that."⁷

Henley calculated that the cost of providing additional reservations would be far less than the expenses that the government would incur in moving the Indians to the present reservations.

Henley's budget included monies for providing interpreters, doctors, blacksmiths, carpenters and laborers for each reservation. He also requested money to "purchase ... oxen, mules, agricultural implements," building supplies and 500 "breeding" cattle as well as clothing and blankets. He assured the commissioner that the budget request, although high, could be significantly reduced since it included monies for establishing the additional reservations and providing subsistence for the Indian people on the reservations until crops could be planted and they could begin to rely on their own production for subsistence."⁸

Congress and the President concurred with the 1855 budgetary request that the Indian Office submitted for support of the California Superintendency. Congress appropriated over \$350,000 for the years 1855-1856, to fund the Indian Office's work in California and they also approved of Henley's request to expand to five the number of Indian reservations."⁹

III. The Creation and Administration of the Tule River Indian Reservation: 1856-1874

Henley virtually ignored the Tule River Indians during the first years of his tenure in office. Although he had indicated to Manypenny that the Tule River Indians should and would be moved to the Tejon Indian Reservation in 1855, he failed to initiate any action.

In August of 1855 a number of citizens in Visalia, California sent a petition to Henley requesting him to attend to the problems of the Indians in the vicinity. The petitioners indicated that the Indian people in the Tulare Valley and the Four Creeks region desperately needed assistance. They asked that "the proper authorities provide for them in the like manner as they

⁷ Henley to Manypenny, December 18, 1854, LROIA 1824-1881, CS 1849-1881, Roll 34:1854, M234, RG 75, NA.

⁸ Ibid.

⁹ Ellison, "The Federal Indian Policy In California, 1846-1860," pp. 64-65.

have done for those other portions of the country." The citizens worried that the condition of the Indians would soon force them to act against the local settlers merely to survive. They asked Henley to establish, and staff, a sub-agency somewhere in the area that would ensure the proper care of the Indians, and provide the local settlers the assurance of peace and stability in the region.⁵⁰

Henley failed to respond to the specific requests of the citizens of Tulare County. In an extensive report on the condition of his superintendency, which he submitted to Manypenny in September of 1856, Henley portrayed the state of Indian affairs in optimistic if not glowing terms. He described the conditions at Tejon and Nome Lacke as prosperous and estimated that the crops at these two locations would exceed all projections, despite a persistent drought. Henley also held high expectations for the future of the newly-established reservations at Mendicino and Klamath. The land and resources at Mendicino could easily support additional Indians and he proposed that the available salmon and other fish in the nearby Klamath River could obviate the need for the government to provide the expensive beef quotes necessary at other reservations.⁵¹

Superintendent Henley informed Manypenny that the central part of the state, which included the Tule River Country, presented a problem for his administration. He indicated that he had been unable to "procure a suitable location for a reservation in the central portion of the State, [thus] no permanent selection has been made." Henley stated that "in order to provide for the Indians according to the intentions of the government, land has been rented at Fresno and King's river, and the Indians collected and subsisted at these points in the same manner as upon permanent reservations."⁵²

According to Henley, these two farms could serve the needs of the 3,000 Indians in the vicinity. However, he noted that because of the persistent drought, production of wheat and barley, the principle crop on the 800 combined acres in cultivation at the two farms, would be

⁵⁰ Petition to Henley, August 28, 1855, LROIA 1824-1881, CS 1849-1881, Roll 34:1855, M234, RG 75, NA.

⁵¹ Henley to Manypenny, September 4, 1856, CIA, "Annual Report," 1856, *S. Exec. Doc. 5*, 34th Cong., 3d sess., serial 875, pp. 787-789.

⁵² *Ibid*, pp. 787-788.

much less than expected. Henley instructed the agents to "turn the attention of the Indians to their mode of living before the care of the government had been extended over them ... parties have been sent to the mountains, in various directions, to collect acorns, berries, seeds, and such other food as they were formerly accustomed to subsist upon."³³

M. B. Lewis, the agent at the reservation farm on the Fresno River, informed Henley that the option of asking the Indians to rely on their past subsistence practices was becoming increasingly problematic. Many of the traditional food sources such as acorns and berries had been depleted by the non-Indian settlers who used them to feed their pigs and other animals. Wild game populations had also been decimated by the increased pressure from settlers. Lewis characterized the condition of the Indians in the region as unenviable.³⁴

Lewis noted that he had visited the Indian tribes who lived south of the Fresno and Kings River in the vicinity of Tulare Lake, which would include the Tule River Indians. He suggested that these Indians be allowed to remain in their homeland. These Indians could support themselves and "improve in [the] arts of agriculture and civilization" if the government provided some assistance. Lewis cautioned, however, that settlers in the area often took advantage of these Indians and he hoped that the government would provide them with some protection.³⁵

Increasing tension between the Indians and non-Indians in the vicinity of Tule River and Tulare Lake prompted Henley to dispatch Alonzo Ridley to the area in September of 1856. Henley reported to Manypenny that he sent Ridley, a sub-agent at the Tejon Indian Reservation, to Tule River as a "Special Agent" to investigate the reasons for an increase in confrontations between the Indians on the Tule River and Four Creeks area and local settlers. Ridley reported to Henley that the Indian tribes that he spoke to contended that Henley refused to take measures to protect them from the settlers. Ridley told Henley that he had selected a site on Tule River for a farm and informed the Indians in the area that they should voluntarily come to the farm and settle or he would forcefully move them onto the site. In order "to show them we still care

³³ Ibid.

