THE DESTRUCTION OF THE INDIAN IN MENDOCINO COUNTY
1856 - 1860

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PREFACE

In the bloody history of the conflict between North American Whites and Indians, California's chapter stands forth as epic in its description of the savage cruelty perpetrated against the Indian population. Referring to California, one early twentieth century historian stated, "Without an exception on the American continent there is no area in which the native population has so suddenly and generally diminished."[1]

It is also true that there is more written about the North American Indian than about any other aboriginal group in the world. Yet when one seeks a history of the fatal clash between the Whites and the Indians in California, one searches in vain, for accounts of this conflict are virtually non-existent. To my knowledge there are only two histories dealing with the impact of white civilization on the California Indian: Indian Wars of the Northwest by A. J. Bledsoe, a much overrated book written in 1885 which deals primarily with Humboldt and Trinity Counties, and Ishi: In

1. Warren K. Moorehead, The American Indian in the United States (Andover: The Andover Press, 1914), p. 325.

Two Worlds by Theodora Kroeber, which is largely a biographical study of one Indian but which does contain some excellent information on the treatment of the Yani and Yahi Indian tribes in Butte County.

The question immediately arises: why have historians not researched the dramatic story of the destruction of the California Indian? There is an historical legacy which dictates in subtle ways what is most worthy of being written about. In the literature of the nineteenth century the California Indian is treated as a distinct type. Some wrote that he was not so brave as his "Red Brother" to the East nor so handsome as the "Noble Red Man" to the North. In fact, to many ostensibly educated nineteenth century writers the California Indian represented one language and one culture: "Digger." In 1890 H. H. Bancroft wrote, "We do not know why the Digger Indians of California were so shabbily treated by nature; why with such fair surroundings they were made so much lower in the scale of intelligence than their neighbors."[2] L. L. Palmer, historian of Lake, Napa and Mendocino counties, was of the opinion that "For Veracity's sake we must aver that the California Indian was anything but an easy subject for civilization. Knowledge he had none,

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2. Hubert Howe Bancroft, History of California: 1860-1890, Vol. VII (San Francisco: History Company Publishers, 1890), p. 474.

his religion or morals were of the crudest form, while all in all he was the most degraded of mortals."[3] W. S. Jarboe, one of the most vicious Indian killers in California, stated, "The Indians roaming this region and more particularly the Ukas [Yuki] are without doubt, the most degraded-filthy-miserable set of anything living that comes under the head of and rank as human beings."[4] Except for certain romanticizations the nineteenth century attitude of even the most enlightened did not consider, or possibly could not allow, the California "Digger" to be a subject worthy of study. The story of the destruction of the California Indian, impeded by a remarkable prejudice in its infancy, has found few advocates to the present time.

The present concern may merely prove the truth of Frederick Jackson Turner's dictum that "Each age studies its history anew and with interests determined by the spirit of the time." Ethnic considerations have become a prime concern of historians since 1960. One can point to the rash of books written by and about Black Americans in the last few years to cite as evidence of this fact. The guilt inspired

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3. Lyman L. Palmer, History of Mendocino County (San Francisco: Alley, Bowen and Company, 1880), p. 24.

4. Militia Report Number 7, Captain W. S. Jarboe to Governor John B. Weller, December 20, 1859, California State Archives, Indian War Files. (Hereafter referred to as Indian War Files.)

by such increasing social awareness has peaked both curiosity and research on the subject.

But it is sadly typical that the California Indian will probably be the last to be examined both socially and historically. This paper will fill the historical gap in a limited way by focusing on the conflict between the Whites and the Indians in the Mendocino region of California. To put this story into perspective it has been necessary to include a chapter on the aboriginal population of California to show the magnitude of the "Indian Question" and a chapter on the reservation system, since it acted as a second force in the destruction of the Indian.

The number of the aboriginal population of California has been the subject of debate for half a century and has frequently been used to extrapolate the numbers of the Indian population for all of North America. A study of Indian demography also helps in small part to unravel the skein of confusion which surrounds most historians' opinions about the number of native Americans who were involved in the White-Indian conflict.

The federal policy toward the California Indian, which resulted in the first extensive reservation system on this continent, was very different from what was suggested by the political rhetoric of the day. If one considers that its stated purpose was to protect the Indian, the reservation

system in California was an abysmal failure. It was in reality a handy instrument to aid in the extermination of the native population. For this reason I have included a general discussion of the reservation system from its inception to 1860 with emphasis on the reservations in Mendocino County.

The third chapter of this thesis deals exclusively with the extermination of the Indian in the Mendocino region of California between 1856 and 1860. I have relied almost entirely on original sources written by participants in this racial conflict. The material was found in the uncatalogued Indian War Files of the California State Archives. They consisted of personal correspondence, militia reports, U. S. military reports, grand jury reports, petitions, and legal depositions, most of which have not been used by historians in their treatment of the "Indian Question" in California. The documents number in the hundreds and are adequate to provide a thorough chronological picture of the treatment of the Indians by the white settlers in Mendocino County during this period, which appears to be the time of most intense conflict between the two races in that portion of the state. Mendocino County was selected because there are only three areas in California in which this conflict is so fully documented. Moreover, this area also had a reservation so that all factors were present--Indians, settlers, reservations, extermination. Other studies may indicate that

the decimation of the Mendocino Indians was not an isolated event.

The "fatal impact" in Mendocino was a microcosm of a dramatic and savage story which occurred throughout the state of California in the fifteen years following the gold rush. In these fifteen years Indian society in California was destroyed as a culture and its sheer physical existence was very nearly exterminated.

CHAPTER I

California Indian Population

The virtual extermination of the Indian must be evaluated according to the number that inhabited a given area. Furthermore, an intelligent appraisal of the Indian problem in California in the nineteenth century requires an analysis of the historical confusion surrounding aboriginal demography in North America as well as in California, since conclusions were frequently drawn relating native population of the continent with those of the state. The confusion concerning the total number of Indians may be diminished by two recently employed demographic methods: ecological archeology and extrapolation of population figures from eyewitness historical records. These demographic techniques, although not new, are recently being used with a degree of sophistication unheard of in the past.

An eminent Beringologist suggested that if no more than 400 people had crossed the Bering land bridge, and if that group maintained a lifespan of no more than twenty years and produced no more than one offspring per couple; mathematically

the group could have populated the Western Hemisphere with 10,000 individuals in 15,000 years.[1] As the land bridge was extant for at least 10,000 years, the prevailing opinion is that continuous waves of homo sapiens migrated into the New World. Recent archeological evidence in Texas and California strongly indicates the presence of man in North America as long ago as 30,000 years.[2] Although debate continues among anthropologists as to the efficacy of time-dating techniques, there is still overwhelming evidence that the pre-Columbian aboriginal population of the Western Hemisphere was much larger than many scholars have maintained.

In 1942 historian Loring Priest claimed that "The American Indians never totaled over a million."[3] The population figure 1,000,000 has an almost magical quality. Historians have not strayed far from this estimate for a span of at least seventy years, and it is repeated with monotonous regularity in books and classrooms as the authoritative figure for the number of Indians on this continent before the coming of the white man to the New World.

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1. David M. Hopkins, "Human Migration and Permanent Occupation," in The Bering Land Bridge, ed. by David M. Hopkins (Stanford: Stanford University Press, 1967), p. 416.

2. Peter Farb, Man's Rise to Civilization as Shown by the Indians of North America from Primeval Time to the Coming of the Industrial State (New York: E. P. Dutton & Company, 1968), p. 197.

3. Loring Benson Priest, Uncle Sam's Stepchildren The Reformation of United States Indian Policy: 1865-1877 (New Brunswick: Rutgers University Press, 1942), p. V.

In this vein Nevins and Commager wrote that, "When the first Europeans arrived, the Indians east of the Mississippi probably numbered not more than two hundred thousand. Those of the whole continent north of Mexico certainly did not exceed five hundred thousand."[4] Straying from demographic orthodoxy but still arguing on the safe side of 1,000,000 Nevins and Commager obviously had in mind a population estimate which would substantiate their biased view that "It was fortunate for the white settler that the Indians of North America were too few and too backward to be a grave impediment to colonization."[5]

Two years later one-time Commissioner of Indian Affairs, and historian John Collier, reiterated the prevailing opinion in 1947 when he wrote, "At the time of discovery, the region that is now the United States contained some one million Indians."[6]

Historians Barck and Lefler in a work published in 1958 lowered the population estimate of Nevins and Commager but strangely and conversely took an opposing view regarding the effect of Indians on colonization by stating that the

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4. Allen Nevins and Henry Steele Commager, A Short History of the United States (New York: The Modern Library, 1945), p. 5.

