EIGHTEEN UNRATIFIED INDIAN TREATIES IN CALIFORNIA, 1851-1853

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INTRODUCTION

This study is concerned with the first effort of the federal government to find some reasonable solution to the problem of Indian-white relationships in California. This attempt to preserve California Indians while at the same time satisfying the white settler's craving for land was unsuccessful. The study could possibly be justified as the first federal attempt to deal with this problem. The greater significance of the problem, however, lies not in the duties of the commissioners and their failures, but in the general policy they formulated in dealing with the Indians, which was the basis for the reservation system as adopted by the federal government.

Three men, appointed as commissioners, worked within the framework of a federal law which authorized their appointment as commissioners, provided money for salaries and necessary supplies, but gave them no instructions as to the basic policy to be consulted in dealing with the California Indian problem. The commissioners, however, were not entirely without material from which to build an Indian policy. Recommendations and suggestions concerning the possible successful ending of Indian-white friction were taken from the reports of special federal investigators in California, an Indian sub-agent, and military men who had studied the Indian situation in California.

These recommendations and suggestions were probably
modified by the commissioners' evaluation of the measures necessary to make white expansion and settlement safe while making adequate provision for the natives of the state. The policy they adopted was without precedent in the history of American Indian affairs. Some of the provisions of the commissioners' treaties possibly seemed quite strange to the white settlers.

In the three decades preceding the acquisition of California, the government had removed Indian tribes from the Eastern United States to the southern plains area so that friction with the whites would be at a minimum and the settlers could use the land vacated. In California, many of the Indians were removed from their lands to nearby areas which had not previously been theirs. Contiguous tribes were concentrated on special reservations under control and supervision of a federal Indian department employee. Payment was made to the Indians in the form of food, clothing, and livestock. This was the first use of a federally controlled small-area Indian reservation. As such, it marks the beginning of a change in federal Indian policy.
CHAPTER I

THE PROBLEM AND RELATED SUBJECTS

I. DIFFERING VIEWS OF THE INDIAN PROBLEM

Decimation of California Indians has been seen from two diametrically opposed points of view. The settlers and the hodgepodge of humanity drawn to California during and after the gold rush of 1849 saw the Indian as a degraded savage, worse than an animal, who cluttered up the land the whites desired for purposes of agriculture or mining. Their answer to the Indian problem was simple, eliminate the Indians.

On the other hand, we find a more sympathetic view widely accepted by recent generations. This pictures the Indian as the product of his environment, very peaceful, and a victim of white abuse. This change of attitude was reflected in the 1880's by the works of Helen Hunt Jackson. Whether these books were the manifestation of a new feeling, or the foundation, their acceptance marked the beginning of a happier era for the Indian. The adherents of this view point an accusing finger at the United States Government for failing in its duty of protecting these more or less helpless people.

The government did try to deal with the problem of Indian-white relations, and there were men contemporary with the problem who held the same view that prevails today.
Three of these men led a government-sponsored peace expedition in California that had as its purpose the preservation of the Indian in his conflict with white culture. Treaties were made, but they were unratified and pigeonholed in Washington. Other efforts to help the Indians were made, but in most instances these efforts failed.

As a result of the failure of these efforts, the California Indians suffered a drastic reduction in numbers. Now, only 11,000 exist on reservations in California. There are some 20,000 outside the reservations.

The first effort to preserve some vestiges of the aboriginal races of California met defeat. Why?

**Importance of the study.** Study of the problem is important for several reasons. The most important of these reasons is the study's concern with a conflict between two cultures. In this case, culture of the California Indians and that of white American settlers were the opposing forces. This cultural conflict is a never ending problem in human relations. The problem still exists today. A study of past conflicts and the methods used to deal with them would give some basis for the solving of present conflicts.

Another important consideration is that here was the first instance in which the tribes were settled on lands other than those they had owned within the political entity of the state. Heretofore, the Indians were moved into the territories. If an Indian reservation was allowed to exist
within state boundaries, it was merely the remnants of a specific tribe's former holdings. This innovation marks one of California's great contributions to federal policy. As such, this study serves to illustrate the reciprocal action between two political entities, one a small subdivision of the larger.

The final basis of justification for this study is its timeliness. Recently the California Indians have been claiming that the United States has no right to several million acres of California land which formerly belonged to the Indians. The tribes want restoration of the land or suitable monetary payment. The Indian argument is based on the methods used by the 1852 peace treaty expedition to secure Indian lands. The Indians charge that force was used by the expedition to guarantee Indian acceptance of federal terms. This study is necessary for background and understanding of this new phase of Indian-white relations in California.

II. THE PROBLEM

Statement of the problem. The purpose of this study is (1) to trace the Reddick McKee Peace Treaty Expedition from its inception to its end; (2) to show the ferment and lawlessness of the times and its effect on the expedition's success; and (3) to seek and present reasons, whether political, monetary, or social, for the non-ratification of these treaties.
Delimitations of the study. This problem is delimited by time, area, and tribes. The years studied are 1849-1853 inclusive. The area with which this study is concerned lies in the Humboldt Bay region, the San Joaquin Valley, and south to San Diego, the area traveled by the United States peace commissioners. The people concerned are the one hundred thirty-nine tribes or bands included in eighteen treaties made during 1850 and 1852.

Some parts of the study do not come within these limitations, but their relationship with the main part of the problem made inclusion of them necessary. For instance, a discussion of the historical background of California and a brief tracing of Indian treatment in California up to modern times was included. These were necessary as foundation and results of the period studied. For the greater part, however, the study stays within the delimitations cited.

Basic assumptions. It has been assumed in this problem that (1) a majority of the settlers failed to appreciate the accomplishments of the Indians as a cultural group, which resulted in some degree of friction between the Indians and the whites; (2) among the reasons for this friction were politics, finances, social and philosophical differences; (3) and that the failure of these treaties and later Indian treatment had a definite relationship.
III. DEFINITION OF TERMS USED

Hostiles. This term is used to refer to those tribes of Indians which were considered to be waging active war against white settlers.

To treat. The meaning of this term is synonymous with the phrase "to make terms with."

IV. METHODS OF PROCEDURE

Kinds of data. Wherever possible, newspapers, published and unpublished correspondence, and memoirs were used as the basis of this study. In some cases, however, I found that county and area histories written by men who had lived during the period up to 1880 gave a good view of public opinion of the times. Some general histories were used, such as Bancroft's History of California. The published minutes and correspondence of the State Legislature were used as well as the executive documents of the national Congress.

Published doctoral theses on phases of California history were consulted. Also, The California Historical Quarterly contained many studies useful in constructing the background of this problem.

Sources of data. The California State Library was the chief source of information used in this study. Here were found contemporary newspapers, published correspondence, memoirs, published governmental documents both state
and national, and some informative county histories. At the Sacramento City Library were found not only general histories but also several local studies concerning the Spanish background of California, the gold rush, and various Indian wars.

The Sacramento State College library supplied abstracts of unpublished doctoral theses and journals of learned societies. Here too was material on the culture and anthropology of the California Indians.

The final source was the State Archives. Several illuminating depositions concerning Indian treatment and some unpublished correspondence were utilized.

V. REVIEW OF RELATED LITERATURE

Literature which has referred to the problem is voluminous. The problem was concerned with the social, political, and historical background of Indian treatment in California. Thus, this study is part of the great mass of history concerned with the westward expansion of the United States in that the attitude of the white settlers toward the California Indians was probably fostered by earlier encounters with more warlike tribes. Biography was also involved since men make history and their background sometimes explained the motives of their actions. Anthropology too was included for the Indian culture was the cause of much of their trouble.

Other specific studies were used, but usually only
as background. Most of these studies were about the gold rush, California government, or some phase of California history not actually concerned with the Indian problem.

Since there is so much related material, I have summarized briefly works more closely related to the unratified treaties.

Works concerned with the California Indian problem in general. Hubert Howe Bancroft described the culture and problems of California in some detail, but the Reddick McKee expedition received little or no notice against the broad background of the California problem in general.\(^1\) Bancroft described the Indian as degraded, but he did not excuse white injustice on this basis.\(^2\) Though his works are somewhat outmoded, they still remain an excellent source of bibliographical materials.

Hittell gave a fine background, and a reasonable and unprejudiced view of the commissioners.\(^3\) He used official correspondence to illustrate the bad feeling between one of the commissioners, Reddick McKee, and those who were opposed to him and the treaties.

S. F. Cook described the efforts of the Indians to

\(^{1}\) Hubert Howe Bancroft, *History of California* (San Francisco: The History Company, 1888), VI, 1-787.


adjust themselves to the white invasion. He reached the conclusion that the Indians were on the point of achieving a balance of power between themselves and the Mexicans. He contends that this was destroyed by the sudden influx of white population caused by the gold rush of 1849.  

Works specifically concerned with the subject. Coy described the Reddick McKee expedition in the Humboldt Bay region. He followed the travel of the commissioner and the difficulties of treaty making. His interpretation of local feeling and his description of small but important events were excellent.

Bledsoe also contributed highly pertinent information to the investigator. Not only did he trace the progress of the series of Indian wars, but he also described the commission. McKee in particular was described in unfavorable terms, and was criticized for lack of knowledge and understanding of the California Indian situation.

Some county histories gave a reasonably clear picture of local attitudes toward the Indians and the treaties.

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6A. J. Bledsoe, Indian Wars of the Northwest (San Francisco: Bacon and Company, Book and Job Printers, 1885), pp. 158-60.
McComish and Lambert described the political pigeonholing of the treaties, and local measures for the relief of the Indians. Wells described McKee unfavorably. Self-importance and ignorance of Indian affairs were not the worst accusations leveled by Wells, who definitely hinted at dishonesty on the part of McKee and his son. Irvine also found McKee pompous and with little knowledge of Indian character. Morgan found evidence of mismanagement and graft. The general opinion of the times was expressed by Cox. He said, "Let the Indians be exterminated; that is their destiny, alas! But let it be done in one stroke, the better for them. Need it be shown that it is the better for all."

The best sources of coverage of the progress of the commissioners were the newspapers and government documents. Details of the trip were put down by members of the


expedition in correspondence and official reports. With the exception of the journal of the expedition which was kept by John McKee, these articles and reports are the only method of tracing the travels of the commission. It is difficult to find works on this specific subject; however, an article in the *Grizzly Bear* covered this problem, but it was the results of the treaties and a discussion of the debts incurred that were stressed. The expedition was merely sketched in. 12

In the final analysis, it would seem that this particular niche of United States history has received very little academic consideration. This study attempts to give the attention requisite to the first federal effort to find some just solution to the Indian problem in California.

12"Rejection of California Indian Treaties: A Study of Local Influence on National Policy," *Grizzly Bear*, XXXVII, May, pp. 4-5, 86; June, pp. 4-5, Supp. 7; and July, p. 6, 1925.
CHAPTER II

THE COMMISSIONERS

I. THE SITUATION IN CALIFORNIA

The acquisition of California had made the idea of a contiguous line of settlement a thing of the past. And with it went the policy of Indian removal by the process of pushing them farther back or transporting them to some distant area.1

This sudden change of situation found the government unprepared for the handling of Indian affairs. It knew very little of this great area which had fallen into the nation's hands as a result of the Mexican War. This was especially true of California. Some idea of this ignorance may be obtained by considering the appointment of John S. Wilson as Indian agent at "Salt Lake City, California,"2 But even more graphic an illustration was the appropriation of a mere twenty-five thousand dollars to implement the work of a bill which provided for the appointment of three Indian agents with "suitable salaries of three thousand dollars per annum."3 These sums were so grossly insufficient that only

1 Grizzly Bear, XXXVII, May, 1925, p. 4.


3 United States Statutes at Large from December 1, 1845, to March 3, 1851 (Boston: Charles C. Little and James Browne, 1851), pp. 519, 558.
a colossal ignorance of prices and living costs in California could have been responsible.

Investigation of conditions between whites and Indians in California between 1848-1850 revealed a very unsettled situation. There were signs that the possibility of white culpability in relation to Indian troubles had not been completely ignored. On November 29, 1847, Colonel Mason issued a proclamation against the selling of liquor to Indians. A jail sentence of from three to six months and a fine of from fifty to one hundred dollars were to be the penalties. Some men were punished, but there were cases where prisoners "escaped," where illegal arbitration was employed, and in which the statements of Indians were ignored to stop arraignment. 4

William Butler King had been appointed to report on the general social and political conditions in California, while William Carey Jones was sent to study and report on land titles in California. Added to these were the reports of Adam Johnston of the Indian Office and the recommendations of the military commandant, General Bennett Riley. 5

King found the Indians degraded, but thought that they might be taught some simple civilized tasks. It was

4"Colonel Mason's Liquor Proclamation and Related Correspondence," 31st Congress, 1st Session, Senate Executive Document No. 18 (Washington, D.C.: Union Office, 1851), pp. 413, 541-2. This document will henceforth be cited as "S.E.D. No. 18."