³⁴ Lewis to Henley, July 22, 1856, CIA, "Annual Report," 1856, *S. Exec. Doc. 5*, 34th Cong., 3d sess., serial 875, p. 805.

³⁵ Ibid, p. 806.

for them," Ridley provided the Indians, gathered at the Tule River farm, with 1000 pounds of wheat and an equal amount of wheat.⁵⁶

The initial farming operation at Tule River proved to be on a very small scale since Henley did not supply Ridley with any farming equipment. Despite these limitations, by June of 1857 the Indians had cultivated seven acres and planted a crop of corn and melons.⁵⁷ This limited acreage would obviously not produce a crop sufficient to feed the number of Indians gathered on the reservation. Thus in September of 1857, J.R. Vineyard, the agent at the Tejon Indian Reservation, informed Henley that he had "removed to this place about two hundred Indians from Tule River. These with small accessions from various other points have increased the number brought to the Reserve during the year to about three hundred and ten."⁵⁸

The addition of over 300 Indians at the Tejon Reservation increased that reservation's population to over 1,000. This, coupled with a persistent drought which had severely limited agricultural production at Tejon, resulted in deprivation for those Indians at Tejon. To compensate for the deficiency in supplies, the agent directed the Indians at Tejon to leave the reservation and to collect the available "traditional" food supplies in the nearby mountains.⁵⁹

Within a month of transferring the Tule River Indians from their homeland, Henley received notification that most of the Tule River Indians had been returned to the new reservation located in their homeland. Thomas Madden, a clerk at the Tejon Reservation, informed Henley that the Tule River people had been sent back to Tule River to assist "Special Agent" Ridley in commencing farming operations at the newly established reservation. He told Henley that the Indians had been given "all the articles necessary for their assistance in gathering

⁵⁶ Henley to J. W. Denver, October 2, 1857; Ridley to Henley, September 23, 1856, LROIA 1824-1881, CS 1849-1881, Roll 35:1856, M234, RG 75, NA.

⁵⁷ Thomas P. Madden to Henley, June 25, 1857, LROIA 1824-1881, CS 1849-1881, Roll 35:1856-1857, M234, RG 75, NA.

⁵⁸ Vineyard to Henley, August 15, 1857, LROIA 1824-1881, CS 1849-1881, Roll 35:1856-1857, M234, RG 75, NA.

⁵⁹ Ibid.

wild food. Also the requisite agricultural implements for putting in a small crop at that place the coming season."⁶⁰

In late September, Ridley notified Henley of the return of "a portion" of the Tule River Indians that had been at the Tejon Reservation. J. R. Vineyard, the agent at Tejon, also sent farming equipment and a wagon and team. Vineyard had directed Ridley to begin preparing the land at Tule River for planting a crop during the coming season. Ridley informed Henley that he had begun "digging a ditch for the purpose of taking water out of the [Tule] river for irrigating purposes." Many of the Tule River Indians had expressed disappointment that the government had not fulfilled the terms of the treaty that they had signed with George Barbour in 1851. The Indians told Ridley that it was discouraging that "of all the land they once possessed a small portion cannot be preserved for them free from the encroachment of the whites."⁶¹

In addition, Ridley told Henley that a non-Indian by the name of Wilcox had settled on a portion of the reservation land after Ridley had selected it. According to Ridley, Wilcox was cutting timber from land near the reservation and his actions had prompted numerous complaints from the Indians. The Indians believed that "They [the whites] bring in their stock and eat their acorns, and cut their finest trees, and they have no means of redress." Ridley agreed with this assessment and told Henley that as the agent he had little power to stop these cases of trespass. The result, according to Ridley, was that the Indians at Tule River "naturally come to distrust all authority that attempts to direct without being able to protect them."⁶²

Henley, in his 1858 annual report to the Commissioner, described the crop produced at Tule River as "ordinary." He expressed confidence however, that the amount harvested,

⁶⁰ Madden to Henley, September 20, 1857, LROIA 1824-1881, CS 1849-1881, Roll 35:1856-1857, M234, RG 75, NA.

⁶¹ Ridley to Henley, September 24, 1857, LROIA 1824-1881, CS 1849-1881, Roll 35:1856-1857, M234, RG 75, NA.