5. Ibid.

6. John Collier, Indians of the Americas Mentor Books (New York: The New American Library, 1947), p. 101.

Indians were an important impediment in the colonization problem. They claimed that, "There were an estimated 125,000 to 200,000 natives in the region east of the Mississippi when the first white men landed along the Atlantic coast."[7]

As recently as 1965 Samuel Eliot Morison asserted, "The latest scholarly estimates of the Indian population in the present area of Canada and the United States vary from 900,000 to 1,500,000 . . . . The Indian population of the United States and Canada in 1960 was not far short of the lower estimate of 1500 [A.D.]; a remarkable recovery, considering the stresses to which that race has been subjected."[8] One marvels at the rationalization that went into such a statement, but Morison quickly makes it clear why he feels that the American Indian suffered no real lasting effects from the onslaught of white civilization for three hundred years. According to Morison, "Our character is very different from what it would have been if this continent had been uninhabited when the Europeans arrived. It was a good thing for the forebears that they had to fight their way into the New World."[9] Morison then would not like to

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7. O. T. Barck and T. F. Lefler, Colonial America (New York: The Macmillan Company, 1958), p. 13.

8. Samuel Eliot Morison, The Oxford History of the American People (New York: Oxford University Press, 1965), p. 15.

9. Ibid., p. 16.

suggest that our national character had been strengthened at the cost of another race and, therefore, his view is that in the sweep of history the Indians have recovered from the cultural devastation inflicted upon them by the Whites.

However, the question of Indian population was viewed differently by writers during the last years of the Indians' feeble resistance to the incursions of the Whites. In a frequently cited book on Indian history published in 1886, the author reacts with vigor against a suggestion that the original native population in North America could have numbered in the millions. Oddly enough, the suggestion came from George Armstrong Custer. The general's estimate received the following sarcastic reaction from the historian J. P. Dunn:

> There were never 500,000,000 Indians within the present bounds of the United States nor 50,000,000, nor 5,000,000; at the time of the discovery of America by Columbus there were possibly 1,000,000, but more probably there were only about one-half of that number. Some modern authorities of the highest rank maintain that there has been no decrease at all since the close of the fifteenth century.[10]

Indian population figures have been depressed to less than 1,000,000 and rarely more than 1,000,000 in virtually every history written for the last seventy or eighty years,

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10. J. P. Dunn, Massacres of the Mountains: A History of the Indian Wars of the Far West (New York: Archer House Inc., 1886), p. 11.

and frequently the idea is suggested by historians that the Indians have pretty well recovered in population since the decimation of frontier days. It is impossible to say where the idea originated that North America had a pre-Columbian population of 1,000,000, but it is possible to trace those "scientists" who made that estimate sacrosanct.

James Mooney, an ethnologist of substantial reputation at the turn of the century, estimated that the number of Indians in North America prior to White contact was 1,050,000.[11] A. L. Kroeber, already an overwhelming force in academic circles by 1925, gave his stamp of approval to Mooney's estimate with only minor qualifications. It was not until 1939 that Kroeber officially reduced Mooney's figure to 1,026,000. This opinion by Kroeber was corroborated by anthropologists Rosenblat and Steward, who published their findings in the 1940's.[12]

Kroeber, Mooney, Rosenblat and Steward used a methodology that was quite the reverse of that utilized by scholars who would later extrapolate aboriginal population from historic records. Working backwards from the present to arrive at their data, this group relied on contemporary conditions, recent population census, existing village sites

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11. A. L. Kroeber, Handbook of the Indians of California (Berkeley: California Book Company, 1925), pp. 885-886.

12. Harold E. Driver, Indians of North America (Chicago: The University of Chicago Press, 1961), pp. 35-37.

and the area required to feed a given number in a food-gathering economy. Generally, Kroeber and his followers eschewed the records of historical eyewitnesses as hyperbolic and unreliable. Kroeber's distrust of historical records is odd in light of his frequent use of such documents, particularly in establishing California's aboriginal population during the Spanish Period. Later anthropologists have used historical records with more trust.[13]

There were several anthropologists and at least one historian who urged consideration of a higher Indian population count than Kroeber's during his period of intellectual dominance. The historian William MacLeod was in fact prompted to formulate his own demographic theory, based on Kroeber's hypothesis of one Indian to one square mile of territory in California. MacLeod, using the historical records of the Jamestown colony, arrived at a population density of two Indians per square mile, then arbitrarily eliminated 1,000,000 square miles of the American continent as uninhabitable. He again reduced his total to bring it into conformity with Kroeber's theory, and so finally claimed an aboriginal population for America of 2,000,000. But his concession to Kroeber left MacLeod with a nagging doubt, because he added, "the two to the square mile

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13. Henry F. Dobyns, "Estimating Aboriginal American Population," Current Anthropology, Vol. 7 (October, 1966), p. 398.

figure for tidewater Virginia indicates that two million is perhaps a low estimate."[14] His estimate was indeed very conservative, as his historic census was exclusively of warriors and he had merely added a two-to-one ratio to account for other members of the tribe. He also completely discounted the initial impact of disease. Nonetheless, he paved the way for an approach to determine Indian population which has since been used effectively by anthropologist Henry Dobyns in what appears to be a highly regarded study of the problem.

Dobyns uses ethnological and archeological techniques as cross reference devices to check the accuracy of original historic documents. Using this method he found that despite warnings by anthropologists of hyperbole in historic records the records of the military and clergy tended to underestimate native population.[15]

Using these historical records Dobyns established a ratio of decline in Indian population shortly after White contact. He then looked at the nadir figures of population in various areas of the Western Hemisphere, the nadir being that point at which a population group began to make a recovery. Multiplying the decline factor by the nadir

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14. William C. MacLeod, The American Indian Frontier (New York: Alfred A. Knopf, 1928), pp. 15-16.

15. Dobyns, "Estimating Aboriginal Population," p. 403.

population count, Dobyns was able to arrive at a pre-Columbian aboriginal population of this hemisphere. The computed total was then checked against population figures reported by the eyewitnesses. The ratio of decline in North America was twenty to one, and the nadir population was set at 490,000. Hence Dobyns claimed that the Indian population of North America before White contact was between 9,800,000 and 12,000,000. On this basis Dobyns estimated the total population of the New World before the white invasion to have been close to 100,000,000.[16]

The article by Dobyns is obviously no more than the opening barrage of a long battle which will continue between anthropological demographers, but several have found merit in his argument, and Dobyns' theory has already been included in several recent publications on American Indian History.

Archeologist Martin Baumhoff in a thesis written seven years prior to Dobyns' article brilliantly supplements Dobyns' view that North American Indian population figures should be revised upward from the 1,000,000 count. Baumhoff's main emphasis is not, however, North American demography, but a population study primarily of California Indians. His study differs from Dobyns' in another respect in that he uses a technique called ecological archeology as his population

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16. Dobyns, "Estimating Aboriginal Population," pp. 414-415.

determinant. But before a consideration of archeological analysis a review of the Indian population question in California is in order. This regional problem has been subjected to more historical and anthropological comment than the population questions of any other region of North America.

The special state census of 1852 lists the population of "Domesticated Indians" at 31,266. Since most of the Indians in the state were "wild" Indians, this census figure was next to worthless. But it did serve to confuse, for it came up from time to time as a countering argument against those who insisted that California contained an enormous number of Indians.[17]

Adam Johnston, the first Indian agent in California during the American period, wrote to Governor McDougal: "Estimates of their [Indian] numbers have heretofore been made varying from 40,000 to 250,000 . . . . I have estimated the number of Indians within the limits of California at 80,000."[18] A few months prior to this report from Johnston, McDougal had written a letter to the President of the United States requesting military aid from the federal government to

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17. U. S. Bureau of the Census, United States Census of Population: 1850, California, Special Census of 1852.

18. Letter, Indian Agent Adam Johnston to Governor John McDougal, December 26, 1851, Indian War Files.

put down the "one hundred thousand warriors, all animated by a spirit of bitter hostility."[19] McDougal's letter was sent to Washington almost at the same time as the report of Indian Commissioners G. W. Barbour and O. M. Wozencraft, which gave their estimate of the Indian population in California. Barbour and Wozencraft placed the total number of Indians in California at between 200,000 and 300,000.[20]

Other officials during this period also made estimates of the native population. Shortly after assuming his duties as Superintendent of Indian Affairs for California in 1853, Edward Fitzgerald Beale took a census of his wards and calculated the number of Indians to be about seventy thousand, "though they are," as Beale wrote to Washington, "melting away every day before the pressure of the white population."[21] In 1856 Superintendent of Indian Affairs Thomas J. Henley reported that California contained 60,000 Indians, totaling only 15,000 in the counties of Mendocino, Colusa, Yolo, Napa, Sonoma and Marin.[22] The Commander of the Department of

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19. Dunn, Massacres of the Mountains, p. 116.