5Ellison, op. cit., pp. 142-4.
his opinion, however, that they would disappear as the whites extended their settlement. 6

Jones discovered that Indians who settled and worked the soil had very definite rights to it according to Spanish law. Since conversion and instruction of the Indians were the basic considerations of Spanish law, Indians' rights were treated with respect. The wild Indians of the mountains had no recognized land rights under Spanish law. 7

Adam Johnston, sub-agent of the area between the Sacramento and San Joaquin rivers, suggested three supply depots be established to feed Indians whose lands had been appropriated by whites. Included in his report was a statement by Captain H. Day of the Second Infantry which considered removal of the Indians impossible. The solution in fact or opinion lay in domestication of the Indians, subsistence in kind, and instruction of the tribes in farming and animal husbandry. 8

General Riley suggested the concentration of Indians into districts under federal control. These, then, were to be the characteristics of California Indian policy:


8 "Report of Sub-Agent Adam Johnston to Orlando Browne," 33rd Congress, special session, Senate Executive Document No. 4 (Washington, D.C.: Robert Armstrong, 1853), p. 41. This document will henceforth be cited as "S.E.D. No. 4."
reserves of land, subsistence or payment in kind rather than money, and instruction in the arts of civilization.\textsuperscript{9}

Something had to be done. Indian policy in California was being carried on on a temporary basis by the military government. Sutter and Vallejo were appointed sub-agents by the military governor and were instructed to act as protectors of the Indians. All past offenses were to be forgotten, but offenders on both sides were to be tried hereafter.\textsuperscript{10}

Indian restlessness was only part of the reason for the federal government's anxiety, for it was also afraid of what the inhabitants of California might do if not convinced it was to their advantage to be part of the United States. Governor Burnett blamed much of the trouble on the federal government's failure to negotiate treaties with the Indians.\textsuperscript{11} King had noted the independent ability of the Californians to establish a government as it was needed.\textsuperscript{12}

Congressional action was evidently not entirely satisfactory, for this separatist feeling was still noticeable in 1852 and found expression in the report of a joint committee of the State Legislature which pointed out that

\textsuperscript{9}Ellison, \textit{op. cit.}, p. 143.

\textsuperscript{10}"Circular sent by H. W. Halleck to Sutter in Reference to His Duties," \textit{S.E.D. No. 12}, pp. 358-9.


\textsuperscript{12}King's report, \textit{op. cit.}, p. 5.
little good had come to California as a result of being a state. Spanish Californians had risen to fight the United States, but not the Bear Flag rebels. The report claimed California could have defended itself from any aggressor with an army raised within its borders. The theme of the separatists was that California could do better as a republic. Paying taxes and getting no services for them was galling. Some felt, however, that the Indians were being pressed beyond endurance, and that only federal aid could bring about peace.

With this information as a basis, a confused but undoubtedly well meaning Congress passed two bills which, it hoped, would take care of the situation. The bills passed on the twenty-eighth and thirtieth of September, 1850, some two years after the President had advised such action.

II. CONGRESSIONAL ACTION

Realizing the need for action, Congress passed a bill authorizing the appointment of three commissioners to make treaties with the Indians of California. Another bill furnished $25,000 to pay the salaries of the commissioners. No mention was made in either bill on the subject of the


basic policy to be observed in dealing with the Indians. After the passage of these bills, it was necessary to choose suitable men to serve as commissioners.

The men chosen as federal agents or commissioners to treat with the California Indians were Reddick McKee of Virginia, George W. Barbour of Kentucky, and O. M. Wozencraft of Louisiana. These men had virtually no previous experience in Indian affairs and had been residents of California for but a short time. Indeed, the most prominent member of the commission, O. M. Wozencraft, had arrived in California only four months before the constitutional convention. Here he had established a reputation as a liberal man. The commissioners were in the East at the time of their appointment.

Upon being appointed, these men were required to pay a personal bond. After the formalities of putting up the required bonds for their posts, in which process all three neglected to have these papers signed by the district attorney of their respective areas, the commissioners departed for their posts. McKee, who had been appointed disbursing agent, advanced $2,000 to Wozencraft for the transportation of his family. McKee also bought $6,500 worth of Indian goods, working on the premise that it would be

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cheaper to buy these 2-1/2- and 3-point blankets, red flannel shirts, sashes, calicos, and shawls in the East rather than in the extreme inflation of the California economy. He did this on his own initiative since he had received no instructions. He found that he would have to handle the shipping himself since fifty cents per pound was the lowest price he could get on consignment.\footnote{S.E.D. No. 4, pp. 49-60, McKee to Lea, New York, November 9, 1850.}

The first thing McKee requested from the Indian Department was a volume of Indian laws to shed some light on the commissioners' contemplated duties. He later wrote asking if there was any place in California, Utah, or Oregon to which the Indians could be removed. In the absence of instructions, he stated, the commissioners would do their best to solve the problems of both the Indians and the government.\footnote{Ibid., p. 48, McKee to Lea, Pittsburgh, November 1, 1850; pp. 52-3, Panama, December 6, 1850.} It would seem evident the government failed to give the commissioners any inkling of basic policy.

McKee also expressed concern over the parsimony of Congress in his early correspondence with his superiors. He believed that $25,000 was too small a sum for the fulfillment of the commission's tasks. Salaries and the appropriation for expenses, he suggested, should be liberalized to take care of high California prices. He expressed the opinion that from $100,000 to $150,000 would be the minimum
necessary for the successful completion of the treaties.\textsuperscript{19}

The commissioners had planned to meet while traveling en route to their posts,\textsuperscript{20} but this did not work out. McKee's trip over the isthmus took five rain-soaked days which ruined some of his goods. He arrived on the Pacific side two days after Wozencraft and his family had sailed. As it was, Wozencraft arrived at San Francisco on December 27, 1850; McKee followed him by two days; and Barbour made his appearance on January 8, 1851.\textsuperscript{21}

Reporting from San Francisco, McKee again spoke of the inadequacy of per diem allowances and pay. Board cost forty-five dollars per month in hotels and thirty dollars in private homes. Interpreters would have to receive the equivalent of one-half to one ounce of gold per day plus subsistence. Common laborers could be had for six dollars and mechanics for from nine to sixteen dollars a day.\textsuperscript{22}

The commission first met on the 13th of January, 1851, in San Francisco and decided to go to the capital at San Jose to ascertain the attitude of the people concerning the Indians. McKee mentioned the fact that Adam Johnston had not appeared as yet, and expressed doubts as to his

\textsuperscript{19}Ibid., pp. 49-50, McKee to Lea, New York, November 9, 1850.

\textsuperscript{20}Ibid., p. 48, McKee to Lea, Pittsburgh, November 1, 1850.

\textsuperscript{21}Ibid., pp. 52-4, McKee to Lea, San Francisco, January 13, 1851.

\textsuperscript{22}Ibid., p. 54.
accomplishments in dealing with the Indians. A statement was issued by the commission informing the public that the commissioners had full power to negotiate treaties. It acknowledged that the settlers had had some provocation, but advised temperance and forbearance. Use of the Indian as a source of cheap labor should continue, but justice for both races was to be a guiding policy of the actions of the commission.

Reaction to the declaration was varied. According to McKee, it was well received by "thinking intelligent men," but less enthusiasm was manifested by politicians who were trying, through the Indian troubles, to become the "friends" of the miners and settlers. One newspaper pointedly ignored the commission's announcement while bringing out the fact that the Indians were interfering with the laudable efforts of the prospectors. The establishment of strongly held forts was suggested as a remedy.

At San Jose, things were extremely unsettled. This feverish activity was inspired by a story of seventy miners being wiped out and other tales of real or imagined

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23Ibid.
24Daily Alta California, January 14, 1851, p. 2, col. 2.
25S.E.D. No. 4, p. 55, McKee to Lea, February 11, 1851.
26The Transcript (Sacramento), January 30, 1851, p. 2, col. 3.
Indian depredations in Mariposa County had caused sub-agent Johnston to request troops. The state government authorized the sheriff of Mariposa County to raise two hundred men who were presumably to be paid by the United States government. This action perhaps gives some insight into the colossal arrogance of the California state government, which had no qualms about obligating the federal government to pay for local Indian wars. Five hundred thousand dollars in state bonds were also to be issued.

This aggressive tendency was deplored in some places. Rumors which had started the El Dorado "war bubble" a few months previously were still remembered. Also remembered were the efforts of one Joseph Morehead, who had led a state expedition of "Indian fighters," which had stolen Mexican horses, illegally sold state muskets, and accomplished little except the piling up of debts. Issuance of state script for financing an Indian war was therefore vilified by the Daily Alta California as an effort to fleece the people. Instead, many people suggested that the

27Daily Alta California, January 21, 1851, p. 2, cols. 4-5.
28Ibid., January 21, 1851, p. 2, col. 3.
29Ellison, op. cit., p. 144.
30Daily Alta California, January 1, 1851, p. 2, col. 3.
federal government was the logical agency to take care of this trouble, since the federal government had the troops and the money.\textsuperscript{32} Financial considerations as well as humanitarianism seemed to be motivating factors of the pro-Indian faction. Since war would cost a great deal in lives and money, peace was desirable.

It was recognized that the trouble was caused by a minority of whites, and that tales of Indian atrocities were "one-seventh" true, with the whites at fault.\textsuperscript{33} If it became necessary to use force, however, the Indians would have to suffer. As the \textit{Daily Alta California} put it, "The Saxon blood is up, and when it is so, like the rolling Mississippi no slight level will stay within its channels."\textsuperscript{34}

While Wozencraft was at Benicia, military headquarters for the Pacific coast, seeking an escort of troops for the commission, Barbour and McKee decided speed was necessary to secure peace before the Indians of the mountains, whom they compared to the Mohawks in bravery, learned too much of war and secured modern weapons.\textsuperscript{35}

John McKee, secretary of the expedition, was ill in San Jose. This caused McKee to stay behind while his two

\textsuperscript{32}\textit{Daily Alta California}, January 24, 1851, p. 2, col. 1.

\textsuperscript{33}\textit{Ibid.}, January 1, 1851, p. 2, col. 3.

\textsuperscript{34}\textit{Ibid.}

\textsuperscript{35}\textit{Ibid.}, January 21, 1851, p. 3, col. 3.
colleagues met in San Francisco to complete arrangements for the expedition. While in the capital, McKee received some abuse from the San Jose Journal. This was deplored by the Daily Alta California, which stated that it thought the commission knew what they were doing and were doing the best they could.  

With the arrival of troops and mules from Benicia, the commission left for Stockton in early February on the steamer Santa Clara. The escort, which had been furnished by General Persifor F. Smith, consisted of one hundred eleven officers and men under the command of Captain E. D. Keyes, an efficient officer. One hundred fifty pack mules and three mule-drawn covered wagons were used for transport. The size of the escort was probably due to anticipated Indian hostilities which had caused the concentration of troops at Benicia. This large military force possibly frightened the Indians and made the accomplishment of the commission's purpose more difficult. The commission moved south to the San Joaquin area. After elaborate preparations, they were at last on their way to the scene of their duties.

36 Ibid., February 1, 1851, p. 2, col. 3.
37 Ibid., February 6, 1851, p. 2, col. 2.
38 S.E.D. No. 4, p. 55, McKee to Lea, Stockton, February 11, 1851.
39 Daily Alta California, February 1, 1851, p. 2, col. 1.
CHAPTER III

THE EXPEDITION

Setting out into the field under military escort, the commission arrived at Stockton on the eighth of February. Here they found rumors of battles and murders by Indians. News of this sort was nothing new, however, for as one newspaper put it, "Indian stampedes are now the order of the day." ¹

After analyzing the situation, the commissioners decided that the first meeting with the Indians would be arranged by Barbour and Wozencraft, who would be in charge of the treaty force. The commission would journey to Dent's Ferry on the Stanislaus River, forty miles to the east. The plan was that friendly local Indians would furnish "headmen" for additional interpreters, guides, and runners to communicate with hostiles in the mountains and to the south. This measure was adopted because it was considered unsafe for whites to visit tribes in hostile areas. ² The Barbour-Wozencraft party, including Judge John Gage Marvin, ⁵ who was the State Superintendent of Education, Colonel J. N. Nelson, and "Mr. Rice," a reporter of the Stockton Courier, left

¹Daily Alta California, February 13, 1851, p. 2, col. 2.

²S.E.D. No. 4, p. 54, McKee to Lea, Stockton, February 11, 1851.

⁵Information gathered by State Library in an alphabetical file of information gathered from many sources.
Stockton on the eleventh of February. They were to rejoin the rest of the party at Camp Graysonville, situated on the west side of the San Joaquin River, eight miles south of the mouth of the Tuolumne River. McKee remained in Stockton to supervise unloading of the expedition's Indian goods, which were to be delivered to the expedition on the Merced River. McKee still was handicapped by lack of funds and information, as indicated by his correspondence.

The party arrived at Dent's on the evening of the eleventh of February. They found here some two hundred to three hundred Indians. On the twelfth, with the aid of Judge Louis Dent as an interpreter, the commissioners told the Indians of the expedition's plans and objectives. Headmen Packana and José Jesus were very pleased and promised to bring in hostile tribes to talk. Runners were sent to the Stanislaus (Kossus Indians). On the fourteenth the Kossus came in and agreed to sign a treaty in four months. This tribe, numbering four thousand, was scattered in thirty rancherias from the Calaveras River in the north to the Tuolumne in the south.

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3 Daily Alta California, loc. cit.
4 S.E.D. No. 4, loc. cit.
5 Daily Alta California, February 20, 1851, p. 2, col. 2.
On the fourteenth the expedition started for Cornelius's Ferry, situated fifteen miles from Dent's and forty miles up the Tuolumne River. Here the commissioners talked to a friendly chief, Cornelius, who had a great deal of influence with the Indians. A final treaty was discussed but treaties were not agreed upon immediately because the commission wished to save all trade goods for gifts to the hostiles. Cipriano, a chief whose activities had made him suspected by both whites and Indians, promised to bring in hostile tribes on the Tuolumne, Merced, and Mariposa rivers in nine days. They were to meet at Cornelius's rancheria, which lay forty miles up the Tuolumne River from its junction with the San Joaquin.

The commissioners doubted that the mountain tribes would arrive, for the latter were hostile to the valley Indians. Moreover, the weather soon would allow tribes to cross the Sierras to avoid pursuit. The mountain Indians were fierce, numerous, and hard to reach, and the whites were inflamed by tales of Indian atrocities, including the flaying of a white settler. In this tense situation, state troops were being held back by Colonel J. Nealy Johnson until their use was clearly necessary. These troops were stationed at Little Mariposa, which was approximately three miles from Savage's store, and at Cassidy's crossing.