⁶² Ibid.

coupled with the "wild" food that the Tule River Indians had collected in the nearby mountains, would be sufficient to supply the agency for the winter.⁶³

Although conditions at Tule River appeared to Henley to be progressing, he expressed concern for the Tejon Reservation. The drought in that location had persisted throughout the 1857-58 harvest season and Henley reported that the crops at Tejon would be significantly less than required for supporting the Indians at that location. He assured officials at the Office of Indian Affairs however, that, because the Indians at Tejon had proved very industrious in collecting "wild foods" and the agents had been economical in distributing supplies of grain from the previous years, the Tejon Indians would survive the winter.⁶⁴

The extended drought that had devastated the crops at Tejon and at other established reservations and Indian farms was beginning to reveal some of the problems with the "reservation policy" proposed by Edward Beale in 1853 and accepted by the government. For at least three years, the Indians living at government reservations in the San Joaquin Valley had been directed, by the local Indian agent, to return to their homeland and attempt to procure sufficient "wild" food for the winter since the crops that they had been told would subsist them had failed for lack of rain. Gordan Bailey, a Special Investigator for the Interior Department, surveyed the California Indian reservations in the fall of 1858. He reported to Commissioner of Indian Affairs Charles Mix that Beale's plan, although well intentioned, was a "lamentable failure." Bailey believed that most of the present reservation to be

government alms-houses, where an inconsiderable number of Indians are insufficiently fed and scantily clothed, at an expense wholly disproportioned to the benefit conferred. There is nothing in the system, as now practiced, looking to the permanent improvement of the Indian, or tending in any way to his social, intellectual or moral elevation.⁶⁵

⁶³ Henley to Commissioner of Indian Affairs, Charles E. Mix, September 4, 1858, CIA, "Annual Report," 1858, *H. Exec. Doc. 2*, 35th Cong., 2d sess., serial 997, p. 635.

⁶⁴ *Ibid.*

⁶⁵ Bailey to Mix, November 4, 1858, LROIA 1824-1881, CS 1849-1881, Roll 36:1858, M234, RG 75, NA; CIA, "Annual Report," 1858, *H. Exec. Doc. 2*, 35th Cong., 2d sess., serial 997, pp. 650.

Bailey continued by recounting the costs incurred in raising some of the meager crops that had been produced at the various reservations. He concluded that it would be cheaper to purchase provisions in San Francisco and deliver them to the Indians.⁶⁶

Bailey suggested that an alternative to the present system would be to provide some of these Indian tribes with lands that were set apart for their exclusive use allowing them, with minimal supervision, to conduct their own farming operations. He recommended that this policy be adopted for all of those Indians north and south of the reservation at Tejon.⁶⁷

At approximately the same time that Bailey sent his report to Commissioner of Indian Affairs Charles Mix, J. Ross Browne, a Special Agent for the United States Treasury Department, notified Mix of the results of an investigation of affairs at the Tule River and Tejon reservations. Browne detailed what he believed to be a serious misuse of government positions by employees of the Indian Office at both reservations. According to Browne,

Alonzo Ridley was employed by the Superintendent of Indian Affairs to keep possession of a tract of land on Tule river for the alleged purposes of an Indian farm; that Ridley was paid for this service ... and remained there for six or eight months after all the Indians were transferred to the Tejon reservation; that he forbid persons from settling there and informed them that it was reserved for government purposes.⁶⁸

Browne accused Ridley of using government equipment and funds as well as Indian labor to "cultivate the land, build a large adobe house ... and otherwise improve and render it valuable."⁶⁹

⁶⁶ Ibid.

⁶⁷ Ibid. Bailey's assessment of the condition of the reservation system in California differed dramatically from the reports submitted to the Office of Indian Affairs by Henley and other government officials. It is difficult to determine from the historic record exactly which account is the most accurate. However, it is apparent that the "reservation plan," designed and initiated by Beale and carried forth by Henley, was beginning to pose problems for the future conduct of Indian Affairs in the state, at least on several of the key reservations such as Tejon.

⁶⁸ Browne to Mix, November 1, 1858, LROIA 1824-1881, CS 1849-1881, Roll 36:1858, M234, RG 75, NA.

⁶⁹ Ibid.

Browne had learned that the land included within the agency was

covered with school warrants by T.P. Madden, clerk at Tejon, and John A. Benson, a person who resides near Sacramento. After the warrants were located ... Vineyard [the agent at Tejon] ... & Madden, alternately supervised the progress of the work."⁷⁰

Browne estimated that these individuals had expended over \$10,000 of federal funds in improving the lands and constructing buildings at Tule River and were offering to sell the site to the government (Figure 2).

Browne complained that the circumstances surrounding Madden's acquisition of the lands at Tule River set an unacceptable precedent for government employees. He encouraged Mix to take action to ensure that similar practices would not continue. Browne submitted a number of affidavits by local settlers that substantiated his accusations. These settlers all recounted that they had been told by Ridley that they could not settle on or near the lands because they were being reserved as an "Indian reservation" for the Tule River Indians.⁷¹

The reports submitted by Bailey and Browne, in the latter part of 1858, undoubtedly had an impact on the course of Indian affairs within the California Superintendency. The following year A. B. Greenwood, who had replaced Mix as Commissioner of Indian Affairs, removed Henley from his position as Superintendent of Indian Affairs for California. The Commissioner contended that Henley had illegally used Indian laborers to improve his own land and he added that Henley was guilty of "malfeasance and misapplication" of government funds.⁷²

⁷⁰ Ibid.