20. U. S. Department of the Interior, Office of Indian Affairs, Annual Report of the Commissioner of Indian Affairs: California Superintendency, the year 1866 (Washington: Government Printing Office, 1866). (Hereafter referred to as U. S. Department of the Interior, Annual Report, 1866.)

21. Stephan Bonsal, Edward Fitzgerald Beale: A Pioneer in the Path of Empire: 1822-1903 (New York: The Knickerbocker Press, 1912), p. 174.

22. "Scenes Among the Indians of California," in Scenes of Wonder and Curiosity, ed. by R. R. Olmsted (Berkeley: Howell-North, 1962), p. 344.

the Pacific, General W. C. Kibbe, in a letter to a U. S. congressman as late as 1860 expressed this view: "I am confronted with 12,000 miles of Indian Frontier and 60,000 Indians."[23]

In the first decade of statehood California was represented as a region brimming with Indians by the only people who could be construed to be eyewitnesses, that is, Indian commissioners, Indian agents and military men stationed in the area. How did contemporary historians respond to these reports? They considered them fallacious, claiming that Indian agents and military men made exaggerated statements in order to gain fatter appropriations from Washington. H. H. Bancroft, or more probably his assistant Henry Oak, placed the Indian population very close to the 1852 census figure for domesticated Indians, that is, at approximately 30,000. He also cast aspersions on the accuracy of population reports by Indian agents.[24] Historian J. P. Dunn, outraged at what he considered to be the inflated figures of Superintendents Beale and Henley, stated flatly, "In reality the number of Indians, men, women, and children, in California, at any time after the discovery of gold,

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23. General W. C. Kibbe to U. S. Congressman J. C. Bunch, June 13, 1860, California State Archives, Adjutant General Papers.

24. Bancroft, History of California, VII, pp. 488-489.

did not exceed 20,000."[25]

About the time that Dunn and Bancroft were penning their arbitrary estimates a journalist and amateur anthropologist, Stephen Powers, hit upon a method to determine the Indian population of California which was surprisingly sophisticated. The technique he used was to investigate closely the physical environment to determine how much human life it could support without starting a cycle which would be damaging either to man or to the natural resources. In short, his technique was ecological determination of population. His statistics were crude but his method was unimpeachable. In his classic study, Tribes of California, Powers set the Indian population at 705,000. His largest source of statistical error was overestimating the number of miles of salmon-producing streams by 4,000 miles.[26]

Virtually every anthropologist has since made use of Powers' book, and virtually every one of them has scoffed at his population figure of 705,000 as being ridiculously high. This is perhaps why nearly eighty years passed before newer techniques were brought to bear on Powers' method. C. Hart Merriam believed that the secret of aboriginal population for

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25. Dunn, Massacres of the Mountains, p. 117.

26. Martin Baumhoff, "Ecological Determinants of Aboriginal California Popualtion" (Unpublished Ph.D. dissertation, University of California at Davis, 1959), p. 10. (Hereafter referred to as "Ecological Determinants.")

the state was locked up in the mission records dealing with the Indians. In 1905 he wrote an article setting down extrapolations from historical records. The Spanish baptismal records showed 1834 to be the peak year with 30,000 Indians being baptized. This number he calculated to represent three-fourths of the Indians living in the mission strip. He then deduced that another 10,000 had lived in that area but had died from disease and other causes. Therefore, he hypothesized a total population for the mission strip of 50,000. Knowing that the mission strip only represented one-fifth of the non-desert area of California, Merriam finally multiplied his 50,000 by five and added 10,000 Indians believed to live in the desert, obtaining a total of 260,000 California Indians in 1800. His argument to this point was on tenable ground. In fact, he recognized that his estimate was conservative because of the richer food supply in Northern California. But when he calculated the years of decline, his logic seemed to falter.[27]

For Merriam saw the population in 1800 at 260,000; in 1834 at 210,000 and in 1849 at 100,000. This represented an amazing 110,000 decline in population in fifteen years. Merriam explained that this phenomenal decline resulted from

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27. C. Hart Merriam, "The Indian Population of California," American Anthropologist, Vol. 7, (January-March, 1905), pp. 595-598.

the secularization of the missions and the wholesale slaughter of the Indians by the Spanish and Mexican population of California. As evidence the anthropologist recounted the exploits of one Lieutenant José Francisco Palomares, who confessed to burning seventy Indians in a sweat house and described how he dealt with Indians suspected of stealing chickens as follows:

> I commanded my companions to tie [the Indians] hand and foot and stretch them face up. They did so....I dug out [an Indian's] eyes with the point of my dagger and then ordered that he be set free in that desolate mountain.[28]

In this way Merriam made his point by citing the barbaric cruelty perpetrated against the Indian by the Mexican populace. But as he himself had previously suggested, the bulk of the Indian population was in Northern California, which was not invaded by Whites until the American Period. The white population between 1834 and 1849 was 10,000 to 12,000 and was still hugging the central and southern coasts of California. For this reason it is impossible to accept Merriam's statement that "The shrinkage of the native population during the fifteen years from 1834 to 1849 I have estimated at 110,000, which is at the appalling

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28. U. S. Congress, Committee on Indian Affairs, Indian Tribes of California. Hearing before a subcommittee of the Committee on Indian Affairs, House of Representatives, on H.R. 8036 and H. R. 9497, 69th Cong., 1st sess., 1926, p. 58 (hereafter referred to as U. S. Congress, Indian Tribes of California).

rate of more than 7,000 a year."[29]

There was good reason for Merriam to believe that the Indians in California numbered in the hundreds of thousands, for he and one of his daughters personally located 137 villages of the Shasta tribe alone in the Klamath River drainage. He confirmed his count with two different Indian informants. Since each village, or rancheria, contained from twenty to two hundred inhabitants, the Shastas themselves represented a population of thousands.[30] Furthermore, Merriam would have been well advised to project his population figures from village count, because he left himself subject to criticism in his use of mission records by that dean of American anthropologists, A. L. Kroeber, some twenty years later.

Alfred L. Kroeber in 1925 took C. Hart Merriam to task with that peculiar academic politeness which precedes the falling of the axe. Kroeber seemed to believe that Merriam did an excellent job at computing Indian population figures in all particulars except for his conclusions.. The disagreement concerned the percentage of California that was non-mission. Kroeber adjusted the proportion of mission-controlled territory to one-third of the state's area,

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29. Merriam, "The Indian Population of California." p.603.

30. U. S. Congress, Indian Tribes of California, pp. 61-62.

thereby arriving at a total of 150,000 Indians in California in 1800. He then reduced that figure to 133,000, since that count squared with his previous research, establishing the proportion of one Indian per square mile of territory in the state.[31]

Most California historians have used the figures 260,000 or 133,000, or have suggested a number somewhere between these as the Indian population for the state.[32] Merriam's method, on the one hand, was simplistic at best and his information sketchy. Kroeber, on the other, arrived at his estimate as a result of criticizing Merriam and of using other anthropological techniques which he, Kroeber, continuously reduced by large percentages for reasons known only to himself. These factors render his results as questionable as Merriam's. Nonetheless, their opinions are cited as authoritative as late as 1968.

In 1942 Berkeley physiologist Sherburne Cook reconsidered aboriginal population in California in an exhaustively researched series of monographs. His methodology was much like Kroeber's and Merriam's. He frequently was influenced

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31. Kroeber, Handbook of the Indians of California, pp. 881-882.