7 Ibid.
8 Daily Alta California, loc. cit.
9 Ibid., March 10, 1851, p. 2, col. 2.
Again the commission asked for money and instructions from the Indian Office in Washington. The commission wanted to know whether or not it should recognize any Indian rights, possessory or usufructory, on lands where settled; whether it should establish some small forts for protection of both Indians and whites; and what exactly were its powers to appoint people to trade with, manage, and superintend the Indians. It was pointed out that more than treaties was needed. The Indians' natural tendency to steal and murder would lead to their annihilation as reprisals came. Someone was needed to instruct and protect them or treaties would be of little use.\(^\text{10}\)

While the commissioners waited for the hostiles, a dress parade was held which elicited the admiration of Don Manuel, captain of the Santa Clara Mission Indians, who had accompanied the party. Rice of the *Stockton Courier* thought too much respect was being paid to the class of Indians then in camp.\(^\text{11}\)

The commission presumably decided that their efforts would be better utilized so they decided to move. On the eighteenth of February, the expedition crossed the San Joaquin at Graysonville and camped about a mile away. On the nineteenth they traveled sixteen miles to Empire City, a small mining settlement. On the twentieth, they arrived

\(^{10}\text{S.E.D. No. 4, op. cit., p. 54.}\)

\(^{11}\text{Daily Alta California, loc. cit.}\)
on the Tuolumne and made camp. Major Savage, elected com-
mander of the state battalion, soon arrived from Mariposa. 
His command had lost some animals to the Indians. Savage 
expressed his belief that the hostiles would probably treat 
with the commission.12

On the twenty-fifth, Cipriano arrived with two hos-
tile chiefs, Wellouma of the Mercedes and Potawackata of the 
Potawackaties. There were minor tribes numbering altogether 
some fourteen hundred people, with two hundred to three hun-
dred warriors. Other tribal leaders sent excuses that were 
received doubtfully by the commissioners. The two chiefs 
present were given the choice of stopping depredations and 
accepting lands, equipment, instruction, and schools, or 
-facing an all-out war. The chiefs were interested but were 
reluctant to use their influence to bring in the other 
tribes. They finally agreed to bring in on March 9 all 
tribes possible. The commissioners were to meet them on the 
Mariposa River and try to arrange terms.

The commissioners decided to move to another area as 
they believed that no more Indians in the immediate area 
would treat. On the twenty-fifth, the party left the 
Tuolumne and was moving to the Merced River when Indian 
runters arrived telling of two hostile chiefs, HawHaw and 
Newmasseawa, who, after sending excuses, had decided to 
attend. Cornelius and Cipriano were sent to inform them of 

12 Ibid., February 28, 1851, p. 2, col. 2.
the projected meeting on March 9, and they agreed to attend. The party camped on the south bank of the Merced. On the twenty-seventh, the Aloe and Mulla tribes came in. They agreed to attend the meeting at Mariposa.\textsuperscript{13}

The tribes expected on March 9 were the Potawackaties, Tiposies, Keeches, Mikechuses, and Yosemite. About half of the hostiles lived in the northern part of the San Joaquin Valley. They also were located around the headwaters of the Mariposa and Tuolumne rivers. Other tribes lived northeast of the San Joaquin, but there was little hope that they would attend. These tribes included the Powhones, Chuchalins, Pitchackies, Talinches, Howitches, and the Chouchillies, a powerful tribe numbering over twelve thousand. As the Chouchillies had been raiding since runners had been sent to them, the commissioners considered the tribe still hostile and thought that they might have to be turned over to the state troops who were stationed within a mile of the expedition.\textsuperscript{14}

By this time, Johnston had joined the commission. He had vainly attempted to forestall war, but he had failed because he lacked funds to give the tribes food. He entertained little hope for the success of the treaties, believing that if they were not backed by a small string of

\textsuperscript{13} S.E.D. No. 4, pp. 60-3, Barbour and Wozencraft to Lea, Camp on the Mariposa River, March 5, 1851.

\textsuperscript{14} Ibid.
military posts neither side would respect the treaties.\(^{15}\)

The large amount of territory to be covered and the expense made it necessary for the commission to split. The Indians had to be placed on lands while land was still available. The commission had stayed together to learn conditions and to conserve money, but now decided to divide the state by natural barriers or by lines of latitude. Lea, Commissioner of Indian Affairs in Washington, D.C., was asked to choose the method, to send any new instructions as to the powers of the commission, and to send some money to enable the commission to function.\(^{16}\)

The party moved on the twenty-eighth of February to a point eight miles from Bear Creek and twelve miles from Fremont's old camp. Nearby, the scene of a recent Indian attack was inspected by members of the party. The respect of the Stockton Courier's correspondent for the Indians began to increase as his hostility toward them mounted.\(^{17}\)

On the ninth of March, the party moved to Fremont's old camp. A small tribe, the Coconoons, under Nuella, were waiting and informed the commission that other tribes were following. Tiposey and Bautiste came in with their two tribes. The Coconoons, Segantes, and Potoyantes reluctantly agreed to leave the mountains. While Barbour,  

\(^{15}\)Ibid., pp. 63-7, Johnston to Lea, Mariposa, California, March 7, 1851.  
\(^{16}\)Ibid., pp. 60-3, Barbour and Wozencraft to Lea.  
\(^{17}\)Daily Alta California, March 8, 1851, p. 2, col. 2.
Wozencraft, and two chiefs were choosing a suitable site for the reservation, Dr. Richard Owens* notified them that three more tribes were near his ranch and wanted to treat. A meeting was arranged. The land was satisfactory to the Indians. When the Apangasse, Apalache, and Awalache tribes came in on the nineteenth of March, a dance and feast were given, and the treaty was signed. On the twentieth, the tribes, under McKee and Johnston, were moved to their new homes. Some runners were secured with difficulty to tell those tribes who had not yet treated to meet the commission on the Fresno River in fifteen days.18

The Indians were pleased and hopeful that peace might prevail.19 Johnston was still skeptical. He pointed out that liquor and hate made treaty stipulations hard to follow without adequate supervision.20 Force, in the form of state troops, was being utilized to bring in some of the tribes.

Lieutenant Kuykendall of the state troops had cornered and killed some Indians in the San Joaquin area. The survivors expressed their willingness to treat.21 The

18 S.E.D. No. 4, pp. 69-71, Barbour and McKee to Lea, Camp Gibson on the Chouchilla River, March 25, 1851.

19 Ibid.

20 Ibid., pp. 72-4, Johnston to Lea, Indian Reserve, Merced River, April 11, 1851.

21 Daily Alta California, March 24, 1851, p. 2, col. 2.

*This was the Owens after whom the lake and river were named. State Library Great Name file (unpublished material). Alphabetized in State Library.
rest of Major Savage's command, which had caused some embarrassment by refusing to give up a murderer in the ranks, was at last adequately armed and provisioned by Judge Marvin's great efforts. They had practiced amazing restraint, for state troops, and at last they were allowed to start military operations. By the end of March, after some rugged campaigning by the volunteers, the Pitoaches, Yosemitos, and Neuch Teuses had been prevailed upon to meet the commissioners. A group was brought in by Kuykendall and a meeting was arranged with them on the King's River. Since the tribe in this area seemed to have little desire to treat, it was thought that the use of troops might be necessary.

While this military campaign had been going on, the peace commissioners' expedition had moved twice. On March 27 they left Fremont's old camp and arrived that evening at Camp McLean on the Fresno River. They stayed until April 12 waiting for the mountain Indians. It was decided to move to the San Joaquin, where they arrived on the fifteenth. Some Indians were present. On the twenty-sixth a feast was held. The next two days were filled with discussions, and on the twenty-ninth of April the treaty

22 Ibid., March 17, 1851, p. 2, col. 1.
23 Ibid., April 23, 1851, p. 2, col. 2.
24 Ibid., April 19, 1851, p. 2, col. 2.
was signed. Sixteen tribes were involved:* The Howecheh, Chuck-ehou-ces, Chou-chel-lies, Po-ho-naches, and Nookchoos under Chief Naiyakqua; the Pitacaches, Cassoes, Toomnas, Allinches, and Paskesas under Chief Tomquit; and the Wocahets, Iteches, Choenumnis, Chokemenas, Notosnotos, and Wemalaches under Chief Pasqual. There were 711 members of these tribes in camp, but with the Monas, or wild Indians, their number was thought to be two thousand to three thousand. In any case, a close approximation of their numbers was impossible. 25

The area allotted to these tribes by the treaty was large enough, in the commission's opinion, to support ten times their number. The reservation extended northwest and southeast for fifty miles along the foothills of the Sierra Nevada, and extended fifteen miles into the plain. This land was thought to be of little value for agriculture, and, since it was outside the main gold and silver districts, the commissioners believed little trouble would be caused by miners. 26

The commissioners were hopeful that these treaties


26 Ibid.

*These were Yokut Indians. See Heizer and Whipple, The California Indians, pp. 4-5.
providing land and food had broken the Indian will to resist. In this, they were supported by the "oldest" settlers. Since many members of the tribes had been exposed to mission influence, it was thought that they would improve. The commissioners expressed their belief that in the last analysis, most of the trouble was caused by the Indians' lack of provender. In reference to feeding the Indians, it was pointed out that liberal subsistence had been provided on the theory that feeding them would be more economical than fighting them.\footnote{Ibid.}

Because of the extent of territory to be covered, the commission decided to divide forces. Barbour took the present escort and proceeded south. Wozencraft and McKee, who were responsible for the central and northern districts, returned to San Francisco in hopes that remittances from the Indian Office had arrived. Their funds had been exhausted early, and the commission was now in debt for cattle and flour. If the money did not arrive soon, operations would have to be suspended.\footnote{Ibid.}

Judging by reactions indicated in the San Francisco press, popular opinion about the expedition was at this point undecided. On one hand, it was thought that the commissioners had done some good and that they might be partially successful in their new areas. The commission's

\footnote{Ibid.}
lack of funds was deplored, but, on the other hand, it was also wondered why more goods had not been secured for the money already spent. Also, buying of three thousand pounds of damaged flour by McKee had struck some observers as being picayune. 29 Finally, there were rumors that jealousy had hampered the work of the commission. 30

In this general atmosphere of uncertainty, after promising but inconclusive results in the commission's first treaty-making efforts, Wozencraft and McKee prepared for their expedition to the other sections of Indian unrest.

29 Daily Alta California, April 2, 1851, p. 2, col. 2; April 26, 1851, p. 2, col. 2; May 10, 1851, p. 2, col. 1.

30 Wallace M. Morgan, op. cit., p. 32.
CHAPTER IV

BARBOUR IN THE SOUTHERN AREA

While Wozencraft and McKee were preparing to fare forth from San Francisco, Barbour had made preparations to treat with the tribes living to the south between the King and Kern rivers. Runners were sent to arrange for a meeting in this area.¹

Financially speaking, Barbour was in a poor position to make treaties. The commission's original $25,000 appropriation had been exhausted, and Barbour had been left $2,257.12 worth of goods.² He later received news from McKee that only $25,000 more had been appropriated by Congress and that extreme economy was necessary. An emergency measure McKee considered was reducing Barbour's escort. In any case, Barbour was advised to be sparing in his use of the Indian goods. Indians were to be fed only during a period of treating, and utensils, goods, and cattle provided for in the treaties were to be delivered in the years 1852 and 1853 rather than 1851 and 1852 because Congress would not convene until then and money for the treaties would not be appropriated.³ Added to this was the Indian

¹S.E.D. No. 4, p. 81, Barbour to Lea, Camp Belt on King's River, May 14, 1851.
²Ibid., p. 77, McKee to Lea, May 13, 1851.
³Ibid., p. 79, McKee to Barbour, San Francisco, May 13, 1851.
Office's original hostility to the split of the commission. The commissioners decided on this move so as to economize in their expenditures. Grudging consent was finally given as officials realized that men at the scene of action might have a better insight as to the measures necessary. It would seem that the commission had problems other than its principal one of arranging treaties with the Indians.

Barbour started for Camp Belt on the third of May. The next day, thirty-five miles of desert were crossed in the coolness of the early morning. Camp was established and on the evening of the fourth, the first Indians came in. The early arrivals were used as runners to contact others, and on the fifth a delegation of hostiles came in to talk. On the sixth, more messengers were sent out. By the eleventh, all the tribes that had shown any desire to treat had arrived. After the usual preliminaries and lengthy discussion, a treaty was signed on May 13 with the leaders of twelve tribes representing an aggregate of four thousand one hundred twenty persons and one thousand warriors. According to Barbour's descriptions, these were more athletic, intelligent, and warlike than the Indians heretofore dealt with, and they had committed many depredations.* They had

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4Ibid., p. 15, Lea to commissioners, May 22, 1851; p. 17, Mix to McKee, June 24, 1851.

5Ibid., p. 81, Barbour to Lea, Camp Belt on King's River, May 14, 1851.

*Probably Yokuts (see Heizer and Whipple, The California Indians, pp. 4-5).
owned the territory called the Four Creek Country, which was considered by some of the white inhabitants to be the best land in the state. Their original holdings had lain between the King and Kern rivers from the Tulare Lake to the Sierra Nevada. By terms of the treaty, they were removed from the better portions of this land, although a sizeable portion was set aside for them. In justification of his allotting these Indians such a large area, Barbour cited their extreme poverty, the price of fighting them, and the reported mineral wealth of the land the tribes were giving up.

Reporting his accomplishments to the Commissioner of Indian Affairs, Barbour stated that only three more tribes living north of the Kern River needed to be contacted to finish his task. In this, he was a trifle optimistic.

Runners were sent by Barbour to tribes north of the Kern River instructing them to meet him on the Cahwea River, about thirty-five to forty miles from Camp Belt. Upon receiving supplies from Stockton, the expedition moved to the proposed meeting site. By the twenty-eighth of May, representatives of seven tribes numbering from twelve hundred to fifteen hundred expressed their willingness to treat.* They had been harassing the whites and were seeking some protection from retaliation. Chief Pedro of a large tribe called

6 Ibid., p. 82, Barbour to Lea.

*Yokuts (Heizer and Whipple).
the Ko-ya-tos did not want to move to new lands, but the

treaty was finally signed on May 30. The land given up in

this treaty was also part of the Four Creeks area.