⁷¹ Ibid. The affidavits submitted by Browne are as follows; J.S. Clapp, October 23, 1858; H.A. Bostwick, October 23, 1858; Henry D. Sears, October 23, 1858. The affidavits can be found on LROIA 1824-1881, CS 1849-1881, Roll 36:1858, M234, RG 75, NA. For the next two decades a number of federal officials commented on the circumstances surrounding the acquisition of the land at Tule River by Thomas Madden. However, there is no information in the historic record indicating that anyone in the Office of Indian Affairs or any other government agency, pursued action against Madden or any of the other individuals implicated by Browne. Madden entered into a rental agreement with the government for the 1280 acres of land used by the government as the Tule River Indian reservation in the late 1850s. The government continued to renew the lease until the mid-1870s.

⁷² Hurtado, *Indian Survival On The California Frontier*, p. 148.

Greenwood appointed J. Y. McDuffie to replace Henley as the Superintendent of Indian Affairs for California. McDuffie submitted his first annual report in September of 1859, and characterized the conditions at most of the reservations as an "embarrassment" to the government. McDuffie echoed George Bailey's recommendation that the Indian reservations of the state be set aside exclusively for Indian use and that they be properly surveyed to obviate any confusion over their proper boundaries. He also recommended the abandonment of the reservations at Tejon, Kings River, Fresno and Tule River.⁷³

Later that year Commissioner Greenwood, in his annual report, recommended a major restructuring of the California Superintendency. He stated that

the Indian reservation policy, as it has there been pursued, has almost wholly failed to accomplish the beneficent purposes for which it was inaugurated ... an unnecessary number of reservations and separate farms have been established; the locations of many of them have proved to be unsuitable, and have not been sufficiently isolated.⁷⁴

Greenwood complained that the number of employees and the government expenditures at each reservation far outweighed the benefits realized in either production or progress towards "civilization" by the Indians. The government's monetary investment had increased yearly instead of decreasing as anticipated when Beale's plan had been proposed initially. He suggested that a new plan for the superintendency should envision dividing the state into a northern and a southern district with an agent appointed for each. Greenwood referred to Bailey's report and recommended that those Indians in the southern district, which included the Indians at Tule River, be secured in their title to the lands that they lived on. He posited that by adopting this system the Indians would soon become self sufficient and the government would be "subjected to but a comparatively trifling annual expense ..."⁷⁵

⁷³ McDuffie to Greenwood, September 4, 1859, LROIA 1824-1881, CS 1849-1881, Roll 37:1859-1860, M234, RG 75, NA.

⁷⁴ A. B. Greenwood (CIA) to J. Thompson, Secretary of the Interior (SOD), November 26, 1859, CIA, "Annual Report," 1859, *S. Exec. Doc. 2*, 36th Cong., 1st sess., serial 1023, p. 156.

⁷⁵ *Ibid.*, p. 158.

Congress affirmed the suggestions made by Greenwood in the June 19, 1860 Appropriations Act. According to the act, the Secretary of the Interior was directed to divide California into two districts for the administration of Indian affairs. Each district would be provided with a superintending agent whose responsibility included all of the Indian people in his respective district. The agent had the power to determine the number of reservations that would be required within his district for the Indian people. He also could assign "supervisors" for each of these reservations.⁷⁶

Commissioner Greenwood notified J.Y. McDuffie on July 31, 1860, that he would be the "superintending agent" for the southern district of California. He directed McDuffie to determine the number of reservations that he thought would be necessary to fulfill the needs of the Indian people in his district. Greenwood also informed McDuffie that he could appoint agents for each reservation as well as a sufficient number of staff to fulfill adequately the requirements at each reservation. The Commissioner advised McDuffie that the intent of the government in this restructuring was to economize, yet respond to the needs of the Indians as well as the citizens of the state.⁷⁷

William P. Dole, who replaced Greenwood as the Commissioner of Indian Affairs in March of 1861, emphasized the necessity of concentrating the Indians of California on "suitable reservations." Dole believed that his suggestions for the conduct of Indian affairs in New Mexico Territory should be applied to California. He recommended that the Indian tribes in New Mexico should be placed on "ample reservations suitable for their permanent and happy homes, and to be sacredly held for that purpose."⁷⁸ Dole encouraged the implementation of this same policy in California, yet he worried that initiating the policy could be thwarted primarily for those Indians in the southern district of California. Dole stated that since "not a single reservation exists that is not claimed or owned by the whites . . .," ensuring that the lands be held

⁷⁶ 12 Stat., 57.

⁷⁷ Greenwood to McDuffie, July 31, 1860, CIA, "Annual Report," 1860, *S. Exec. Doc. 1*, 36th Cong., 2d sess., serial 1078, pp. 457-458.