32. Rockwell D. Hunt, California and Californians, Vol. II (San Francisco: The Lewis Publishing Co., 1932), p. 357; Ralph J. Roske, Everyman's Eden: A History of California (New York: The Macmillan Company, 1968), p. 12; Theodora Kroeber, Ishi: In Two Worlds (Berkeley: University of California Press, 1964), p. 13.

by Kroeber's penchant for arriving at a count for a given area and then reducing it by a percentage factor sometimes as high as one-third. As a result Cook increased Kroeber's over-all estimate by only seven per cent. But Cook did place the bulk of the Indian population in Northern California and reflected a large count for the years following the gold rush. In this respect his figures contradict the estimates of Merriam with regard to a sharp decline of native population during the Spanish and Mexican period in California.[33]

The greatest contribution of Cook's monograph series on California Indians is found in his treatment of population decline due to disease and food deprivation. But his information on total population figures and on the decrease of Indians because of violence at the hands of the Americans is erroneous. Cook estimated a total of 85,000 Indians at the beginning of the American Period in California. His estimate of the most populous tribe in Mendocino, the Yuki, is 3,500 (about 1,500 higher than Kroeber's estimate). These calculations were subsequently reconsidered by Cook yet were reasonable assumptions given the prevailing views when his study was written. But his grossest miscalculation

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33. S. F. Cook, The Conflict Between the California Indian and White Civilization, Ibero-American Series, Vol. 21 (Berkeley: University of California Press, 1943), pp. 2 and 194 (hereafter referred to as Conflict Between Indian and White).

was in computing the population decline of the Yuki as a result of military casualties. Cook calculated only 573 deaths among the Yuki as a result of military action in the period from 1848 to 1880. Here he is to be faulted, for he used reliable historical evidence but ignored the violence, stressing food deprivation as the major factor in decline.[34]

It was Cook, however, who provided the study that acted as a foundation for Baumhoff's drastic and definitive revision of Indian population in California. In a 1956 population study of the north coast Cook used a variety of sophisticated techniques which doubled the population figures of his work in the 1940's. As an example, he increased his estimate of the Yuki Indians from 3,500 to 6,880. Had he used the same methods in a state-wide study, his total would have been close to 300,000.[35] His population figures for other tribes which inhabited the north coast area were 1,100 for the Kato; 7,700 for the Nongatl, Lassik and Sinyone; 3,350 for the Wailaki; and several thousand for a part of the Northern Pomo. Therefore the Mendocino region alone contained an Indian population in

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34. Cook, Conflict Between Indian and White, Vol. 23, pp. 35, 38, 96, and 111.

35. S. F. Cook, "The Aboriginal Population of the North Coast of California," Anthropological Record, Vol. 16, No. 3 (Berkeley: University of California Press, 1956), p. 108.

excess of 20,000 persons.[36] Cook himself, despite a proclivity to attribute population decline to disease, claimed in 1966 that mountain and coastal Indians were not affected by epidemic depopulation.[37]

Anthropologist Martin Baumhoff considered Cook's figures to be an excellent platform from which to launch his really ingenious population study of the Indians. Baumhoff did not simply accept Cook's estimates but enhanced his own technique by using them as a control factor for his own estimates. It should be pointed out that Baumhoff, with the typical anthropologist's fear of overstating his case, kept his calculation conservative and yet still slightly increased the over-all count of Indians beyond Cook's speculations.

Baumhoff's hypothesis deals with food supply and its ability to support man in a given area of territory with the maintenance of a healthy ecological balance. The Indians in Northern California appeared to be in equilibrium with their environment, because in those areas of periodic excess food supply, especially during heavy salmon runs, the Malthusian prediction of population

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36. Ibid., pp. 103-109.

37. Dobyns, "Estimating Aboriginal Population," p. 411.

outstripping the food resources with consequent starvation as the ultimate population control did not occur. Biological controls such as decreased birthrate and cultural controls such as infanticide acted to maintain an ecological equilibrium.[38] Therefore, the press of excessive population relative to food supply did not occur, and for that reason the native populace was not pushed to innovate a technology to cope with the desperation caused by hunger and the need to survive.

Baumhoff's data points out the remarkably high population figures which could result from a hunting and gathering economy as existed in California. Baumhoff has gone through the intricate work of establishing the quantities of salmon, trout, deer, elk, acorns and grass seeds available in Northern California, checking their protein count, and working out a mathematical formula based on this food supply to compute population densities per square mile. His results reveal that a large portion of Northern California had the ability to support as many as ten people per square mile.[39]

Using the data provided by a study of cultural population controls such as warfare and infanticide, and having accurate population statistics for a limited area

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38. Baumhoff, "Ecological Determinants," p. 107.

39. Ibid., p. 144.

occupied by the Indians, Baumhoff had ample information to check extrapolations that were computed on a basis of food supply alone. These computations approximated frequently with a margin of a few hundred the population figures gathered by other methods. By totaling his computations, Baumhoff arrived at an aboriginal population count of 248,000 for Northern California alone. He stated, "If these figures are correct, I do not see how the total aboriginal population of the State of California can have been less than 350,000."[40]

Alvin Josephy, one of the really first-rate American historians to write about Indians had the following to say in a book published in 1968:

> Until recently the most knowledgeable students estimated that there was somewhere between 15 and 20 million Indians in the hemisphere when Columbus arrived, agreeing also that probably some 850,000 lived within the present boundaries of the contiguous states of the United States . . . Recent demographic studies in various areas, however, indicate that earlier data are inaccurate and suggest that population estimates be revised upwards . . . Some students believe that the estimates, cited above, may have to be increased possibly as much as ten times. This may be too high. A sounder projection might be suggested by the study made of California Indian population: until recently it was thought that somewhat more than 130,000 Indians were in present day California before the appearance of White men; now it appears more probable that they were in excess of 350,000.[41]

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40. Ibid., p. 153

41. Alvin Josephy, Jr., The Indian Heritage of America (New York: Alfred A. Knopf, 1968), pp. 52-53.

Baumhoff, unfortunately, did not direct his talents to the study of population decline. So we find Josephy later citing the tried but untrue figure of 100,000 Indians in California as the population figure at the beginning of the 1849 gold rush. Josephy is closer to the mark in maintaining that fully seventy per cent of the California Indians were destroyed in the first decade following the great American invasion of 1849.[42] But he greatly underestimated the number of Indians encountered by the gold seekers.

That tireless scholar, S. F. Cook, undoubtedly influenced by Baumhoff's study, maintained in a 1968 magazine article that he now believes that there were fully 175,000 Indians in California in 1849. He holds that 150,000 of them were in the northern part of the state and had not to that time been much harmed by disease. He also put forth the idea that more died as a result of violent clashes between the two races than had previously been realized.[43]

The historic difficulty in attributing a population figure in the hundreds of thousands to the California Indian is that such a calculation has flown in the face

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42. Ibid., p. 145.

43. S. F. Cook, "The Destruction of the California Indian," California Monthly, LXXIX (Dec., 1968), pp. 14-15.

of the steadfast idea that only 1,000,000 Indians inhabited pre-Columbian North America. The magic number of 1,000,000 had taken on the vestments of tradition and the virtues of inertia. A change in thinking about the demography of one area was bound to affect the thinking about the other. Baumhoff was aware of this possibility when he wrote:

> If there were 350,000 aboriginal Californians then according to Kroeber's figure almost a third of the Indians of the United States were in California. This seems ridiculous on the face of it and suggests that populations of other areas are underestimated if the California figures are correct.[44]

Henry F. Dobyns has put forth a most compelling argument that such is the case. The next few years should thus see revisionist activities in North American Indian demography which will ultimately find their ways into the history books.

The evidence suggested here ascribes a new magnitude to the "Indian Question" in California at the beginning of the American Period. It is this writer's belief that as many as 200,000 Indians were encountered by the first great wave of white adventurers in 1849. Both the public officials and the populace had a problem to solve of no mean proportions regarding the Indians in California. The White solution of this problem was twofold and typical

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44. Baumhoff, "Ecological Determinants," p. 153

of Anglo-Europeans: an official policy of governmental control and a personal policy on the part of White settlers and officials alike of genocide. Both solutions were cruel and destructive to the Indians; they are the subjects of the next two chapters.

CHAPTER II

The Reservation System in California to 1860

The story of the reservation system in California is a rotten one. The reservations themselves were little better than detention camps characterized by cruelty, disease, starvation and exploitation. American Indian policy in California at the earliest contact was markedly oppressive and plagued with misunderstanding about the nature and culture of the California Indian.

With all the compassion of a shark, William T. Sherman set the stage for the oppressive policies which were to follow when he issued a proclamation through Alcalde Burton of San Jose that Indians caught stealing horses would be summarily shot by the citizens of the area. Several weeks later, on November 1, 1847, he enlarged on this obnoxious manifesto by issuing an order that Whites would issue their Indian employees work certificates; those Indians without work certificates would be punished as horse thieves.[1]

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1. William H. Ellison, "The Federal Indian Policy in California, 1846-1860," Mississippi Valley Historical Review, IX (June, 1922), p. 43.

Sherman's orders provided in effect that all Indians not in bondage to the Whites could be shot by the citizens in the region. AS one of the first official acts of United States authorities against the Indians of California, this order created consequences which were devastating. It set the Indians outside the law. It made the Indians fair game for any White with the urge to shoot one of them. It elevated livestock in moral value above the Indians, and it made bondage to the Whites a life and death matter. Sherman's Draconian mood prevailed.