Paint Creek, which lay forty miles south on the
Cahwea, was the designated spot for the next meeting place,
and runners were again used to summon natives to the treaty
council. Paint Creek was reached by forced marches on
June 1. The captains and chiefs of four tribes numbering
some two thousand people had met here to treat. These
tribes lived near Buena Vista Lake and on the headwaters of
the Tulare River and Paint Creek. Hatred of the Spaniards
was one of the outstanding traits of these tribes. This was
true because these Indians had been raided by the Spaniards
and had many fugitives from the missions and ranchos in
their ranks. Strangely enough, they liked Americans and so
were classified as "good" Indians.* A treaty was concluded
with these Indians on June 3, and the commission moved on. 8

Through the usual contacts by native runners, a
meeting was arranged next with the tribes living at the
terminus of the Tulare River and south of the Kern River.
The place set was "Texan" or "Tahone" (Tejon) Pass. On the
night of the sixth, Barbour's party reached the pass, and on

7Barbour to Lea, San Francisco, July 28, 1851, 32nd
Congress, first session, Senate Executive Document No. 73

8Ibid., p. 494, Barbour to Lea.

*Yokuts (Heizer and Whipple).
the seventh most of eleven tribes or bands of the region arrived in camp for the purpose of treating. On June 10, a treaty was signed with them. Barbour reported that the peoples concerned were made up of small bands, remnants of once great tribes that had been "whittled down by years of warfare, mission drafts, and diseases that the Spaniards had deliberately introduced to curb the Indians."*9 One tribe, the Uvas, had only twenty people left, and another tribe had only one survivor. Their original lands were some four hundred to five hundred miles long and from one hundred fifty to two hundred miles wide in the aggregate. The area included the San Joaquin and Tulare valleys. The boundaries of the reserve ran from the Stanislaus River to Los Angeles and southwest from the Sierra Nevada to the coast.10

His work in the upper San Joaquin-Tulare Basin completed, Barbour then started for Los Angeles in hopes of receiving some money there to carry out his mission along the Colorado River and in the south. On June 16, he received three packages of goods from McKee and a small advance of $231.00 on his salary, but by the time he reached Los Angeles he had exhausted his supply of Indian goods. Despite these shortages, he decided that he would visit some tribes some fifty to sixty miles from Los Angeles. Not

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*These were the Tejon or Kitanemuk Indians (Heizer and Whipple, pp. 4-5).
wishing to subject his infantry escort to the rigors of the desert, he discharged the escort on June 17. Barbour and Captain Keyes parted on a note of mutual respect and appreciation.

Barbour's prospective trip to the south was postponed, first by illness and then by news of trouble in the Tulare area. Having found that Indian trouble in the southern part of the state had as its basis the killing of a dozen lawless men, which was encouraged and lauded by the better element among the settlers, Barbour decided to try to head off trouble in the Tulare area. He hired seven armed and well-mounted men to accompany him, and by June 30 he reached the valley. Barbour's inquiries disclosed that the trouble had been started by vicious whites and Sonorans. A group of gentlemen had restrained the violence of this bad element, but the Indians were distrustful. The tribes were keeping the treaties, gathering customary foods and digging some gold, but rumors of mineral wealth had caused many miners to flock into the treaty reserves. Most of them left when no diggings were discovered. In Barbour's opinion, the vicious whites were more dangerous than the Indians. He managed to satisfy the suspicious Indians by giving them assurances and some presents.

\[11\] Ibid., p. 495.

\[12\] S.E.D. No. 4, p. 127, Barbour to Keyes, Los Angeles, June 17, 1851; E. D. Key to Barbour, Camp Nagruder, near Los Angeles, June 17, 1851, p. 127.

\[13\] S.E.D. No. 23, p. 496, Barbour to Lea.
Summing up his observations and experiences in a final report to Washington, Barbour stated his belief that troops were needed to enforce the conditions of the treaties. Until the arrival of troops, the whites would have to be placated because of their dissatisfaction with the treaties. He observed that McKee had not yet received the $75,000 and that it was all spent anyway. And, since the rainy season was about to begin in California, Barbour requested that he be allowed to visit his family in Kentucky. If the government consented, he could hire thirty or forty men and treat with all the tribes on the Colorado while he was returning home overland.14

Commissioner Barbour did not wait for confirmation from Washington, but left quietly for home. So quietly did he leave that the Commissioner of Indian Affairs heard only "by the grapevine" of Barbour's return to the East several months later. Barbour was immediately asked to explain why he had left California, and why such large amounts of money had been drawn.15 For all practical purposes, however, Barbour was no longer a part of the California treaty scene. On February 2, 1852, he resigned his appointment.16

14 Ibid., p. 497.
15 S.E.D. No. 4, pp. 23-4, Lea to Barbour, Department of Interior, December 23, 1851.
CHAPTER V

WOZENCRAFT'S WORK

In the division of the peace commission's duties in California, Dr. Wozencraft had drawn the central area. He believed that if the Indians were given land for grazing, and cattle to raise, their reasons for carrying on warfare would be eliminated. He also wanted to get the Indians out of the mountains, where they were in an impregnable defensive position, and planned to put a cordon of miners between the natives and their former retreats as a deterrent against depredations.¹ These factors influenced his efforts.

McKee offered some trade goods and much advice to Wozencraft. Since little cash, only $1,080, was in Wozencraft's hands, McKee stressed the need for economy. He promised, however, to have money for Wozencraft's absolute necessities when the new remittance arrived.² Already there can be observed one of the many signs that there was a lack of mutual esteem between these two men. Before leaving San Francisco, Wozencraft let it be known to Commissioner Lea that he had nothing to do with any of the business transacted by McKee heretofore. He would be responsible for those transactions made by himself, but he

¹S.E.D. No. 4, pp. 487-8, Wozencraft to Lea, May 14, 1851.

²Ibid., p. 80, McKee to Wozencraft, May 13, 1851.
wanted no responsibility for those made by his colleague.³

Despite the handicap of little ready cash,
Wozencraft soon managed to meet and treat with six tribes living on the Stanislaus, Calaveras, and Mokelumne rivers. The treaty was concluded at Dent and Vantine's Ferry on the twenty-eighth of May.⁴ The land given these tribes was a plot eight by twelve miles and laid between the Stanislaus and Tuolumne rivers.* The principals of the treaty, Chief Ose-trinidad of the We-chel-los, Yu-it-kah of the Sukahs, Pah-ke-no of the Ko-plo-nemes, Felipe of the Chappah-sims, and Yu-nil-la of the Sag-Wim-nis, protested that the land was too poor. Yet, so anxious were they to preserve their one thousand tribe members that they agreed.⁵ Wozencraft was not happy about the quality of the land, but he could not allow them to stay in the mountains, and the bottom land was already occupied.⁶

Old Cornelius, who had been so helpful to the Americans during the California conquest, and who had always helped the whites, was allowed to keep his own land. This called down curses loud and deep from some of the Anglo-

³Ibid., p. 488, Wozencraft to Lea.
⁴Daily Alta California, October 10, 1851, p. 2, col. 2.
⁵Ibid., May 31, 1851, p. 1, col. 1.
⁶S.E.D. No. 4, pp. 206-7, Wozencraft to Lea, San Francisco, October 14, 1851.

*From the location of their bands, I believe these were probably Miwok Indians (Heizer and Whipple).
Americans. The idea expressed by these critics was that it was sacrilege to let an Indian stay on land good enough for whites.  

Wozencraft informed Commissioner Lea that he felt too little subsistence had been given these Indians because of his efforts to save money while at the same time carrying out his duties. He suggested that they be given the right to run the ferries and thus become self-supporting. He wanted to proceed next to El Dorado County, but lack of funds was preventing him from carrying this out. He was forced, he said, to make with local merchants contracts which were disadvantageous because of high interest rates.  

He returned to San Francisco just long enough to learn of the commission's abrogation and to obtain one thousand dollars for his trip to the troubled El Dorado area. This money was obtained from a Colonel King* under the auspices of McKee.  

Wozencraft arrived in El Dorado County on the twenty-sixth of May, but he had little success. The abuse of natives by the whites, and the roughness of the country, he stated, had made it next to impossible even to find the

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7 Daily Alta California, May 31, 1851, p. 1, col. 1.  
8 S.E.D. No. 4, pp. 84-5, Wozencraft to Lea, Dent and Vantine's Ferry, May 28, 1851.  
9 Ibid., p. 100, McKee to Wozencraft, San Francisco, June 4, 1851.  

*I suspect that this was James King of Williams, who was then in banking.
fleeing Indians, much less talk to them. Since the state battalion had been unable to catch the fugitive Indians, a friendly rancheria was surrounded, some prisoners taken, and the campaign called a success. Much cost was incurred and only harm was done. Wozencraft sent influential men and licensed traders with food to the mountains to bring out the tribes before war started. He estimated that some 40,000 Indians lived in this ninety square miles, but since epidemic diseases such as cholera had caused such a high mortality rate he could not be sure.

Reviewing the difficulties in the way of any immediate success, Commissioner Wozencraft decided to return to El Dorado in three months. He found that his work was slow. As the many bands each had their own chiefs, they were often at war, and were influenced by unscrupulous whites not to come in for treaty councils. And, of course, there was that ever-present lack of money with which to carry out the stipulations of the treaties. Wozencraft had not yet been instructed that funds would not be forthcoming until Congress convened, and that all treaties were to be made


12 Ibid., p. 490.
with this in mind. 13

More success attended Wozencraft's efforts on the Yuba River. Here, ten tribes, or about four thousand people, were given a reservation bounded on the north by the north fork of the Yuba River and on the south by the Bear River.* The twelve square miles of reservation included a military post, Camp Far West. 14 It was Wozencraft's opinion that the assignment of this reserve would influence the hostiles to come in. He gave presents of bright coats to the chiefs of the bands, for in their prestige and authority lay, in his opinion, the possibilities of success of the treaties. 15

Commissioner Wozencraft found the lack of governmental funds put him at a disadvantage. He was forced to contract for beef at high prices and to pay interest on the original price of purchase. Money was needed, but he still was determined to proceed. He left licensed traders in charge of the supplies given the Indians and moved on northward. 16

13 S.E.D. No. 4, p. 17, Mix to McKee, June 25, 1851.
14 Ibid., pp. 120-2, Wozencraft to Lea, Camp Union near the Yuba River, July 18, 1851.
15 Ibid.
16 Ibid.

*These were probably Maidu (see Heizer and Whipple, The California Indians, p. 6).
At Bidwell's,* near Chico Creek, on August 1 another treaty was completed with ten valley and two mountain tribes. The valley tribes were friendly and had been living as best they could when not working on white ranches. The mountain dwellers were hostile, however, and there had been difficulty in bringing them in to talk peace. There was evidence to indicate that the tribes of valley and foothill had overcome their antipathy toward each other enough to consider banding together against the whites. The influence of John Bidwell was trusted to bring in more of the hostiles. The reservation set aside for the tribes here was six by twenty miles and lay along the foothills north of the Feather River.18

Reading's Rancho was Wozencraft's next destination. The Indians here distrusted the whites intensely, but they had been prepared by Pearson B. Reading. Despite the fact that they trusted only Reading, five tribes signed a treaty on August 16. An area twenty-five miles square was given them which was bounded by Mount Shasta and the Sierra Nevada and coast ranges.19

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17 Ibid.
18 Ibid., p. 132, Wozencraft to Lea, Reading Rancheria, August 7, 1851.
19 Daily Alta California, October 10, 1851, p. 2, col. 2. These were probably Shastan Indians.

*Bidwell's Ranch was located on the site of what is now the city of Chico. John Bidwell was a well known early pioneer who served in public office and was instrumental in development of the olive industry in California.

**Reading was another early pioneer. He had served
Leaving Reading's Rancheria, the party moved twenty-five miles to the head of the Sacramento Valley to find the North Pitt Indians. Twenty-five men of the party, under Lieutenants George Stoneman and Wright of the United States Army, were augmented by thirty of Reading's Indians who wished to prove their good will toward the whites and wanted to meet their enemies, the Ukas. The effective lookout system of the hostiles and the roughness of the country made it impossible to get close enough to treat with these Indians, so a different strategy was resorted to. The party pretended to leave the area after an elaborate farewell speech from one of the hills. A small party then doubled back and captured some squaws and children. These were treated kindly and taken to Reading's, but before an interpreter could be obtained to tell them of the expedition's purpose, they escaped. The rains then brought all efforts to a standstill. It was decided to let Reading attempt to reach these Indians. Meanwhile, they were still a thorn in the side of the settlers.20

Disappointment attended Wozencraft's efforts to treat with tribes east of the coast range and west of the Sierra Nevada. The whites had been fighting these tribes with Fremont. He had dealt with the Indians very fairly and so was trusted by them.

and the Indians had grown cautious. Going out with only three men, the commissioner met with no success. To cap this, his couriers to the coast range reported failure, and the valley tribes suspected his motives, until a talk between the doctor and some of the chiefs put their fears to rest.21

The peaceful and friendly Indians at Colusa proved to be no problem. Eight tribes* signed a treaty on September 2. They were given forty-five square miles on the east bank of the Sacramento River opposite Colusa.22 Since these tribes refused to move from their land and would have fought for it, Wozencraft allowed them to keep it.23

Although the commissioner was hampered by illness, he found his efforts in El Dorado at last rewarded when he returned to that county. Many hostiles came in, and after receiving a friendly talk and a gift of beef cattle, four tribes** on the Cosumnes River signed a treaty on the eighteenth of September. This was effected after the state troops had departed, incurring much expense and little

21 Ibid., p. 510.
22 Ibid.
23 S.E.D. No. 4, p. 188, Wozencraft to Lea, San Francisco, September 30, 1851.
*From their location, these were either Maidu or Wintun Indians (Heizer and Whipple, pp. 4-5).
**Miwok (Heizer and Whipple).
The reservation set aside by this treaty was twenty-five miles long and lay along the Cosumnes River. The land was fertile and contained gold, a fact which later was considered a disadvantage by Wozencraft, who hoped it would all be removed before its presence on Indian lands became a political issue. Soon after these treaties were consummated, word was received that twelve more tribes had voluntarily entered the Chico reservation. In all, Wozencraft claimed to have treated with eighty-one tribes and bands comprising seventy-three thousand to eighty thousand people speaking twelve languages. This was a slight exaggeration. There were only an estimated eighty thousand Indians in the entire state at this time.