⁷⁸ Dole to Caleb B. Smith, Secretary of the Interior, November 27, 1861, CIA, "Annual Report," 1861, *S. Exec. Doc. 1*, 37th Cong., 2d sess., serial 1117, p. 506.

sacred for the Indian people would require purchasing the land from private citizens. This could entail large expenditures of federal funds and during the Civil War, money, for government agencies that were not directly involved in the prosecution of the war effort, was in short supply. Dole added that most of the reservations in the southern district were situated in the midst of areas being rapidly settled by non-Indians, thus providing a deleterious influence on the Indian people. He suggested that this situation be rectified by creating reservations on the public domain in unsettled areas.⁷⁹

Dole pointed to the instability of Indian affairs in California as justification for the proposed new policy. The reports from the superintendents from both the northern and southern districts suggested to Dole that

a complete change in the management of our Indian relations is demanded. A change involving the breaking up of some of the existing reservations; the correction of gross and palpable wrongs upon others; [and] the establishment of new reservations ... upon a far more ample scale than heretofore established.⁸⁰

Dole believed that the government had an obligation to address the woeful situation of most of the California Indian tribes.

He reiterated his recommendations for a change in policy in that state in his 1862 report. Dole recounted the destruction of the Indians way of life by the floodtide of emigration into California since the 1840s. He noted that;

All, or nearly so, of the fertile valleys were seized; the mountain gulches and ravines were filled with miners; and without the slightest recognition of the Indians' rights, they were dispossessed of their homes, their hunting grounds, their fisheries, and to a great extent, of the productions of the earth. From a position of independence they were at once reduced to the most abject dependence.⁸¹

⁷⁹ Ibid, p. 508-509.

⁸⁰ Ibid.

⁸¹ Dole to Caleb Smith (SOI), November 26, 1862, CIA, "Annual Report," 1862, *H. Exec. Doc. 1*, 37th Cong., 2d sess., serial 1157, p. 191.

Dole considered that the single greatest error that the government had made was the

refusal to recognize their usufructory right in the soil, and treat with them for its extinguishment; ... It is now perhaps too late to correct this error by making treaties, and it only remains for us to do voluntarily that justice which we have refused to acknowledge in the form of treaty obligations.²²

He called on other federal officials to respond to the deplorable conditions of the California Indian tribes.

In the 1862 appropriations bill, Congress had called for the Commissioner and the California Indian Agents to try and cut expenditures for conducting the affairs of the Indian Office in California. Some Congressmen had suggested that one solution would be to reduce the number of reservations in California to two. Dole suggested that, although he would comply with the congressional request, he doubted that only two reservations could properly serve the Indians needs.²³

J. P. H. Wentworth, who had replaced McDuffie as Superintendent of the southern district, reported in 1862 that one option to reduce expenditures was to abolish the Tule River operation. According to Wentworth he had just renewed the rental agreement with Thomas Madden for the land at Tule River. However, he complained that he had only been able to save the grain crop from 130 acres out of the over 200 that he had planted. The summer rains and resulting high water had destroyed the remainder. He recommended allowing the lease to lapse and removing the Tule River Indians to the Tejon reservation. Wentworth added that the question of title to the lands at Tejon remained questionable and he suggested that resolving this issue should be a priority.²⁴

Indian Officials in California decided against abolishing the Tule River Indian Reservation and, in fact, by 1864, the reservation was only one of four Indian reservations remaining in the

²² Ibid.

²³ Ibid., p. 192.

²⁴ Wentworth to Dole, August 30, 1862, CIA, "Annual Report," 1862, *H. Exec. Doc. 1*, 37th Cong., 2d sess., serial 1157, p. 472.

state. In that year Congress approved legislation intended to provide better organization of the Indian Affairs in California. Under the terms of this measure, the northern and southern superintendencies were consolidated. Also, Congress directed 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.¹⁵

Congress also gave the President the authority to purchase improvements of any settlers who owned lands within an area deemed by officials to be necessary for use as part any of the four reservations. In addition, the present size of any of the four reservations could be increased to fulfill the requirements of the Indians located there. Each reservation would be staffed by an agent and sufficient support staff including; one doctor, a blacksmith and an assistant, a farmer and a carpenter.¹⁶

William Dole, Commissioner of Indian Affairs, appointed Austin Wiley to the position of Superintendent of Indian Affairs for California in May of 1864. Wiley's initial task was to determine the number of Indian people on the four reservations that the government had decided to maintain. Wiley reported that there were 800 Indians living and working on the Tule River Indian Reservation, 745 Indians at Smith River, 950 at Round Valley and 750 at Mendicino.¹⁷ Many of the 800 Indians that Wiley reported as being at Tule River had been moved from the Tejon Reservation in May, 1864 after the abandonment of Tejon. Wiley ordered the agent at Tule River to also move most of the government property from Tejon to Tule River. Wiley stated that the crops on the Tule River reservation appeared to be in good condition and he

¹⁵ 13 Stat., 39-40.