In 1850 the legislature of California passed a law that an Indian or person with half-Indian blood would not be allowed to give evidence in a court of law.[2] Among several other laws passed during that legislative session dealing with Indians, an act concerning Indian minors best reveals the atmosphere of the time. The law imposed a ten dollar fine on the White citizenry for cruelty and starvation of an Indian child.[3]

While the State and Federal governments were busily violating the well-being of the Indian, a struggle for power was going on between the military and the civilian

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2. Theodore H. Hittell, General Laws of California: 1850-1864 (San Francisco: H. H. Bancroft and Company, 1865), p. 235.

3. Ibid., p. 530.

branches of government in Washington. It was temporarily settled in 1849 when the Office of Indian Affairs was transferred from the War Department to the newly created Department of the Interior. The civilian leadership did not, however, augur for more enlightened attitudes toward the Indian, nor was the Army completely separated from Indian affairs. Military posts would in future be part of the federal system of Indian reservations, and from time to time after 1849 military officers would be appointed as Indian agents.[4]

The first appointment of an Indian agent in the Far West by civilian authorities seemed to illustrate the typical Army view of civilian stupidity. A Mr. John Wilson was named as Indian agent for Salt Lake, California. Within a week it was learned that the Great Basin was too much of a visual obstacle for Mr. Wilson and would not permit him to oversee the affairs of the Indians in California, so Adam Johnston was selected in April 1849, as the subagent to administer the area of the Sacramento and San Joaquin River drainage. Because John A. Sutter declined the offer to handle the Sacramento River region, Johnston was in effect

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4. Lawrence F. Schmeckebier, The Office of Indian Affairs: Its History, Activities and Organization (Maryland: The Johns Hopkins Press, 1927), p. 43.

Indian agent for all of California.[5] Admonished to keep the Indians peaceful with trinkets and blankets, Agent Johnston applied himself diligently to the impossible. But soon he began to pressure the federal government for substantive help for the Indians in the form of supply depots to offset their loss of land and food sources to the Whites.[6]

About the same time Johnston was making his plea for supplies, a federal investigator named Thomas Butler King was visiting California. In his report to the President, King suggested in an offhand way that the California Indians be collected together and taught "the arts of civilization." In this way the first official concept of a reservation system was haplessly suggested.[7]

Although the federal government was not sympathetic with California's view of an Indian menace, it was finally responsive to letters such as one from Governor McDougal which depicted a state inhabited by 100,000 warriors about to clash seriously with the Whites. Congress was led to accept a horrifying image of 100,000 Whites and 175,000

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5. Alban W. Hoopes, Indian Affairs and Their Administration: With Special Reference to the Far West (Philadelphia: University of Pennsylvania Press, 1932), p. 39.

6. Ellison, "Indian Policy in California," p. 47.

7. Ibid., p. 46-47.

Indians occupying the same territory at the same time by letters such as the following, written by John Bidwell to a congressman in 1851:

> But here we have not only Indians on our frontier, but all among us, around us, with us--hardly a farm house . . . without them. And where is the line to be drawn between those that are domesticated and the frontier savages? . . . . Our white population pervades the entire state and Indians are with them everywhere.[8]

It was in response to the hysterical outcries of an Indian under every bed that Congress reacted. In 1851 it authorized the President of the United States $25,000 with which to make treaties with the tribes of California.[9]

The President appointed Redick McKee, George W. Barbour and O. M. Wozencraft as special agents to treat with the Indians of California. This trio of southerners arrived in San Francisco early in 1851 and after an early negotiating trip by all three members, they decided to parcel the state in geographic sectors, an agent to each sector. Since they all approached the negotiating problem in essentially the same way, Redick McKee's expedition will be used as the example.

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8. Hoopes, Indian Affairs, p. 35.

9. William H. Ellison, A Self-governing Dominion: California, 1849-1860 (Berkeley: University of California Press, 1950), p. 144.

McKee left Sonoma in August of 1851 to make treaties with the Indians in the northwest portions of California. He was accompanied by seventy troopers, 140 horses and mules, and numerous beef cattle under the command of a Major Wessels. This caravan stopped at various places along the major river courses and lured the Indians from the forest with bribes of trinkets and beef. In that way they secured Indian signatures for their treaties.[10] The treaty concluded at Camp Klamath, which was located at the confluence of the Trinity and Klamath Rivers, provides a typical example. The major provisions of the treaties are paraphrased as follows:

Article 1. The tribes would place themselves under the jurisdiction of the United States, and would refrain from aggression against Whites and other Indian tribes.

Article 2. The tribes would let the Indian agent handle certain disagreements, and the Indians in more severe cases would surrender themselves to the legal authorities of the State.

Article 3. The Indians would cede all their lands to the United States.

Article 4. The United States would promise to the Indians certain tracts of land, upon which would be placed

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10. Owen C. Coy, The Humboldt Bay Region: 1850-1875 (Los Angeles: The California State Historical Association, 1929), pp. 138-139.

a military post and headquarters for the Indian agent and his employees. Additionally the land could not be sold to anyone but representatives of the United States government.

Article 5. It was stipulated that the tribes move to the reservations within three years, whereupon they would be taught the language, arts and agriculture of the Whites.

Article 6. The tribes would be provided with food, clothing, blankets and utensils after ratification of the treaty. The distribution of these would be carried out by the Indian agent.

Article 7. Beef and tools for the building of dwellings would also be provided.

Article 8. The articles would be binding when ratified by the President and Senate of the United States.

The Camp Klamath treaty was signed by witnesses who were White citizens and by the Indians, for whom interpreters phonetically spelled out the native names, such as "Wuck-ug-gra, his X mark" and "Wa-pe-shaw, his X mark." There were a total of twenty-eight Indian names on this particular treaty.[11]

The total amount of land promised to the Indians of California by the eighteen treaties made by the three

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11. U. S. Congress, House, Committee On Indian Affairs, Claims of the California Indians, before a Committee on Indian Affairs, House of Representatives, on H. R. 491, 70th Cong., 1st sess., 1928, pp. 78-81.

commissioners was 7,500,000 acres, or less than one-tenth of the total area of California. It was reported that 139 Indian "tribes" had agreed to the articles of the treaties and that they represented a majority of the Indians of the state. Nonetheless, when the citizens of California discovered that the United States government planned to hand more than seven million acres over to a horde of "diggers," sparks flew and ignited a flame of reaction in Washington, D. C. The United States Senate promptly rejected the treaties in 1852, and then put a seal of secrecy on their contents which was maintained for fifty years.[12] The efforts of three expeditions roaming the wilds of California for more than a year were abortive because of White sentiment in California fomenting unfavorable political decisions in Washington, D. C. A typical historical picture is painted with White greed and political chicanery duping the Indian, who invariably acted in good faith. But then on the other hand, what of the Indians' ability to honor such treaties?

The white negotiators' attempts to treat with the Indian was the quintessence of ignorance and misunderstanding. The California Indian was not an imbecile "digger," nor was he a "noble savage." Nonetheless, he was occasionally

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12. Joseph Ellison, California and the Nation: 1850-1869 (Berkeley: University of California Press, 1927), pp. 92-93.

savage, particularly to his neighbors, as the following example points out.

> One time the Yuki came into Long Valley and captured some Kato women . . . . They tortured the women by sticking sticks into their vaginas and anuses. Five young women died from the torture. One of them was the informant's third cousin. One old woman with an arrow in her side and a stick in her anus managed to escape. She was sick a long time but finally got well.[13]

The assailants of the women wandered into the Kato camp some ten years later and were identified by the survivor. They were immediately put to death by the Kato and a war ensued between the two tribes.

This example dramatizes the depth of misunderstanding manifest in the very first article of the treaties, wherein the Whites proposed that age-old enemies occupy the same territory without aggression in a utopian fashion. Conflict such as this between the Yuki and the Kato was a widespread phenomenon amongst aboriginal groups in California. It is impossible to say if this behavior acted to curb population, weeded out the most violent and aggressive members of a society, or, indeed, had any selective value; but it was a fact that Indian groups had traditional, usually contiguous and centuries-old enemies.

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13. Frank Essene, "Culture Element Distributions: Round Valley," Anthropological Records, Vol. 8 (1942), p. 93.

So there appeared to be a determined effort on the part of the commissioners to see all North American Indians stamped from the same mold. Another aspect of this misunderstanding is that, while many Indian tribes to the east of California, particularly those with a horse culture, had rigid political hierarchies which allowed a chief or headman to speak for other members of the tribe, by and large this was not true in California. Aboriginal leadership was sometimes hereditary but was also frequently charismatic and achieved by popular acclaim. For this reason leadership was fluid because it could be revoked and preempted at any time. Therefore, from the Indians' point of view the provisions of the treaties may have been as impossible for them to maintain as the White abjuration that they not steal. It is equally evident that one California Indian, no matter what his social position, could not speak for another Indian.