Wozencraft was now literally and seriously financially embarrassed. He did not have enough money to pay his secretary. In a report to Lea, he stressed the fact that he had practiced extreme economy. Yet somehow his efforts had resulted in a debt of $66,060 for beef and $346,135 for treaty stipulations.

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24 Ibid., p. 187.
25 Daily Alta California, October 10, 1851, p. 2, col. 2.
27 S.E.D. No. 4, pp. 187-8, Wozencraft to Lea, San Francisco, September 30, 1851.
28 Ibid., p. 189, statement of beef cattle furnished by direction of Wozencraft for treaties since May 28, 1851; estimated costs of treaty stipulations, p. 190.
Wozencraft's treaty-making was not yet finished. He received news of Indian troubles from the southern part of the state. But there were also rumblings of trouble in the commission itself. After a brief clash of authority, Wozencraft expressed certain doubts as to the propriety of Johnston's official conduct and took over the latter's duties. He also dwelt on the fact that most of the second twenty-five-thousand-dollar appropriation was gone and had been spent, as was the first, without his (Wozencraft's) knowledge. Wozencraft later wrote the Indian Office to complain of what he termed McKee's "derelictions of duty." McKee had bought on credit soon after the first trip was started, and many of the debts incurred then were still unpaid. He also had disposed of all the funds without consulting the other commissioners. McKee justified his action by saying that his expenses had been enormous. This explanation was considered insufficient by Wozencraft since he had contracted liabilities three months before McKee had started his trip, and he felt that his debts should have been paid first.

Denunciation of McKee had its beginnings in some earlier correspondence. When Wozencraft had been asked his opinion as to the advisability of sending a delegation of chiefs to Washington and the appointment of an officer to

29Ibid., pp. 229-30, Wozencraft to Lea, San Francisco, December 1, 1851.

30Ibid., pp. 240-1, January 29, 1851.
control the Indians of California and Oregon, he had expressed the opinion that since three hundred chiefs would have to be taken, it would be too expensive and the money could be better spent for beef.\textsuperscript{31} He thought it probable that McKee would institute some changes in the California Indian system without waiting for Washington's permission. Wozencraft said that his own duties gave him little time to consider such things, but he implied that his loafing colleague should have plenty of time to survey such problems.

The commissioner also commented on McKee's letters, published in Washington, D.C., which made it seem that only McKee was doing any work. This gave Wozencraft concern because it reflected on Barbour and himself. As for McKee, Wozencraft said, "It is a matter of indifference to me whether Mr. McKee performs his duties through the medium of the press or in the field."\textsuperscript{32} Later, Wozencraft charged that McKee had tried to invalidate all contracts except those he had made, by claiming that the other commissioners had paid exorbitant prices for beef. This and McKee's tirades of self-justification had proved to be detrimental to the entire commission.\textsuperscript{33}

Perhaps Wozencraft's charges were justified. Then again, his own ambition may have added enthusiasm to them.

\textsuperscript{31}\textit{Ibid.}, pp. 131-3, Reading Rancho, August 7, 1851.  
\textsuperscript{32}\textit{Ibid.}  
\textsuperscript{33}\textit{Ibid.}, p. 339.
The good doctor was always among the first to offer himself for any high post that appeared.\textsuperscript{34} Perhaps he was trying to remove the competition. This cannot be proven, but one thing was sure. All was not well among the employees of the Indian Office in California.

Drawn by rumors of an Indian confederation, Wozencraft left for San Diego on February 8, 1852. Here he found that a ringleader, Antonio Garra, had been arrested by Juan Antonio, another Indian chief. As a result, many of the conspirators scattered or gave themselves up. Those who surrendered were executed. The Mexican element of the San Diego area was suspected as the instigators of this trouble.\textsuperscript{35}

Wozencraft joined a force of eighty men under Major Meintzeman, Commander of the Southern District, who were seeking a concentration of hostiles. This expedition picked up Captain Lorenzo Sitgreaves' small and beleaguered command from the Colorado River. This small group was a surveying expedition which had come from duties in New Mexico and had been cut off by hostile Indians. The Indians were caught and routed in a brisk fight in Los Coyotes Valley on the east slope. The ringleaders of these hostiles came in or

\textsuperscript{34}\textit{Ibid.}, p. 283, Wozencraft to Lea, San Francisco, February 16, 1852; p. 203, October 10, 1851.

were brought in. A military court tried and found four of the leaders guilty of arson and murder. They were executed, which result, Wozencraft said, had a very edifying effect on the other Indians of the region. A treaty was then made at Temecula with three nations comprising fifteen thousand people.* It was necessary to put Juan Antonio, who came in late, in his proper place.** No one wanted any one Indian to have too much authority. Another treaty was signed with some twenty bands of Dieguenos. The land reserves designated were mountainous, with a few fertile valleys.36 This was Wozencraft's last activity in California.

In May, a letter from Lea brought the first intimations of Congressional dissatisfaction with the actions of the commission. He wrote for the complete reports of contracts, debts, and liabilities of the commission. He also mentioned that discussion was then current in Washington, D.C., concerning the commission's use of funds and the unauthorized contracting of debts.37 Replying in June, 1852, Wozencraft expressed surprise upon learning

36 Ibid., p. 285.
37 Ibid., p. 26, Lea to Wozencraft and McKee, May 17, 1852.

*Their location would indicate that these tribes were probably Yuman.

**Juan Antonio seemed to think that his betrayal of Garra would give him power with the Indians and special consideration from the whites. J. J. Warner was forced to give him a pointed reprimand so the Indian would realize that he would receive no special privileges.
that a special appropriation to investigate the commission's actions had been suggested in Congress by Representative McCorkle of California. Wozencraft hoped that his motives would be understood.\textsuperscript{38} In a letter to Edward F. Beale, newly appointed federal Indian agent for California, Wozencraft expressed the opinion that he had practiced too much economy in the treaty stipulations. He blamed this on the lack of precedents. He thought that the general policy was good, however, and he was glad Beale seemed to hold the same opinion.\textsuperscript{39}

At last, faced by the very apparent official disapproval of his work, Dr. Wozencraft resigned, effective January 1, 1853. In resigning, he stated that he wanted to appear before a tribunal of examiners in his official capacity and that he would welcome a full examination of his actions.\textsuperscript{40} Acting on instructions, the doctor turned over all government property to Beale on November 20, 1852. His resignation and Lea's appointment for his successor probably arrived at about the same time. But California had not seen the last of Wozencraft.

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\textsuperscript{38}\textit{Ibid.}, p. 335, Wozencraft to Lea, San Francisco, June 16, 1852.

\textsuperscript{39}\textit{Ibid.}, pp. 400-1, Wozencraft to Beale, San Francisco, September 9, 1852.

\textsuperscript{40}\textit{Ibid.}, September 9, 1852; December 4, 1852.
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CHAPTER VI

COMMISSIONER MCKEE'S WORK

Reddick McKee's lack of activity, which had so aroused Wozencraft's displeasure, was caused by a lack of funds. Since no money arrived on the anxiously awaited steamer, Commissioner McKee decided to draw a draft on "Colonel King."* His anxiety to get started was caused by a delegation from the Trinidad area who called on the commission for protection. ¹

King at last advanced him five thousand dollars, considerably less than McKee wanted, but he paid off some of his most pressing liabilities and prepared to leave. ² On August 8, 1851, he joined his escort of thirty-six mounted troopers under the command of Brevet Major H. W. Wessells. The party consisted of seventy men, one hundred forty mules and horses, and one hundred sixty cattle. ³ Mr. George Gibbs was employed to make a topographical map of the region to be covered. ⁴

¹Ibid., pp. 108-9, McKee to Lea, San Francisco, June 30, 1851.
²Ibid., p. 130.
⁴Ibid., p. 499.

*Banker James King of Williams.
The expedition moved over rough country to Felix's Ranch on the Russian River. Here, McKee and a small party went into the Valley of Clear Lake. Eight tribes that had been informed by courier arrived. Although these tribes had been ill-used by the whites, a treaty was signed at Camp Lupeyajuma near Clear Lake on August 20. This occurred despite the fact that the chiefs were concerned about their individual authority when the tribes were gathered on the reservation. The chiefs and tribes present were: Julio of the Cabanopos, Prieto of the Habinapas, Kukee of the Donohabee, Mohshow of the Moalkai, Chibee of the Howruma, Cahahem of the Checom, Conchu of the Chanetkai, and Coene of the Medamaree. About one thousand persons were members of these tribes. The whole valley was given them since there were no white settlers and only one tenuous Spanish claim grant.

On returning to the Russian River camp, McKee found that representatives of the local rancherias had gathered to talk. These four tribes were under chiefs Chaskan, Koyotauassa, Calpella, and Chibem. A treaty was concluded

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5S.E.D. No. 4, p. 142, Journal of John McKee on the Northern Expedition.
6Ibid., p. 143.
7Ibid., p. 140.
8S.E.D. No. 74, p. 500, McKee to Lea, September 12, 1851.

*Wintun Indians (Heizer and Whipple).
on August 22, by the terms of which approximately one thousand Indians were to move to the Clear Lake reservation. George Armstrong and General Estelle* were left to distribute flour and beef to the Indians, and Armstrong had the added task of contacting the coast range tribes to arrange a meeting in the fall.  

From the Russian River, McKee's party then traveled northward through the Betumki and Batindakia valleys toward Humboldt Bay. The Indians they found were very timid and it was believed they had seen few white men. Some presents were given them as well as "Good Indian" certificates. Moving farther north to Humboldt Bay, McKee found the Indians quiet. Although he saw the need for a treaty to establish a reservation before all of the land of this fertile area was settled, he was unable to treat with them because he could not find an interpreter. On September 12, McKee wrote Commissioner Lea that he planned to leave for Klamath via Humboldt, Eureka, Union, and Port Trinidad on September 18 if the onset of the rainy season did not force his return to San Francisco.  

\[9^*E.D.\ No. 4, pp. 143-4, Journal of John McKee on the Northern Expedition.\]

\[10^*E.D.\ No. 74, p. 501, McKee to Lea, September 12, 1851.\]

\[11^Ibid., pp. 501-3.\]

*A prominent politician who was later accused of crooked business methods in supplying food to state prisons. He also commanded California's militia in the northern part of the state.
Upon the peace commission’s arrival in the Klamath and Trinity region, the natives treated McKee’s overtures cautiously. Lack of interpreters and approach of the rainy season threatened to terminate the party’s activities here, for when winter came, the escort would have to go into winter quarters. Finally there came a change in the Indian attitude toward the treaty party. The Hoopah, or Trinity, tribes under influential old Ahrookous came in to negotiate. These tribes consisted of twelve rancherias and their action might well inspire other tribes. The commissioner hoped that the larger tribes could control the actions of the smaller ones.

A treaty was signed on October 7 with twenty-four tribes. These were the Trinity Indians or the Okanos, Agautia, Uplagoh, Welapath, Kahtahti, Patesoh, Kaslinta, Tahailta, Sockkaelkit, Tashwanta, Wishpooke, and the Muma, all under Chief Ahrookous. The chiefs and tribes of the Lower Klamath were Wuckugra of the Wetchpee, Moruscus of the Wahsi, Mahon of the Cappel, Mauo of the Moriahs, Uplagopas of the Seragoins, and Cappelawah of the Pakwans. Those of the upper Klamath were Enumuch of the Utchapas, Kechap of the Uppagcine, Uppagrah of the Saronra, Kalapkorish of the Chammakonec, Panamonee of the Cachacon,

12 S.E.D. No. 4, p.191-2, McKee to Lea, Camp at Durkee’s Ferry on the Klamath near the junction of the Trinity, October 3, 1851.

13 Ibid., p. 193, McKee to Mix, Durkee’s Ferry, October 4, 1851.
and Askavecta of the Cheing.* These tribes promised to try to control the troublesome Redwood tribes, but they could not understand why it was necessary to sign a treaty since their spoken promise would have bound them.  

A supplemental treaty was signed, involving the Siwahs, Oppeas, Heconecks, and Innecks, on October 11 at the mouth of the Coratem or Salmon River. These tribes also were to move to the Trinity Reservation.  

McKee's next goal was Scott's Valley. He arrived there on October 21, 1851. Wessells and his command left for winter quarters, but McKee remained. The commissioner saw at the outset that he would have difficulty in establishing a reservation here. The only farm land lay in the valley, which was thirty to forty miles long and from three to six miles wide. To make matters worse, it was covered with squatters. But, McKee said, the whites would have to be content with only ninety-nine per cent of the land.  

In an effort to satisfy both settlers and Indians, McKee let a committee of four interested white inhabitants of the area, together with his topographer, Gibbs, pick the

14 Ibid., p. 194.
15 Ibid., pp. 211-3, McKee to Mix, Camp on Scott's Valley, Shasta County, October 28, 1851.
16 Ibid.

*Probably Yurok and Hupa Indians.
best spot for the reservation. Interested parties who wished to keep their houses, cattle grazing rights, and gold quartz claims in the lower valley told McKee that the upper valley would be fine for the reservation. The committee, however, found that monthly frosts would harm agriculture in this area. They further commented that any place the reservation was placed would have gold on it since gold was so plentiful in this area. As a result, the lower part of the valley was selected.