¹⁶ 13 Stat., 39-40.

¹⁷ Dole to J.P. Usher (SOD), November 15, 1864, CIA, "Annual Report," 1864, *H. Exec. Doc. 1*, 38th Cong., 2d sess., serial 1220, p. 156.

hoped that the harvest would be adequate for the Tule River Indians as well as all of the Indians who had been moved there."⁸⁸

In the fall of 1864, Wiley wrote to Dole regarding the Tule River reservation. He noted that the harvest had been excellent, "much better than on any farm in that section of the country." He assured Dole that all of the Indians would be would be "well provided for." According to Wiley there were 185 acres of ground under cultivation by the agent with assistance from the Indians. Also the Indian people cultivated an additional 75 acres by themselves. The total crop included over 3,300 bushels of wheat, 1,100 bushels of barley, 900 bushels sweet potatoes, and 400 bushels of corn. The garden at the reservation also produced a good crop of vegetables."⁸⁹

Wiley retired the following year and his replacement, Charles Maltby, urged Dennis N. Cooley, who had replaced Dole as Commissioner of Indian Affairs, to end the practice of renting lands for Indian reservations. Maltby suggested that the government purchase the lands at Tule River from Thomas Madden. According to Maltby, if purchased, these lands

in connexion [sic] with the public lands adjacent, would constitute a reservation sufficient in capacity and fertility to colonize and subsist all of the Indians in the southern portion of the State ... I would advise the purchase of the farm on the score of economy and policy. The Indians are satisfied with their present location, and the expense of removal and improving a new place would far exceed the outlay required in the purchase the land aforesaid."⁹⁰

⁸⁸ Wiley to Charles Mix, Acting Commissioner of Indian Affairs, June 1, 1864, LROIA 1824-1881, CS 1849-1881, roll 39:1864, M234, RG 75, NA.

⁸⁹ Wiley to Dole, September 1, 1864, CIA, "Annual Report," 1864, *H. Exec. Doc. 1*, 38th Cong., 2d sess., serial 1220, p. 262-263.

⁹⁰ Maltby to D. W. Cooley, September 15, 1865, CIA, "Annual Report," 1865, *H. Exec. Doc. 1*, 39th Cong., 1st sess., serial 1248, p. 283.

Cooley fully agreed with Maltby's recommendation and informed Secretary of the Interior James Harlan that he thought that the government ought to buy the rented lands at the Tule and Smith River reservations or move the Indians to government lands nearby.⁹¹

In December, 1865 Maltby travelled to the Tule River Indian Reservation to distribute clothing to the Indian people. While at Tule River, he conducted an investigation of the Thomas Madden's acquisition of the lands included in the reservation. Maltby concluded that Madden "was not acting in good faith towards the Government" when he located the land since he was, at the time, an employee of the Indian Office. Maltby also found that lands adjoining the Tule River reservation on the west had also been obtained by non-Indians. These lands, according to Maltby, had been used as a part of the reservation since 1856 or 1857. One of the owners of the adjacent lands, John D. Tyler filed for a patent in January of 1864. At that time Tyler was an "employee of said Reservation."⁹²

Maltby encouraged the Commissioner to investigate the matter further and if Madden's title was unimpeachable then he recommended that the government purchase the lands from Madden. He also suggested that the government extend the boundaries of the Tule River Indian Reservation to include all of the lands in Townships 21 and 22 South, Range 28 East (Mount Diablo Meridian). He noted that

Within these limits are lands in sufficient quantity for agricultural purposes and which are so situated that they can be irrigated at all seasons-thereby insuring every year good crops of grain and vegetables. The balance of the land in those Townships would be valuable in connection with the agricultural portion of the Reservation for grazing purposes.⁹³

Producing sufficient crops to feed the over 800 Indians on the small Tule River Indian Reservation proved to be a difficult task. In 1866, George Hoffman, the agent at the reservation,

⁹¹ Cooley to Harlan, October 31, 1865, CIA, "Annual Report," 1865, *H. Exec. Doc. 1*, 39th Cong., 1st sess., serial 1248, p. 179.

⁹² Maltby to Cooley, December 6, 1865, LROIA 1824-1881, CS 1849-1881, Roll 41:1865, M234, RG 75, NA.