Yet if we presume that a headman could make promises for his "tribe," with whom did Wozencraft, Barbour and McKee make treaties? Every history of California consulted by this writer claims that the three commissioners negotiated treaties with at least 139 tribes, groups or bands. Such is not the case. Shortly after the seal of secrecy was lifted from the eighteen treaties in 1902, C. Hart Merriam took copies to California and checked with the old men who were around at the time of the commissioners' expeditions. The

following is an extract from a letter written by Merriam to a congressional committee on Indian affairs:

> In compliance with your request I have made a rather careful examination of the so-called tribal names enumerated in the 18 California treaties of 1851 and 1852 . . . The total number of alleged tribes listed in the 18 treaties appears to be 126. Half a dozen of these are unidentifiable. Of the others, some are duplicated under different spellings, in some cases with different initial letters . . .
>
> A surprisingly large number are not tribal names at all but names of rancherias or villages. Thus, in the treaty of Camp Colus, September 9, 1851, the following are enumerated as tribes: Colus, Willays, Co-ha-na, Tat-nah, Cha, Doc-duc, Cham-net-co, Toc-de. Of these 8 names 6 are villages, leaving only 2 as tribes.
>
> Another example is the treaty of October 6, 1851, with the Upper Klamath, Shasta, and Scott River Indians, of which six tribes or bands are mentioned, as follows . . . Not one has any tribal significance, all being Shasta.
>
> It appears therefore that the great majority of so-called tribes enumerated in the 18 treaties are nothing more than local bands or villages--not more than 56 of the 126 being tribes.
>
> On the other hand, in checking the treaty names against the names of the known California tribes it appears that more than 175 tribes are not included in the 18 treaties.
>
> In other words, it is obvious that the treaty commissioners, in attempting to list the tribes of California, not only included a large number of villages, but--and this is far more important--mentioned less than a third of the actual tribes of the state. This, as I stated before your committee, is what would be expected, for not one in three of the California tribes were known to the Americans or Spanish-Mexicans in 1851.[14]

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14. U. S. Congress, Indian Tribes of California, pp. 62-63.

To compound this error the Indian informants revealed very few of the signatures on the treaties were made by headmen. They had become wary of peace talks with Whites, since several massacres had occurred at such meetings prior to the visits of the three commissioners.[15] One is left with the conclusion that Wozencraft, Barbour and McKee used thousands of dollars, months of time, and the services of large military escorts to make treaties not with 139 tribes but with 139 Indians.

Despite the promise of beads, blankets and beef, only a handful of Indians showed up at the proposed reservation sites, and they were soon driven back into the interior by the enmity of the Whites, carrying with them tales of treachery and broken promises. Such was the situation when Edward Fitzgerald Beale came on the scene. Just prior to Beale's appointment as Superintendent of Indian Affairs in March of 1852, the three commissioners managed to get Adam Johnston fired from his job as subagent. Beale in turn had Redick McKee suspended for insubordination in November 1852; Wozencraft and Barbour resigned the same year. By the end of 1852 Beale had the field to himself, but he needed a game to play on it. It appears he looked to the 18 abortive treaties for inspiration.[16]

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15. Ibid., p. 55.

16. Hoopes, Indian Affairs, pp. 46-47.

Beale sustained the idea of a reservation system with military troops attached when he convinced Congress to pass an act in March 1853, which provided for five military reservations of 25,000 acres each and a fiscal appropriation of $250,000 to set them up. He left Washington a month after his successful lobby to start a reservation system which would ultimately be emulated throughout the trans-Mississippi West.[17] He went immediately to Tejon Pass, where he was able to purchase acreage for one of the proposed reservations. He then needed Indians. He was able to induce several hundred of them to come onto the reservation by the fall of 1853, and by the beginning of the next year his reports spoke of halcyon days, bumper crops of wheat and some 2,500 well-fed reservation Indians.[18]

In June 1854, Edward F. Beale was relieved of his duties and accused of peculation.[19] In the same month Colonel Thomas J. Henley was named to the superintendency. It was rumored that he had a hand in Beale's removal. If not, he certainly made it clear in his reports that Beale had lied about the number of Indians living on the Tejon

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17. U. S. Department of the Interior, Annual Report, 1866, p. 105.

18. U. S. Congress, Senate, Report of the Secretary of the Interior: 1854-1855, S. Doc. 1, 33rd Cong., 2d. sess. 1855, pp. 506 and 514-515. (hereafter referred to as U. S. Congress, Report of 1854-1855.)

19. D. M. Goodman, A Western Panorama: 1849-1875 (Glendale: The Arthur H. Clark Co., 1966), p. 71.

Reservation. Beale was left with the difficulty of explaining why only 800 Indians, who left the reserve from time to time to gather grass seeds and acorns, would require $250,000 for their upkeep.[20]

In August of 1854 Henley notified the Commissioner of Indian Affairs in Washington that the situation at Tejon Reservation had been rectified to the extent that he could turn his attention to the Indians further north but that a policy of coercion would probably be necessary in that part of the state, since the Indians were "hostile to whites, and most of them are horse thieves."[21]

But while Henley attempted to shift the focus of his activities to northern California, it is interesting to note that as late as 1856 Beale was trying to undermine Henley in the San Joaquin Valley. Beale, without official sanction, was conducting treaties with Indians and sending them onto Henley's King River reservation without notifying reservation authorities. Henley complained bitterly to Governor Neely Johnson that the Indians were being sent to the reservation without supplies and that, since the agents were not notified, they had neither food nor clothing to supply the Indians, who were as a result suffering exposure

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20. U. S. Congress, Report of the Secretary of the Interior, S. Doc. 1, pp. 509 and 515.

21. Ibid., p. 512.

and starvation. So pettiness and conniving seemed to turn up in the new reservation system like bad pennies, and the Indians were again the victims of political maneuvering for power.[22]

Since Congress had previously authorized the purchase and funding of three reservations, T. J. Henley moved north looking for other sites. A short distance to the south of Tehama, California, he purchased 25,000 acres, which he named Nome Lacke Reservation to honor a local "tribe" which had promised 300 of its members as a labor force for the new reserve. It was a start, but in order to justify a bigger federal appropriation Henley needed more Indians.

To comment on the symbolism in connection with a meeting between Henley and a group of Indians in October of 1854 is to labor the obvious. General Wool, Senator Gwin, Senator Weller and the ubiquitous Sam Brannon were gathered in the upper tiers of S. P. Storms' bull-and-bear-fight arena; the Indians were seated on the floor of the amphitheatre. Henley stepped forth to inform the Indians that they would have to leave the gold country and come onto the new reservation, where they would be protected. The Indians claimed that the Whites had lied to them in the past and were probably lying to them now. The ad hoc committee of dignitaries

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22. Letter, Superintendent of Indian Affairs Henley to Governor Neely Johnson, June 24, 1856, Indian War Files.

settled the issue by simply approving Henley's plan of relocating the Indians.[23]

With the promise of more Indians, Henley wrote Washington of his increased expectations, and he added glowing reports of the reservation operations in progress. At his behest the Congress restored the number of reservations authorized from three to five and increased his appropriations to a staggering $360,000 for the fiscal year 1855-1856.[24] In a gesture of political back-patting, Henley hired Sonoma State Senator H. P. Heintzleman to explore the northwest coast of California in 1855 for a suitable site for another reservation. On the basis of Heintzleman's report Henley purchased 25,000 acres on Cape Mendocino.[25] By the end of his regime as Superintendent of Indian Affairs in California Henley had under his control five reservations of 25,000 acres each and several 5,000-acre substations called "farms." It was in 1856 that he added Nome Cult Farm in Round Valley, Mendocino County, to handle the overflow of Indians from his Nome Lacke Reservation. With the addition of that farm Henley had control of 30,000 acres in

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23. Fred B. Rogers, "Bear Flag Lieutenant-Henry L. Ford," California Historical Society Quarterly, XXX (March, 1951), pp. 160-161.

24. Ellison, "Indian Policy in California," pp. 64-65.

25. Aurelius Carpenter and Percy Millberry, History of Mendocino and Lake Counties (Los Angeles: Historic Record Company, 1924), p. 62.