Indians of this area were becoming somewhat dissatisfied with their white neighbors. Perhaps it was just as well that a treaty was signed on November 4. It included the Odeilah tribe of twenty-four rancherias under Chiefs Ishask, Eehnequa, Piokuke, Sorwakaha. These tribes lived on the upper Klamath. The Ikaruck under Tsoworgilski and Chelenatch, and the Kosetah under Idakarawakaha and Olabsewakaha consisted of nineteen rancherias on the Shasta River and in the Shasta Valley. The Wahahewa and Eeh under Chiefs Aratsachoia, Annonikakahak, and Sunrise had their seven rancherias in Scott's Valley.* The section given them was thirty-two to twenty-four miles long and

17 Ibid., p. 219, Durkee's Ferry, November 15, 1851.
18 Ibid., p. 224, Scott's Valley, October 28, 1851.
19 Ibid., p. 226, committee to McKee, Scott's Valley, November 3, 1851.

*Probably Shasta Indians.
approximately fifteen miles wide. It was situated in lower Scott's Valley and included fishing grounds on the Klamath. McKee feared that it was too small, but the extent of white settlement had caused this, and he correctly anticipated some action for redress by the squatters who were forced to move. 20

Although Commissioner McKee departed after the treaty signing, he left his son behind to see to the distribution of articles promised to the Indians. 21 John McKee was later accused of setting himself up in cattle ranching in Scott's Valley, while the Indians did not get their beef. 22 After distributing the last of his goods, Reddick McKee continued northward to Portland, Oregon, in November. Proceeding at a leisurely rate, he arrived at San Francisco aboard the steamer Columbus from Portland on December 29. 23

From the time of McKee's return to San Francisco after the completion of the treaties, his energies were chiefly devoted to a spirited defense of his activities and to making disparaging remarks on the conduct and abilities of his commission colleagues and Sub-Agent Adam Johnston.

While preparing to return to the Russian River and

20 Ibid., pp. 220-1, McKee to Mix, October 29, 1851.

21 Ibid., p. 226, Reddick McKee to John McKee, November 6, 1851.

22 Harry L. Wells, op. cit., p. 115.

23 S.E.D. No. 4, p. 235, McKee to Lea, San Francisco, January 15, 1852.
Clear Lake Reserve to explain that no food had been furnished because the company contracted with had closed, McKee heard that large quantities of food were being contracted for by one of his associates. This was done by Johnston, who felt it was a necessary move. McKee contrasted the reported prices paid for beef by his colleagues to his own economy. He had made only necessary contracts, he explained. His trip had been expensive, but it was his opinion that it was the most successful venture of its kind ever to be made. He suggested that Barbour’s position be filled by a businessman. Soon after this, on March 4, 1852, Johnston was removed from office. His position under Wozencraft had been difficult for some time.

Nothing definite had been done by the state legislature in regard to the treaties, but the legislators’ attitude must have been hostile, for McKee was afraid that it would affect Congress. McKee defended his treaties and actions hotly for, as he put it, “The palates of some of these political epicures can be excited by nothing less

24 Ibid., p. 239.
25 Ibid., p. 235, Johnston to Stuart, December 4, 1851.
26 Ibid., p. 284, McKee to Lea, San Francisco, February 17, 1852.
27 Ibid., p. 239, Johnston to Stuart, February 17, 1852; p. 294, Johnston to Lea, San Francisco, March 4, 1852; p. 293, Johnston to Lea, Merced Reserve, February 26, 1852.
28 Ibid., p. 295, McKee to Lea, San Francisco, March 1, 1852.
than Cayenne and Camphor."\(^29\) He met the committee on reserves on March 20, and expressed the opinion that perhaps some of Wozencraft's reserves would be improved or moved.

In March, McKee took up his pen against the suspicions expressed by Major Wessells, the former commander of McKee's escort, that some speculation had taken place on McKee's expedition. He ascribed Wessells' efforts to the tendency of officers to underestimate the ability of civilians.\(^30\) Wessells had mentioned that much discussion had been caused by the method of furnishing the cattle.\(^31\) He further reported that it was claimed that the cattle controlled the movements of the party, that weights had been loosely estimated, and that dying cattle had been written off as issued to the Indians. It was also rumored that John McKee had acted as agent for the cattle contractors, had shared in the profits, and had complete control of the issue. Wessells himself made no accusations and seemed to think that all the rumors could be cleared up.

McKee stated in reply that the system of issue was not inefficient and that the strictest economy had been practiced in only furnishing beef for subsistence during negotiation rather than cattle for treaty stipulations. So stringent had this economy been that only half of the herd

\(^29\)Ibid., p. 299, April 1, 1852.

\(^30\)Ibid.

\(^31\)Ibid., pp. 303-4, Major H. W. Wessells to Captain E. D. Townsend, Benicia Barracks, March 21, 1852.
had been used, much to the beef contractors' chagrin.32

General E. A. Hitchcock, U. S. Army Commander, Pacific Division, then entered the fray. He wondered why McKee had tried to get flour from his commissary for the Russian River and Clear Lake Indians if it was not to fulfill a treaty. He also was curious as to the reason some Indians had to travel sixty miles to Estelle's Ranch near Benicia to get their beef. John McKee's business relationship with Estelle was scrutinized and his living at Estelle's was thought suspicious since John McKee was a government employee.33 The selling of cattle at a market price of twenty-five to thirty-five cents a pound was questioned, since Stoneman had bought it at thirteen cents per pound from Wozencraft. Finally, Hitchcock wondered why Estelle had called up two companies of militia and then, without serving, had received five thousand dollars for military services.

McKee replied that he had wanted to keep the Indians through the winter, but that they had no need of it.34 Since the commissioner had left twenty to thirty sacks of flour for the sick needing a change of diet, Indians at Estelle's had received beef only from Estelle's

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32Ibid., p. 300, McKee to Lea, San Francisco, March 16, 1852.

33Ibid., pp. 301-2, Hitchcock to McKee, Benicia, March 23, 1852.

34Ibid., pp. 304-8, McKee to Hitchcock, San Francisco, March 26, 1852.
kindness. John McKee had been made agent of the contractors (for which he was to receive a commission) because no one else was a good enough accountant. He had stayed at Estelle's on a leave of absence, which was his concern. The herd had been made up of cattle purchased from Estelle's and from G. M. Marshall of Bodega. Estelle had sold about thirty cattle. The prices of 27-1/2 cents and 33-1/3 cents per pound for meat had been decided by the Humboldt, Klamath, and Union trading posts. Captain William MacDonald had handled the issue, not John McKee. Of the militia companies he knew nothing.35

Estelle stated that he had used the same type of verbal contract made with McKee when furnishing beef to the Benicia commissary.36 The militia, he explained, had been called out at the governor's order just prior to departure of McKee on his treaty-making expedition. Money appropriated was for the northern part of the state, not for Estelle. He complained that he had driven his cattle five hundred miles because he thought it would entail a large contract. He vowed that he would never make a like deal again. As for John McKee, he was incapable of dishonesty.

John McKee added that Wessells had paid more because he bought choicer cuts in smaller quantities. He had signed

35Ibid.

Wessells' receipts only at that officer's suggestion, as he (Wessells) wished to march for winter quarters. As remuneration for his services, John received some cattle that had been left behind on a ranch near Humboldt, possibly the source of the rumor which accused him of setting up a cattle ranch. As for staying at Estelle's Ranch, it had been convenient to Benicia, where John McKee had been securing mules for his father's trip. Besides, he had wanted to see life on a rancho. Lieutenants Stoneman and McLean had also stayed there, but they had not been censured. This still did not satisfy Hitchcock, but the dispute died down, leaving a residue of hostility with both antagonists.

Meanwhile, back in the Indian country, the death of two whites in April caused the massacre of some of the rancherias along the Eel River in reprisal. This had moved McKee to ask Governor John Bigler to investigate and to prosecute the culprits responsible. McKee said that he would try, meanwhile, to have Hitchcock establish two small military posts in the area.

Bigler agreed with McKee that unsettled conditions existed, but, as he put it, "The career of civilization,
under the auspices of the American people, has heretofore been interrupted by no dangers, and daunted by no perils. Its progress has been an ovation--steady, august, and resistless." After thus waving the flag, he pointed out that the legislators of the north had said one hundred thirty whites had been killed and two hundred forty thousand dollars in property had been destroyed by Indians. In accusing American citizens of fault in the matter, said Bigler, Commissioner McKee put himself at issue with the men of the legislature.

McKee admitted that he was only trying to tell of incidents in an effort to show the Indian situation in the general area mentioned. He knew nothing of the larger areas in the north, but he would like to see the legislators' evidence. He also bluntly said that since he did not consider election to public office a step toward sainthood he was not inclined to give special credit to the legislators' opinions. Much of the trouble could have been caused by foreign rabble and renegades, but, in any case, murder was murder.

Bigler wondered how foreigners could bring dishonor on the American name and hoped that troops called out to control disturbances would not carry out terms of a treaty

40 Ibid., p. 312, Bigler to McKee, Sacramento, April 9, 1852.

41 Ibid., p. 313.

42 Ibid., p. 315, McKee to Bigler, San Francisco, April 12, 1852.
not yet ratified and so likely to be rejected, especially since it was so detrimental to the people of the state. McKee assured him that the United States was responsible for actions of foreigners. He thought the governor was mistaken in saying the treaties would be defeated, and regretted the animosity of the public toward them. Instead of suggestions for their modification, he protested, only denunciations were forthcoming.

Even during these colorful bouts by correspondence, McKee had time to snipe at his colleagues. On hearing of Congressman McCorkle's bill to appropriate five hundred twenty thousand dollars to pay debts incurred by the commission, he said it was five hundred thousand dollars too much. He hinted that there had been skullduggery between Barbour and Frémont, who was a good Democrat.

McKee righteously disapproved of debts incurred by his colleagues and Johnston, and regretted that their ill-advised actions had caused trouble for the reserve system.

Even Edward F. Beale received attention in the barrage of McKee's invective. He, said McKee, was disliked by the

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43 Ibid., pp. 319-20, Bigler to McKee, Sacramento, April 15, 1852.
44 Ibid., pp. 320-3, McKee to Bigler, San Francisco, April 16, 1852.
46 Ibid., pp. 341-2, McKee to Lea, San Francisco, May 1, 1852.
McKee had little power left, however. Money now came through Beale, and soon there was an argument as to the relative positions of the two men. Beale thought McKee unfitted for the job, but left him alone because McKee was related to Stuart, Secretary of the Interior, and Beale was obligated to this man. * When Beale found that McKee considered himself a free agent with powers of an ambassador, he was forced to suspend him on November 30, 1852. Evidently this suspension was upheld by the Commissioner of Indian Affairs, for McKee thereupon disappeared from the scene.

*I suspect that McKee's relationship to A. H. H. Stuart may have been one of the factors which received consideration at his appointment.
CHAPTER VII

RECEPTION IN THE STATE

Judging by newspaper reports and McKee's official correspondence, the feeling of the majority of people in the state now tended toward hostility to the treaties. Part of this, as in the case of McKee, would seem to have been caused by personal antagonism. The people of Siskiyou thought him self-opinionated. They told how he traded names with an Indian rather than give the savage a valued red vest as a present. When the treaties were not kept, the Indian, Tolo, would not use McKee's name and insisted he was nameless. This incident, plus resentment over his creating a reserve in Scott's Valley, and the misunderstood actions of John McKee, all placed the commissioner's reputation somewhat in question. Protests of the dispossessed miners and settlers of Scott's Valley, which took the form of petitions to Congress, undoubtedly could have had some influence on McKee's singular lack of popularity.

Humboldt settlers considered him pompous, with little knowledge of Indian character, and perhaps a trifle naive. It was told how his interpreter, Robert Walker, added protection of his own ferry as part of the treaty conditions. McKee could not speak any of the Indian

1Harry L. Wells, op. cit., pp. 114-5.

2Leigh H. Irvine, op. cit., p. 65.
languages, or Spanish, which made for dependence on the services of interpreters. Some felt that in making treaties without fulfilling them McKee had given additional reasons for a war.  

Opposition to the commission as a whole included arguments that reserves were too large, and that all of the best land was in areas in which reservations were created. The grant of agricultural and mineral lands to the Indians was considered a check to white expansion and settlement in California. Too, there were signs that political effort was being brought into play to influence the miners and settlers against the treaties and the administration. In reporting the situation to Washington, McKee asserted that partisan newspapers had influenced the public mind on the land's value. In reality, only one per cent of the land was good, according to McKee, and the rest would be overpriced at a cent an acre.

Perhaps surprisingly, the commission had some defenders among the Californians. It was pointed out by the editors of the San Francisco Daily Alta California that the Indians had been located on the same land they had been living on for years. The accusation that all the good land had been given to the Indians was considered a gross

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3Daily Alta California, July 2, 1852, p. 2, col. 1.
4Ibid., October 10, 1851, p. 2, col. 1.
5S.E.D. No. 4, p. 248, McKee to Lea, San Francisco, January 31, 1852.
exaggeration, but it was conceded that too much land might have been given, through the commissioners' inexperience rather than through efforts for personal gain. It was claimed that the commissioners had brought peace, but it was feared that war might be reopened by whites invading the reserves. The commission was asked to make new treaties if the old ones proved unsatisfactory.6

Perhaps the best manifestation of public opinion, influenced or spontaneous, was the actions of the state legislature and Governor Bigler. As the constituency goes, so go their elected representatives when the majority opinion is clearly indicated. Bigler's animosity toward the treaties was quite strong. No small part of this was probably political since he was a very prominent Democrat. In fact, he was instrumental in the formation of the Democratic party in California.7 Since the commission was appointed by a Whig administration, it followed that its actions received close scrutiny by this official.

Bigler's first signs of hostility were voiced in his debate with McKee over the fault of the whites in relation to Indian depredations. He characterized the treaties as being foreign to the wishes and interests of the state.8

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6Daily Alta California, July 26, 1851, p. 2, col. 1.