⁹³ Maltby to Cooley, December 6, 1865, LROIA 1824-1881, CS 1849-1881, Roll 41:1865, M234, RG 75, NA.

informed Commissioner Cooley that they would probably harvest over 500,000 pounds of grain yet he complained that there were insufficient buildings on the reservation to store the crop.⁹⁴

That same year Hoffman, reported that he had constructed a water ditch of five miles, at a cost of 2,000 days labor," presumably to provide additional water and expand the irrigated acreage on the reservation. Hoffman stated the Indians had completed most of the work on the ditch and he had also directed them in the construction of a 25 mile long road into the mountains. He had ordered the road built so that he could procure timber for constructing the needed building.⁹⁵

Special Commissioner Robert J. Stevens visited the Tule River Indian Reservation in the fall of 1866. Stevens, who had been appointed by Commissioner of Indian Affairs Dennis Cooley in August of 1866, found the reservation to be a delightful place. He described the reservation as being

located in a narrow valley, on each side of a small stream, some 30 miles from Visalia ... in a sheltered nook, green and smiling, with a decidedly tropical semblance, heightened by some handsome fig trees and grape-vines, and the extreme mildness and geniality of the climate.⁹⁶

The crop production on the reservation impressed Roberts and he reported that the harvest resulted in over 600,000 pounds of wheat, 50,000 pounds of barley, 10,000 pounds of rye, 1,500 pounds of beans, 5,000 pounds of turnips and 90 tons of hay.⁹⁷

⁹⁴ Hoffman to Cooley, May 1, 1866, LROIA 1824-1881, CS 1849-1881, Roll 41:1866, M234, RG 75, NA.

⁹⁵ Hoffman to Cooley, August 17, 1866, CIA, "Annual Report," 1866, *H. Exec. Doc. 1*, 39th Cong., 2d sess., serial 1284, p. 98.

⁹⁶ Stevens to Cooley, January 1, 1867, CIA, "Annual Report," 1867, *H. Exec. Doc. 1*, pt. 2, 40th Cong., 2d sess., serial 1326, p. 131.

⁹⁷ *Ibid*, p. 132. The glowing reports of crop production from the various agents and other federal officials that visited the reservation would indicate that the Tule River Indians could produce sufficient crops to satisfy all of their needs. Although production at Tule River exceeded all of the other California reservations given the limited land base, the reservation population never produced enough to ensure that all needs were met. As on all of the other reservations, the government provided supplemental assistance. This had been done since the California Superintendent directed Alonzo Ridley to establish the Tule River Indian Reservation in 1856. This support included clothing, equipment, household goods, supplemental food, and a variety of other goods.

Roberts also noted the insufficient land base. He, as had many other government officials before him, recommended that the reservation boundaries be extended. He supported adding the adjacent townships that Maltby had identified. The addition of these lands would add at least 5,000 acres of irrigable land to the reservation. Roberts claimed that there were only a few settlers within these townships and he thought that the government could purchase their improvements at a very reasonable price."

By 1868, the uncertainty over the future of the Tule River Indian Reservation's boundaries began to affect the Indians living there. In that year, Charles Maltby, who had been removed from his position as Superintendent and assigned as the agent for the Tule River reservation, reported that, when he assumed his job in October of 1867, he found the agency in an unsatisfactory condition. He contended that;

This was not so much owing to the management of the former agent as to the unwise policy of endeavoring to conduct and manage an Indian reservation on private lands rented from individuals from year to year. This policy prevents permanent improvements, [and] retards progress in improving the condition of the Indians ... While they readily engage in labor necessary to cultivate the soil and provide for their subsistence, they are averse to making any improvements, making the excuse that they have no surety that they will enjoy the benefits which would necessarily follow their labors ..."

Maltby cited the deficient structural improvements that he found on the reservation as evidence of the problem that renting caused. There were only a few buildings within the boundaries of the reservation including; two hastily constructed granaries, a dilapidated adobe house used as a residence for the agent; and an adobe stone house used for storing "Indian goods and supplies." He noted the "large" five mile long irrigation ditch and the 25 mile long road. However he indicated that these improvements were built "with the expectation that the lands

* Ibid, p. 132.

* Maltby to N. G. Taylor (SOD), August 20, 1868, CIA, "Annual Report," 1868, *H. Exec. Doc. 1*, 40th Cong., 3d sess., serial 1366, p. 594.

rented would be purchased by the government, and that those enterprises would be of great utility and benefit to the reservation."¹⁰⁰

Maltby reiterated his call for the purchase of the lands and the extension of the boundaries. He contended that the "interest of the government, as well as the prosperity of the reservation and the welfare of the Indians require it. The longer the delay the more difficult and expensive will it be to find and secure a proper location."¹⁰¹

Despite the recommendations submitted by Charles Maltby and Special Commissioner Robert Stevens, and endorsed by the Commissioner of Indian Affairs, the federal government failed to act to either purchase the Madden land or to extend the boundaries of the Tule River Indian Reservation.

During the late 1860s the number of Indians located on the Tule River Indian Reservation dropped dramatically. Many of the people who had been moved to Tule River were far from their homeland and left the reservation to return to their aboriginal territory. A number of Indians who claimed the area as their homeland also left the reservation. Superintendent B.C. Whiting attributed the loss in population to the fact that the Indians had become demoralized because of the uncertainty over the future of the reservation. In addition, more non-Indian settlers had moved onto and filed for patents on lands adjacent to the reservation. These settlers had allowed their cattle to graze on the reservation resulting in almost a total crop loss in 1870. Whiting indicated that the tension between the Indians and the non-Indians would only increase unless the government fixed the boundaries of the reservation.¹⁰²

In the spring of 1872, Commissioner of Indian Affairs, Francis A. Walker ordered Superintendent Whiting to resolve the questions surrounding the future of the Tule River Indian Reservation. He did not offer Whiting the option of purchasing the Tule River reservation lands from Madden however. He instructed Whiting to either move the Tule River people to another reservation or to find a suitable location in the area. Whiting responded to the Commissioner

¹⁰⁰ Ibid.