Mendocino by the time of the earliest arrival of settlers in that region.[26]

Before we take a more detailed look at the conditions which prevailed on the reservations in Mendocino, it is of interest to note that in 1855 there occurred a temporary reversal of Indian policy by the state of California. It is the only glimmer of official decency in an unrelenting succession of oppressive laws and actions that occurred in the state, and, as such, it is one of those historical anomalies which is impossible to explain. To make the irony richer it was Governor Neely Johnson of the "Know-Nothing" Party who brought about the action. Johnson had demanded a change in the law which prohibited Blacks and Indians from giving testimony in court. He contended that "This indiscriminate prohibition I regard as utterly at variance with the spirit of our constitution and a wise and judicious governmental policy."[27]

Although it was not a complete abrogation of the act of 1850, an amendment of that bill which disallowed court action by an Indian was made in 1855 to read, "Complaints may be made before a Justice of the Peace, by white men or Indians, and in all cases arising under this act, Indians

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26. Rogers, "Bear Flag Lieutenant-H. L. Ford," p. 164.

27. Theodore H. Hittell, History of California, Vol. IV (San Francisco: N. J. Stone and Company, 1898), pp. 231-232.

shall be competent witnesses, their credibility being left with the jury."[28] For all intents and purposes the Indians were not helped by this measure. The de facto reality was that the Indians did not have their day in court. This example of rare humaneness was provided to show that the American officialdom had a crack of guilt in its legal armor, but the chink was in no way apparent in the treatment of the Indians on the Mendocino Reservations.

Testimony before a congressional investigating committee in 1865 pointed to the fact that the exploitation of the Indians began as soon as the reservations were under way in Mendocino. Thousands of government dollars' worth of materials bought for fencing and building were removed from the reservations and used on the private farms and ranches of Henley and his two subagents H. L. Ford and S. P. Storms. In at least one case a private farm was established in this way near Cape Mendocino and sold for a profit. Also, some of the lower ranking reservation employees expropriated reservation property for their own use. To compound this malfeasance Henley and his cronies also used Indian labor to build barns and grow crops on their property while the work on the reservations was neglected.[29] On the Mendocino

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28. California Statutes, 1855.

29. U. S. Congress, Joint Special Committee, Condition of the Indian Tribes, 39 Cong., 2 sess., H. Rep. 156 (Serial 1279), Appendix, pp. 500-509.

reservation itself the Indians were used to construct a five-mile flume needed to operate a flour mill and to work a lumber mill owned by Henley's friend, a Mr. McPherson, which had been built just outside the reservation.[30]

It was quite apparent that as a result of such exploitation the reservations acted as a subsidy to white settlement. A surprising number of settlers were in the employ of the reservations at one time or another, and they found the Indians on the reserves to be a handy labor pool for establishing new farms and ranches. With the increase of settlers there was an obvious need to get out of the way the Indians who were still roaming the valleys, and one way to accomplish this was to put them forcibly on the reservations. To this end the settlers were able to persuade the legislators to pass an act in April 1858, providing that upon the request of the board of supervisors of any county the Indians of that county would be removed to a suitable reservation.[31]

Correspondence dealing with Indian affairs in California in the late 1850's put the number of Indians at from 800 to 1,500 on each of the five reservations and "farms." This gave credence to Henley's report to the Commissioner of Indian Affairs in 1857 that the reservations contained a

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30. Rogers, "Bear Flag Lieutenant-H. L. Ford," pp. 162, 166.

31. California Statutes, 1858, p. 358.

total of 11,239 Indians. The same report claimed great economic success for the reserves with the brag that Nome Lacke alone produced a crop of 10,000 bushels of wheat that year. This agricultural success, it was further claimed, was achieved almost exclusively through the use of Indian labor.[32]

The Indians, sadly, did not enjoy the fruits of this labor. An overseer on the Nome Cult Farm in Round Valley testified that food was provided the Indians who did not work but not as regularly as to those who did. Working Indians received six or seven ears of corn per day, occasionally substituted with six pounds of potatoes.[33] A slightly less sanguine witness stated:

> I resided five or six months within a half mile of the reserve; the Indians that worked were fed and those that did not were not fed . . . Captain Storms was Indian agent at that time, and these Indians were allowed no meat, and received six ears of corn per day, while I worked them--two ears in the morning, two at noon, and two at night.[34]

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32. Congressional Globe, 35th Cong., 1st sess., Report of the Secretary of the Interior on Indian Affairs in California, October 19, 1857, p. 44.

33. Deposition of George Reese taken at Round Valley, February 27, 1860, Indian War Files.

34. Deposition of William J. Hildreth taken at Hildreth's Ranch on the South Fork of Eel River, February 24, 1860, Indian War Files.

The reservation Indians' only recourse for supplementing their diet was to eat the acorns, grains and grass seeds growing on the reserve. In this they had to compete with livestock, since the settlers living near the reservations repeatedly tore down the fences and drove their stock onto the reserve to feed on both the crops and the natural growth.[35] The competition for food on the reservation between Indians and livestock assumed ghastly and disturbing extremes when one eyewitness revealed the following scene:

> I saw a man driving squaws from a clover field inside the reservation; they were picking clover or digging roots; he said he would be damned if he would allow them to dig roots or pick clover, as he wanted it for hay.[36]

The results of this calculated attempt by the White settlers and reservation agents to starve the Indians on the reservation are brought home sharply in a truly tragic statistic provided by the officer commanding the U. S. Army contingents assigned to the Nome Cult reservation:

> I believe it to be the settled determination of many of the inhabitants to exterminate the Indians; and I see no way of preventing it. I have endeavored to collect them on the Reservation and several hundred are now there, but they have a great aversion to coming in doubtless owing in a great measure to the mortality at this time prevailing among them. Some eight or ten per day having died some days previous to my leaving the valley.

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35. Military report, Lieutenant Edward Dillon to Acting Adjutant General Major W. W. Mackall, January 27, 1860, Indian War Files.

36. Deposition of John W. Burgess taken at Nome Cult Farm, Round Valley, February 28, 1860, Indian War Files.

> This mortality is attributable to a change of diet, scarcity of food, and the great prevalence of syphilitic diseases among them.[37]

Simple arithmetic suggests that some two or three hundred Indians per month died of starvation and disease on California reservations and "farms" with a constant reservation population of between 800 and 1,500. The monthly mortality rate was nearly one-third of the total reserve population.

Not satisfied with extermination by starvation, the Whites in Mendocino also used the Indians as personal slaves and pack animals, in some cases literally working them to death. In reference to a Mr. Hall of Eden Valley it was reported that

> a little more than a year ago, he employed thirteen Indians in place of pack mules, to go and pack loads from Ukiah City to Eden Valley, and promised to give each one a shirt in payment; the distance, I think, is about forty miles. . . . The Indians commenced complaining at not receiving the shirts, and he, Hall, whipped two of them to keep them quiet; he said he never gave them the shirts after he whipped them.[38]

Another settler claimed that in 1857

> About three hundred died on the reservation, from the effects of packing them through the mountains in the snow and mud; . . . they were worked naked, with the exception of deer skin around their shoulders . . . . They usually packed fifty pounds if able; if not able, a less load.[39]

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37. Letter, Major Edward Johnson to Governor John B. Weller, August 21, 1859, Indian War Files.

38. Deposition of William T. Scott taken at Cloverdale, Sonoma County, March 2, 1860, Indian War Files.

39. Deposition of Benjamin Arthur taken on February 28, 1860, Indian War Files.

The correspondence of this period gave testimony of Indians preemptorily hauled away from the reservation again and again to labor for the White settlers. But this was not the only kind of exploitation and abduction visited on the reservation Indians. California in the late 1850's was still a land without women, and although some Whites handled this problem reasonably by taking Indian women as mistresses, many did not. Force and kidnapping were frequently a part of the courting rites between White men and Indian women, and the easiest women to obtain were those confined on a government reservation.

Because of its eloquence regarding this sexual exploitation, a letter from the officer assigned to Nome Cult Farm is quoted in toto:

> I do not like to leave the Valley, while I see that there is a continual disposition on the part of the settlers to annoy the reservation. The fences are almost daily pulled down, and it is a common occurrence to have squaws taken by force from the place. About a week ago, some of the rascals came into the yard, broke open a door, and took the squaws that had been locked up by the agent. This was done at night and was witnessed by no white person, consequently I can do nothing. For God's sake, how long are these things to continue? I have felt, and still feel greatly interested in this place, and these Indians, but I am nearly disheartened at seeing these things without the power to punish the offender. It seems to me an unheard-of case, in which acts of this kind are committed on a Military Reservation without any inquiry, or attempt to bring the perpetrators to justice.[40]

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40. U. S. Military Report, Lieutenant Edward Dillon to Brigadier General A. E. Clark, January 14, 1860, Indian War Files.