7A pamphlet on "The Proceedings of the Democratic Meeting at San Jose, March, 1851" (San Jose: J. Winchester, 1851), p. 1.

8S.F.D. No. 4, p. 320, Bigler to McKee, Sacramento, April 15, 1852.
Bigler expressed himself more fully in a special message to the legislature on January 30, 1852. He asked for action to avert evils which would inevitably follow ratification of these treaties. He deplored the giving of large areas of valuable land to Indians, a fact which necessitated moving of the whites. Finally, he criticized the federal policy of settling large savage tribes with landed rights in the state. He thought that annihilation of the Indians and the incurring of large state expenses would be consequences of the policy. The governor studiously ignored the fact that the Indians had been living in approximately the same regions long before the arrival of whites. In this message, the Whig national administration again received unflattering notice. It could be debated whether it was the politician or the devoted public servant which thought that the federal government showed too little solicitude towards California.

Whatever Bigler's motives, his speech generated action. A committee was authorized in the State Senate on January 16, 1852, to investigate the value, condition, and location of lands involved. It was acting on rumors that many lands improved by whites had been appropriated. The
committee was to report its opinion to the senate. On January 19, Senators Warnbrough, Warner, Ralston, Keene, and Miller were appointed to the committee. On February 11, Senator Warnbrough presented the majority report of the special committee and submitted concurrent resolutions that would instruct California's senators to fight any treaty that gave Indians exclusive rights to any land in the state. In addition, California's contingent in Congress was to be instructed to urge that the federal government remove Indians from within the state's borders.

The (Democratic) majority report expressed the belief that it was a mistaken policy to give rich lands to Indians when these lands were the lodestone which drew such a large influx of population. The treaties were blamed for the degraded conditions of the mission Indians. And, to indicate clearly the partisan basis of the majority report, the right of the demand for Indian removal was supported by a quotation from one of Andrew Jackson's speeches.

Senator J. J. Warner did not agree with the recommendations, however, and on February 13 he submitted a

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14 ibid., p. 105.

15 ibid., pp. 597-9.
one-man minority report. He observed that there was no other suitable place to put the tribes. It would take time for the Indians to change their ways and they should be given land to improve themselves. Small tribes could not be left scattered over California because of the certainty of white encroachment. Warner urged that the treaties should be carefully considered and amended if necessary, but if they were defeated, he warned, the Indians would have no faith in later commissions.

The State Assembly also greeted the treaties with evident disapproval, to put it mildly. A special committee on the subject reported on February 16. It commiserated with the plight of the poor settler and miner who had been forced off lands that they had improved (after forcing off the Indians). Violation of rights of these settlers and the consequent reduction of the state's taxable area filled the committee with alarm. It was estimated that over twenty thousand whites and one hundred million dollars were involved. These figures were a tribute to the legislators' creative imagination, but had little foundation in fact.

McKee and the commission also received the attention of the Assembly committee. It was charged that persons employed by Indian agents had invested considerable money in


claims on the reserves, probably a reference to the practice of licensing traders. It was also stated that men accompanying McKee had taken up pre-emption claims in Scott's Valley, and that agents were making contracts, not with the lowest bidders, but with those who would make immense profits. Such a report would have fallen to pieces if given careful examination. In these times, however, the peculiar mental processes necessary to such an examination would seem to have been either discouraged or non-existent. Finally, the committee of assemblymen proposed three resolutions as instructions for California's members of Congress: (1) To prevent passage of the treaties; (2) to seek adoption for California of the same Indian policy that had been applied in other states; and (3) to present before Congress a picture of the evils that would affect the nation, California, and the Indians if the treaties were confirmed.¹⁸

McKee appeared before the committee in a vain attempt to justify the work of the commission, but on March 22 the committee reiterated its past findings.¹⁹ It castigated the agents' practice of letting people work claims on the reservations in special cases as smacking of too much power and favoritism. Since it still was convinced that reserves would work against the interests of whites and Indians, it recommended passage of the resolutions. They passed by a

¹⁸Ibid.
¹⁹Ibid.
vote of thirty-five to six.  

A final dig was given the now expiring body of the treaties. It took the form of a surprisingly mild and realistic Senate memorial which, with the resolutions for California's congressional members, was approved on March 18. The memorialists wanted one hundred sixty acres of free land for every settler and desired that all grazing and agricultural land be left open to facilitate this purpose. Quartz miners also would need clear titles to their land. The state of public opinion, the richness of the land involved, and the mode of Indian life made sweeping treaty modifications necessary. It was suggested that a few well placed missions, around which parcels of land could be given and annuities distributed, could solve the problem. Equal hunting and mining rights would be given the Indian, and all difficulties would be solved. The tribes would no longer own large areas of land commanding routes of travel and ferries. There was no mention as to how the Indians would be protected from white violence, but the memorial did approve of payment and provision in kind, and at least avoided recommending that the Indians be driven from the state. All-in-all, it was a great improvement over some of the earlier efforts.

The question of the whites' priorities on the

\(^{20}\)Ibid., pp. 396-7.

\(^{21}\)Journal of the Senate, third session, 1853, loc. cit.
public domain was not an issue of partisan politics in California. It was basically local in character: here was one thing the parties agreed upon. It was included in both parties' platforms in the 1853 conventions.\(^2\) Little wonder that the treaties limped to Washington in a scarred condition. The commissioners had unwillingly stepped on one of California's most painful subjects, the public domain and land titles.

The eighteen treaties, by February 18, 1852, had reached Washington, D.C.\(^1\) The treaties, in general, were much alike. The Indians were to give up all title and claim to their former lands. In return they would receive necessary subsistence in the form of cattle and flour, brood cattle and farming equipment to make them self-supporting, clothing and household equipment, and teachers, craftsmen, and farmers would be furnished to teach them the ways of civilization. Depredations were to cease and stolen livestock was to be returned. The tribes were to remove themselves to special land reserves given them within a required period of time. The Indians were to have title to the lands of the reserve and disputes on the reservations were to be handled by the agent in charge.\(^2\) In all, 7,488,000 acres, or about one-fourteenth of the state, were given to the Indians.\(^3\)

Despite the slowness of communication, it was rather obvious that the treaties had been preceded to the


\(^2\)Ibid., pp. 1081-1128.

\(^3\)John Walton Caughey, editor, The Indians of Southern California in 1852 (San Marino: Huntington Library, 1852), p. xxv.
capital by their reputation. That there had been much dis-
cussion was shown by Lea's letter to Wozencraft and McKee:  

These matters have given rise to much discussion
here as well as in California, and the agents owe it to
themselves and to the government to place the department
in possession of all the facts and circumstances tending
to elucidate such transactions of so much importance,
and yet of such a character that they may not be
approved.  

In all, the commissioners had contracted for $716,394.79.  
This had not endeared the proposed treaties to anyone.
Since government officials were seeking information concern-
ing the need of these treaties, on May 10, 1852, Indian
Commissioner Lea asked Beale, the new federal Indian agent
in California, to express his opinion of the treaties.  

Beale stated that he considered the policy of the
treaties wise and practical. In his opinion, the reserva-
tion system was a natural result of the policy pursued. If
allowed to roam, the savages would be exterminated. They
could not be removed from the state. East of the Sierra
Nevada were deserts. Many Indians were already located
around the Colorado River, and to put the California tribes
there would place them on the southern trail used by many

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4 S.E.D. No. 4, p. 26, Lea to Wozencraft and McKee, May 17, 1852.

5 Caughey, editor, loc. cit. For a good discussion
of these contracts see article in the Grizzly Bear, May,
June, and July, 1925, on unratified Indian treaties in
California.

6 S.E.D. No. 4, p. 26, Lea to Beale, May 10, 1852.

7 Ibid., pp. 327-8, Beale to Lea, May 11, 1852.
immigrants from the East. Angered at their removal, they might attack wagon trains. Also, the treaty with Mexico forbade colonization on that nation's border. As for reserves in the southern part of the state, Beale observed that they were made up of very poor land. The parts of the treaties which Beale considered objectionable were those regarding the furnishing of farm implements and school teachers. He felt that the Indians would have profited little from either. Generally, however, he was favorably inclined towards ratification of the treaties. He thought that their non-ratification, without offering the tribes some substitute, would result in an expensive war. In closing, he stated that this was no time for a false economy that might lead to huge expenditures later.

Beale's opinions evidently impressed Luke Lea, the Commissioner of Indian Affairs. In his report to Secretary of the Interior Stuart, Lea expressed the belief that hasty rejection of the treaties would be detrimental to the state and to the country as a whole. He pointed out that the idea of removing the tribes from their lands, and settling them within the state on lands not previously owned by them, was without precedent. He considered it expedient, however, since it removed the Indians from much of their contacts with the whites. Lea thought it a blessing that a system of annuities had not been inaugurated. He pointed out that

if the treaties were not ratified, precautions against a general uprising would have to be taken. He admitted that the commissioners had made mistakes, but thought these were caused by unsettled conditions in California. If McKee and his colleagues had exceeded their powers by making contracts to fulfill the treaties before their ratification, they had not acted without precedent. The merits of the treaties, in any case, could not be affected by the actions of the men who had negotiated them.\(^9\)

Stuart seemed to be a trifle inclined against acceptance of the treaties. He might have been influenced by the California congressional delegation. In seeking information from Beale he evidently was partially supported by them. After receiving the report, Stuart wrote as though he were not very satisfied with the information imparted. Since one of the California Senators was claiming that the treaties were being withheld from that body improperly, Stuart communicated the treaties and attached correspondence to the President, Millard Fillmore.\(^10\)

On June 1, the treaties and correspondence were communicated to the Senate by Fillmore. The treaties were received on the seventh and reported without amendment by the legislative committee on June 28. The treaties were defeated in secret session. Thirty-seven men voted against

\(^9\)Ibid.

\(^10\)Ibid., p. 1085, Stuart to Fillmore, May 22, 1852.
them. 11 Of these, twenty-three were Democrats and fourteen were Whigs. Fifteen Democrats and ten Whigs voted for the treaties or abstained. 12 They were then placed in secret files and were not made public until 1905. Some believed that partisan politics had defeated them. 13

Senator Weller admitted that he had been influenced against the treaties by public policy. He thought that the whole United States Army could not have kept the whites off the reserves. It is interesting to note that he was asking for one hundred thousand dollars to keep California Indians from starvation until other arrangements could be made to care for them. The Senator might have been against the treaties, but he was concerned for the welfare of the native peoples of California. 14

Representative McCorkle was not as restrained. He scathingly denounced the commissioner (McKee) as the ultimate in arrogant usurpers of power, but he did not even

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12 *Biographical Dictionary of the American Congress, 1774-1949*, 81st Congress, second session, *House Document No. 607* (Washington, D.C.: U.S. Government Printing Office, 1950); see 32nd Congress, p. 33 ff; also biographical material. Senator Weller, Republican of California, was against the treaties, but did not vote against them. He probably abstained. There might have been an agreement between Weller and some other legislator.


mention the treaties. Was it the commission's personnel that was repugnant to the Democratic Congress, or the treaties? McCorkle's diatribe was part of a speech made with the express purpose of trying to explain Congress's lack of action in the interests of California to the people of California. The Whig administration was his target and the Indian commissioners in California were portrayed as the ultimate horrible example of the administration's inefficiency. As McCorkle puts it:

As in other cases, in pursuance of the fixed policy toward California adopted by the present administration, three gentlemen, entirely ignorant of not only the country, but especially of the nature and habits of our Indians, were sent out from the Atlantic to protect the people of the Pacific from the savages of our state.15

After mentioning mistakes made by the commission, naming an exaggerated figure for the debts that they had incurred, and at the same time inferring the commissioners' dishonesty, McCorkle again blasted the administration:

With such abuses of power and frauds in office, as these exhibited and proven, can it be wondered that a Democratic Congress is slow to make appropriations or enact laws for the benefit of California while the Whig party holds the power in the executive branch of the government.16

McCorkle also characterized California's relationship with the Union as delicate. He feared that neglect would result in a Pacific Republic. Here might have been one of the


16Ibid., p. 6.
considerations that moved to defeat the treaties, plus those of a more political nature. 17

The inadequacies of subsequent treaties of similar nature indicate that the McKee commission's treaties probably would not have worked. A reserve later established by Beale in Round Valley was constantly being raided by whites for slaves. Property was destroyed and Indians were hunted like animals. The whites would then petition the government and raise militia companies in order to receive money from the government. 18 A certain Captain Jarboe was especially guilty of this. He raised his own company. He drew in men with promises of high government pay and then sold them his own cattle at high prices. Then, with supreme arrogance, he presented the bill to the state government. 19

In 1865, Indians were massacred around Owen's Lake. Almost two score natives, men, women and children, were killed in retaliation for the slaying of a white woman and child. 20 Not all whites acted in this manner. In Plumas County on December 20, 1853, George Rose was hanged for

17 Ibid., p. 1.

18 See files on the Indian Wars in the State Archives: "The Round Valley correspondence" has been prepared in an easily read form from the originals.

19 Ibid.

killing an Indian.21 This was not standard procedure. Indians had no protection under the law. They could not bear witness against a white. A liberal interpretation of the apprenticeship clause of an Indian law made the kidnapping of Indian children legally possible. Between 1852 and 1867, four thousand Indian children were kidnapped. The same applied to killing Indians. Over two hundred sixty were said to have been killed for talking out of turn or asking for wages. These were called "social homicides."22 In all, some fifteen thousand Indians were killed from 1846 to 1865.23

By 1937, there were sixteen thousand California Indians on one hundred thirty-two reservations in thirty-two counties. Five per cent of their land, 572,000 acres, was good for agriculture, ten per cent was fairly productive and the rest was waste. There was much poverty. The lands were held under tribal trust patent.24 The Indian population was much reduced from that of 1849, which was estimated at seventy-five thousand.