¹⁰¹ Ibid, p. 595.

¹⁰² Whiting to CIA, September 1, 1871, CIA, "Annual Report," 1871 *H. Exec. Doc. 1*, 42nd Cong., 2d sess., serial 1505, pp. 743-744.

in March and told him that it would be best for the Indians at Tule River if they were not moved to another reservation. He suggested that he would probably be able to locate a suitable tract of land in the general area of the current reservation but on the east side of the Sierra Nevada Mountains.¹⁰³

After Whiting received the order from Walker to proceed in locating the reservation, he conducted a reconnaissance of the region around the Tule River Indian Reservation. Whiting found a number of sites that he thought would serve the needs of the Tule River Indians, but he recommended the lands along the South Fork of the Tule River as the preferable location. Whiting noted that there were only four legitimate land claims within this tract and he thought that the settlers would sell for a very low price. Whiting informed Commissioner Walker that since the lands had not yet been surveyed, he could only provide the boundaries using natural features. He stated that the tract commenced;

on the South Fork of Tule River four miles below the Soda Springs on said River running thence north to the ridge of mountains dividing the waters of South Tule and Middle Tule; Thence east on the dividing line Ten Miles; Thence south to the ridge dividing the waters of South Tule River and Deer Creek- Thence west on said ten miles - Thence north to the place of beginning.¹⁰⁴

Whiting estimated that the tract would be approximately ten miles long and six miles wide. He also said that he thought the tract contained about 1500 acres of land suitable for cultivation. According to Whiting, if this site were selected, the Indian people would be able to grow all of the same types of crops that they were raising at the present location. The nearby mountains would provide an abundance of pasture for the Indian's animals. Whiting also noted that the land that he had selected was only a few miles east of the present reservation boundaries.¹⁰⁵

¹⁰³ Whiting to Walker (SOD), March 22, 1872, LROIA 1824-1881, CS 1849-1881, Roll 44:1871-1872, M234, RG 75, NA.

¹⁰⁴ Whiting to Walker (SOD), September 26, 1872, LROIA 1824-1881, CS 1849-1881, Roll 44:1871-1872, M234, RG 75, NA.

¹⁰⁵ Ibid.

temporary, reservations where all of the tribes in a given area would be gathered and taught to farm. He convinced officials of the Office of Indian Affairs that the Indian people would, in a few years, become self-sufficient and no longer require government assistance.

Beale and his successors tried for several decades to ensure the success of the plan. One of the foremost problems with the plan was that many of the Indian people located on the reservations had been either forcefully removed to the location or realized that these reservations were the only locations where they could hope to survive given the devastation that non-Indian settlers had wrought on their homeland.

The creation of the Tule River Indian Reservation in 1856 was initially viewed as a temporary location for the Indians in the Tule River and Tulare Lake region. The government hoped to eventually move these people to the Tejon Reservation. However, it soon became obvious that the Tule River Reservation possessed a number of advantages that were lacking at Tejon. The South Fork of the Tule River offered a dependable source of irrigation water that was first utilized when Alonzo Ridley built a small irrigation ditch in 1856. This water source helped to ensure abundant crop production. Also, the Tule River Reservation was located in the heart of the "homeland" of many of the Yokuts Indians who lived there.

The fact that some unscrupulous federal officials obtained patents to the lands included in the reservation and then rented the land back to the government served, in some aspects, to retard development. Yet, most visitors were impressed by the adaptation of the Indian people to farming and the Tule River Indian Reservation consistently produced more crops per acre than any other Indian reservation in California. Despite the production of crops normally sufficient to feed all of the Indians on the reservation, the federal government had to provide supplementary assistance and instruction to the Tule River Indians, as the federal government did to all of the western Indian tribes.

The agents on the Tule River Indian Reservation and other federal officials viewed the ownership of the lands within the reservation as the single most important issue calling for resolution. They believed that the Tule River Indians, although productive and seemingly content, would flourish if the government would buy the land within the reservation. By the late 1860s and the early 1870s the land issue became critical. An influx of settlers on lands adjacent to the reservation threatened the Indians crops and led to a sharp drop in the morale of the Tule

River Indian people. Finally, in 1873 the government responded to official recommendations and set aside what is today the Tule River Indian Reservation.

Between 1856 and 1873, the Tule River Indians, with the assistance of the agents and other employees of the government, had used water from the South Fork of the Tule River to irrigate their crops. The Tule River Indians continued using the water of South Fork of the Tule River even when they moved upstream a few miles to their new location. They had to change the point of diversion for their irrigation ditch and they lacked the extensive number of irrigable acres that they had in their original location, yet they continued to divert water to raise their crops.