Tardy recognition was given the Indians' great loss

23 Ibid., p. 43.
in 1944. The court of claims awarded the tribes $5,000,000 as compensation for unfulfilled terms of later treaties. The money was appropriated and impounded and still has not been used. 25

Today there are approximately thirty-one thousand Indians in California. Of these, eleven thousand live on reservations. Although he became a citizen in 1924, the Indian has been hampered by lack of education. The federal government shows signs of cutting off needed aid just when it is having an effect. 26 The Indians do not ask for charity, but for a chance—-one they did not receive a century ago.

25Caughey, editor, loc. cit.

26The Sacramento Bee, Thursday, November 18, 1954, p. F-17, cols. 1, 2, 3.
CHAPTER IX

CONCLUSIONS

Why did the treaties meet defeat? This is a question that partakes of the qualities of a hobo's stew; it has many ingredients which are not plainly visible. When looking at the factors of the case, one could wonder that the treaties received any consideration at all.

First, there were the qualifications of the commissioners. These men had little experience with California Indians—or with any Indians for that matter. It must be remembered, however, that there were very few men available with the information and experience necessary. Such men were either Mexicans or Spaniards, and manifestly undesirable for American political action for that reason, or they were too busy taking care of their own interests to indulge in government business. Men like Sutter and Reading were having too much trouble defending their holdings against land-hungry whites to worry about the aborigines. Perhaps the commissioners' worst crime was that they were appointees of the Whig administration in a time when California was controlled by the Democratic party, as was Congress.

Next, there was the inability of commission members and sub-agent Johnston to maintain cordial relations with each other. One can guess at reasons for this. Wozencraft was ambitious and did not entirely agree with McKee's actions. Johnston was resentful of what he believed was
Wozencraft's unfair authority. In addition, Johnston's resentment at being subordinated after so much previous good work, caused bad feeling. McKee was attempting to justify himself and perhaps to give himself a reputation as the "Great Treaty Maker." Even Barbour, who had not taken part in the name-calling because of his mildness and his early departure, came in for some snide remarks from both Wozencraft and McKee. Whatever the reasons, ambition, jealousy, there was wrangling which probably reflected on the treaties as well as their authors.

Then, too, the large debts incurred by the commissioners while making the treaties must have had some effect on the Congress. The spending of money not appropriated presumably must have enraged many congressmen who were jealous of their power. As the highly partisan McCorkle put it, it was a definite usurpation of the power of Congress. This was an especially painful grievance since it had been inflicted by Whigs against a democratically controlled legislative body. But then, this was a time of unauthorized acts that sometimes had momentous results. Could the commission be blamed for following precedent? California itself had been joggled towards membership in the Union by acts of exactly the same nature.

Closely connected to these debts were rumors of speculation and graft by the commission. McKee and his son, John, were those obliquely accused of this. The rest of the commission seemed to be comparatively untouched by
these accusations. It is difficult to be certain in this matter, but it seems likely that these rumors and accusations were largely unfounded. Major Wessells, McKee's escort commander and accuser, admitted that he was merely reporting rumors and opinions. He had very little conviction or he would have shown more energy in supporting his report. True, John McKee did act as an agent for the cattle contractors while he was still a government employee, but this was a common thing. Even army officers had taken part in some type of private activity to augment their meager pay. The making of contracts and keeping of records was also loosely handled, but these too, were characteristics of the time and place. It would seem suspicious that a herd of cattle was driven at great expense along with the party, but McKee might have feared a lack of beef in the areas he planned to visit.

There is correspondence in existence which indicates that McKee was directed to General Estelle by Governor Bigler,* so McKee's relationship with Estelle was probably brought about by his desire to deal with a reputable man or to win favor with the Governor. Some rumors were probably started by local people who wanted to sell their cattle for a good price but found themselves thwarted. Those forced to move from Scott's Valley Reserve undoubtedly added more fuel to the fire of accusations.

*See Bigler to Estelle (unpublished correspondence), Indian Wars drawers of the State Archives (1852).
In their correspondence, John McKee, Reddick McKee, and Estelle answered the charges very logically. It may be conjectured just how much was true, but no one satisfactorily refuted their explanations. Much of McKee's trouble could perhaps have been traced to his personality. He was evidently an unpleasant man and not well liked.

The subject of the public domain was a touchy one in California. It was the popular opinion that land should be left open to the settler and miner. Any attempt to remove large sections of land from public use for any reason brought immediate howls of indignation. That the Indians should be given any land good enough for the use of deserving whites was not only a mistake, but also heresy.

The treaties themselves did not demand recognition. They were ill-conceived and loosely written. They gave large tracts of desirable land to a people who showed little inclination towards civilizing themselves. Large expenses were incurred to furnish articles and food. Some of these treaty provisions might have done the tribes little good.

These factors, and probably many others, led to the formation of a public opinion which was enough to swing Congress against the treaties. How could one state wield so much power? It must be remembered that California was a long way from Washington, D.C. Hundreds of thousands of adventurous and ambitious souls had rushed into this state of rich resources. They wanted protection, service, and
observance of their wishes. If this had not been forthcoming, California indicated that it would form a Pacific Republic which would have been a great loss to the United States. (Such was the distance involved, that some foreign country might have taken California into its sphere of influence before the state could have been recovered by the United States.) The nation did not want that steady stream of gold interrupted. It was having enough trouble with the South without having its one big source of income removed.

Did partisan politics have any influence on the situation? Perhaps at first glance it would appear that they did not. As has been stated, both parties in California recognized the public domain question as part of their state political platforms. On the other hand, there are some things that are hard to explain. Why was the second appropriation cut to twenty-five thousand dollars? Was this an effort by a Democratic-controlled Congress to cripple the efforts of a Whig-appointed commission? Did public opinion arise spontaneously in California or was it urged on by partisan efforts? If McKee was right, it was all caused by partisan newspapers, but McKee was Whig and would possibly have said that anyway. Bigler's rather pointed jabs were directed first at the treaties and second at the administration. Finally, McCorkle's speech attempted to blame inactivity of the Democratic Congress's on the Whig administration's fumbling, with the treaties and
commissioners used as examples.

Congress had benefitted California little, for as Democrats they were against internal improvements. California wanted her harbors cleared and roads built. Was this then an effort to appease Californians while still holding to basic Democratic ideas, a "red herring," so to speak? What was the reason for the secret debate on these treaties? What was there to hide? Did debates perhaps show that it was not the desires of constituents that were being expressed but, rather, something else? It would be hard to trace, but it would be interesting to study.

**Value of treaties.** In the final analysis, it is doubtful that the treaties would have done a great deal of good. The Indians would have been taken from the hills, where they were hungry but alive, and placed on easily accessible land desired by the whites. The treaties provided for the education and nourishment of the Indians, but gave them no fool-proof protection to insure them of living to collect these benefits. Later reservations were given military posts to act as a deterrent to both races. The redman was usually the only one needing protection. It is ironic that in California the sound of the bugle and the sight of the blue uniform were as fervently desired by the California Indians as they were by settlers on the plains. Adequate military protection was, of course, impossible. The army was small and did not want to interfere with law
enforcement agencies, which in turn favored the whites.

Some treaty or arrangement was needed to help and protect the Indians. Weller admitted this even after he had spoken against the treaties in question. They could have served as a stop gap until amended, which might have been better. Since few treaties with the Indians were kept, a mere revisal would have caused little harm.

The attitude of the whites towards Indians was also an important factor. Was this a cultural response to the long years of Indian fighting? Did fear of a major Indian uprising drive the whites to "removing" the supposed menace of these tribes? The Seminole War was still a bloody memory. If a few Indians could do so much damage, what could the thousands of Californians do?

In the northern part of the state, the Indians had fought well, but this did little good. A general uprising would have been a hard thing to achieve when the loose organization of the California tribes or bands is considered. Such a war would perhaps have brought in enough troops to protect the Indians after they had been put down. Perhaps respect would have been taught the whites by a fierce show of resistance. The settlers did not hunt Apache or Sioux for sport. The natives of California, however, had taken on the qualities of the comparatively easy life they led. They were generally a peaceful people. This is an admirable trait, but it sometimes makes for little self-preservation.
In the final analysis, this problem of Indian treatment was probably unsolvable. To put the tribes on one or two large reservations would have cost more money than the United States could have spent and it would have involved the use of more soldiers than the nation could reasonably have spared from its tiny army. Thus, the California Indians remained scattered, unprotected, and exposed to white persecution.

The white attitude was a natural, if misguided, feeling. Sometimes, this feeling was justified. The Indians did commit depredations. If the settlers revenged these raids by killing the nearest Indian, it must also be remembered that the Indians were rather unselective in their choice of raid victims. The kindly treatment of the Indians by a settler did not insure him against Indian attack.

The whole story of Indian-white relations in California might be summarized as the meeting of two races, neither of whom was prepared for the advent of the other. The Indians were not prepared to change their way of life so that they could compete with the whites. The whites were not prepared for the guardianship of a peaceful aboriginal race. This condition resulted in the near decimation of the California tribes.

Recent Indian policy has been more enlightened in that it has allowed the Indian to progress towards a higher standard. In 1955, ninety million dollars was paid to
the California Indians for the loss of their land. This was somewhat belated compensation, but it did indicate a growing sense of responsibility on the part of the citizens of the United States and the federal government. If this policy continues, the California Indian may, in the foreseeable future, take his place as a valued member of modern society.
### APPENDIX

#### CHRONOLOGY OF THE COMMISSIONERS IN CALIFORNIA

<table>
<thead>
<tr>
<th>Barbour</th>
<th>Wozencraft</th>
<th>McKee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arrived in San Francisco, January 8, 1851</td>
<td>Arrived in San Francisco, December 27, 1850</td>
<td>Arrived in San Francisco, December 29, 1850</td>
</tr>
</tbody>
</table>

**First meeting of commission, January 13, 1851**

**Latter part of January, 1851:**

- **San Jose**
- **Benicia**
- **San Jose**

- Remained at San Jose to care for sick son
- At San Francisco to plan trip

**Early February, 1851:**

- **Arrived Stockton, February 8, 1851**
- **Stayed in Stockton**
- **Arrived at Dent's Ferry, February 11, 1851**
  - to supervise handling of supplies.
  - Rejoined party in a few days

**Joint Expedition lasted until early May, 1851**

- **May 3, 1851:**
- **Took escort and proceeded south to make treaties**
- **Returned to San Francisco**
- **Remained in San Francisco until August, 1851**

- **May 13, 1851:**
- **Made treaty at Camp Belt**
<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 28, 1851:</td>
<td>Signed treaty at Dent's and Vantine's Ferry</td>
</tr>
<tr>
<td>May 26, 1851:</td>
<td>Arrived in El Dorado</td>
</tr>
<tr>
<td>May 30, 1851:</td>
<td>Signed treaty on the Cahwea River</td>
</tr>
<tr>
<td>June 3, 1851:</td>
<td>Signed treaty at Paint Creek</td>
</tr>
<tr>
<td>June 10, 1851:</td>
<td>Signed treaty at Tejon Pass</td>
</tr>
<tr>
<td>June 17, 1851:</td>
<td>Discharged escort in the Los Angeles area</td>
</tr>
<tr>
<td></td>
<td>After some efforts to make more treaties, he left quietly. Date?</td>
</tr>
<tr>
<td>July, 1851:</td>
<td>Started a reservation on the Yuba River</td>
</tr>
<tr>
<td>August 1, 1851:</td>
<td>Signed a treaty at Bidwell's Ranch</td>
</tr>
</tbody>
</table>
### APPENDIX--Continued

<table>
<thead>
<tr>
<th>Barbour</th>
<th>Wozencraft</th>
<th>McKee</th>
</tr>
</thead>
<tbody>
<tr>
<td>August 8, 1851: Signed a treaty at Reading's Ranch</td>
<td></td>
<td></td>
</tr>
<tr>
<td>August 13, 1851: Signed a treaty at Reading's Ranch</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Late August and early September: Attempts were made to contact the Pitt Indians and those tribes east of the Coast Range</td>
<td></td>
<td></td>
</tr>
<tr>
<td>August 20, 1851: Signed treaty at Clear Lake</td>
<td></td>
<td></td>
</tr>
<tr>
<td>September 2, 1851: Signed a treaty at Colusa</td>
<td></td>
<td></td>
</tr>
<tr>
<td>September 18, 1851: Signed treaty on the Cosumnes River</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Late September, 1851: Returned to San Francisco and remained through October, November, December, 1851, and January, 1852</td>
<td></td>
<td></td>
</tr>
<tr>
<td>October 7, 1851: Treaty made near the Trinity and Klamath rivers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>October 11, 1851: Signed treaty at the mouth of the Salmon River</td>
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</tbody>
</table>
## APPENDIX—Continued

<table>
<thead>
<tr>
<th>Barbour</th>
<th>Wozencraft</th>
<th>McKee</th>
</tr>
</thead>
</table>
| **October 21, 1851:**
  Arrived at Scott's Valley | | |
| **November 4, 1851:**
  Signed treaty in Scott's Valley | | |
| **December 29, 1851:**
  Arrived at San Francisco. The rest of his stay in California was spent trying to justify the treaties. In May and April, engaged in correspondence with General Hitchcock and Governor Bigler. Later had disagreement with Edward H. Beale which caused his suspension. | | |
| **February 2, 1852:**
  (Washington, D.C.)
  Resigned from post of commissioner | | |
| **February 8, 1852:**
  Left for San Diego | | |
| **March, 1852, to January 1, 1853:**
  In San Francisco | | |
| **November 20, 1852:**
  Turned over government property to Beale | | |
<table>
<thead>
<tr>
<th>Barbour</th>
<th>Wozencraft</th>
<th>McKee</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>November 30, 1852: Suspended from the commission</td>
</tr>
<tr>
<td></td>
<td></td>
<td>January 1, 1853: Resigned from the commission</td>
</tr>
</tbody>
</table>
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