The White men in the area felt so immune to the consequences of their actions that even child-molesting was not beyond their ken. The same Nome Cult officer again described in graphic detail an episode of a White man raping a twelve-year-old Indian girl while holding the adults at bay with a drawn knife. The girl was found beneath a bush "torn and bloody" by one of the subagents. The assailant escaped unpunished.[41]

The abduction and rape of Indian women gave unneeded impetus to the spread of venereal disease, which, coupled with starvation, was killing literally thousands of reservation Indians. Added to the horrors of starvation, abduction and sexual exploitation was the spectre of murder, which was frequent and resulted in no punishment for the Whites who committed the crime.

After the alleged murder of a White settler in the area an Indian boy was removed from the reserve and taken into the hills by Whites who then cut his throat.[42] On another occasion a Mr. Benjamin Arthur set a gun trap in his house and an Indian boy from the reservation, apparently breaking in for food, was shot through the groin by the booby trap. About four days later Arthur saw the boy lying wounded in front of a house near the reservation and testified,

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41. U. S. Military Report, Lieutenant Edward Dillon to Major Edward Johnson, March 23, 1859, Indian War Files.

42. Deposition of George Reese taken at Round Valley, Mendocino County, February 27, 1860, Indian War Files.

"I spoke to him; he refused to answer me, and laid still; I then shot him in the head and killed him."[43] Another Mendocino farmer claimed that eight or ten Whites came to his farm and shot three Indian laborers. The following day the same group went onto the reservation and killed ten or twelve more.[44] As early as 1856 five Indians, who had been sent to the reservation from a rancheria in which a dead hog had been found, were presumed guilty of stealing and hanged within the confines of the reserve.[45]

This tale of horror reached a climax in the winter of 1858-59 at Cape Mendocino Reservation. A group of Indians brought down from the Trinity River country were grumbling about lack of food and threatening to return to their homeland. This unruly sentiment reached the ears of a certain group of White settlers who banded together and crept onto the reservation in the dead of night. They went at the sleeping Indians with guns, knives and hatchets. Morning light revealed the lacerated and bloody bodies of sixty men, women and children.[46]

When the Superintendent of Indian Affairs for California,

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44. Deposition of John Lawson taken at Round Valley, Mendocino County, February 27, 1860, Indian War Files.

45. Ibid., Indian War Files.

46. J. Ross Brown, Crusoe's Island: Sketches of Adventure in California and Washoe (New York: Harper and Brothers, 1864), pp. 304-306.

Thomas J. Henley, admitted to killing personally an unarmed Indian captive because the prisoner "looked like a bad Indian," one can realize that there was little recourse, official or otherwise, for the Indian to remedy his condition on the reservation.[47] Henley's personal attitude and treatment of the Indian did not get him fired, but the wholesale fraud and peculation that occurred under his administration as superintendent of Indian affairs did. He was relieved of his duties late in 1859. The management of Cape Mendocino Reserve during Henley's term of office was described by one California historian in the following way: "For gross mismanagement and fraudulent practices the Mendocino Reservation should rank at the head of all government failures."[48]

From the inception of the Indian reservation system in 1852 through 1860 the federal government expended $1,294,951.00 for its operation.[49] For Indians the results of this expenditure were fraud, cruelty, disease, starvation, exploitation and murder as part of their daily lives on the reservations. The only conditions worse than those on the reservation for the California Indians in the 1850's were their circumstances off the reservation.

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47. U. S. Military Report, Lieutenant Edward Dillon to Major Edward Johnson, March 23, 1859, Indian War Files.

48. A. J. Bledsoe, Indian Wars of the Northwest (Oakland: Biobooks, 1956), p. 267.

49. U. S. Congress, Indian Tribes of California, p. 18.

CHAPTER III

Genocide in Mendocino, 1856-1860

The Indians living in Mendocino County in the 1850's numbered in the thousands. It was a bountiful land with one of the best salmon rivers in the state and huge quantities of acorns. Unfortunately the food-producing areas of Mendocino were the areas most desired by the Whites for the raising of horses, cattle and hogs. Thus the conflict between Whites and Indians involved a struggle for territory which included competition for food between humans and livestock. A pattern of conflict soon developed; settlers forced Indians from their land along the river plains into the mountains, where natural food was scarce; the Indians would in turn steal down into their old territory and kill the settlers' livestock for food to ward off starvation, so angering the Whites, that they retaliated by hunting down the Indians and killing them.

Since extermination of the Indian required time and energy, farmers and ranchers could not spare their labors for frequent Indian hunts. After a time they petitioned the

state government to commission and pay local militia companies to do the job for them. This action in turn provided hard cash for the settlers who served in the company, creating a ready market for local ranchers who supplied the militia with provisions. Thus there developed a fairly complex government subsidy for the settlers' extermination of the Indians, an enterprise which had been begun by small private parties. The Indians who were not killed outright were taken prisoners and put in reservations where many starved or died of disease. The more hardy Indians on the reserves were available as a labor pool to work on surrounding farms, while the youngsters and women were used as house slaves and concubines by neighboring ranchers.

There was only one fly in the ointment in this vicious story of exploitation and murder. The U. S. military troops stationed on the reservations refused to help the settlers exterminate the Indians, and the army officers frequently revealed to contemporaries and historians the gruesome tale of the White settlers' treatment of the Indians. Although army officials were reluctant to contribute to the killing of Indians, they also appeared powerless to protect them. During the period from 1856 through 1860 the social and political organization of the Indians of Mendocino was utterly destroyed and a majority of the Indians in the area was

either killed or scattered.[1]

The first settlers in Mendocino arrived shortly after the establishment of the reservations in 1856. In the first difficult days of carving a farm from the frontier many settlers relied on Indian labor from the reservation. Despite the value of Indians as cheap farm laborers the early settlers soon organized attacks on the Indians both on and off the reservations. One of the early ranchers named Lacock, an ex-employee of Nome Cult Farm, testified that

> In one thousand eight hundred and fifty-six the first expedition by the whites against the Indians was made, and have continued ever since; these expeditions were formed by gathering together a few white men whenever the Indians committed depredations on their stock; there were so many expeditions that I cannot recollect the number; the result was that we would kill, on the average, fifty or sixty Indians on a trip, and take some prisoners, which we always took to the reserve.[2]

There is no indisputable way to gauge the accuracy of Lacock's statement. He was not sympathetic with the Indians and was reputed to be a man of probity by his fellow settlers. He was the first choice of Indian Superintendent Henley to head a militia company in 1859, which he refused to command for fear of not being paid. Henley guaranteed his wages, but he still distrustfully declined the post.[3] Considering his

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1. S. F. Cook, "The Aboriginal Population of the North Coast of California," Anthropological Record, Vol. 16, No. 3 (Berkeley: University of California Press, 1956), p. 108.

2. Deposition of Dryden Lacock taken at Storm's Hotel, Round Valley, February 25, 1860, Indian War Files.

3. Ibid.

attitude towards Indians and the straight-forward character of his testimony, one may venture that Lacock's opinion of the number of Indians killed was probably not much exaggerated.

Many farmers in the Mendocino area maintained that they lost little or no stock to the Indians in the first two years of settlement. The Indians had on occasion been seen to eat from carcasses of animals that had died of natural causes, but even in those cases the Indians sought permission before taking the meat.[4] Nonetheless, one rancher swore he lost hogs to the Indians as early as 1856 and retaliated by shooting three Indians and hanging another five.[5] When stock killing actually occurred, there were sporadic attempts to connect the depredations with the Indians who committed them; but most frequently the settlers simply formed a small band and killed any Indians they happened upon. It was only after an Indian rancheria had been attacked, and the Indians killed or driven off, that the settlers looked for evidence of livestock in the Indian camp.[6] For example, a rancher named Hall and five others attacked a party of about twenty-five or thirty Indians. Hall claimed, "We killed ten or twelve of them and one woman; after the fight we found the flesh of

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4. Deposition of George W. Jeffress taken at Nome Cult Farm, February 28, 1860, Indian War Files.

5. Deposition of John Lawson taken at Storm's Hotel, Round Valley, February 27, 1860, Indian War Files.

6. Military report, Bvt. Major Edward Johnson to Major W. W. Mackall, Adjutant General, U. S. Army, August 21, 1859, Indian War Files.

two horses in their camp which we burned; the meat we poisoned with strychnine."[7]

The killing of Indians by Whites occasionally had little to do with their loss of cattle and horses. Isaac Shannon, a local farmer, reported that

> A party of citizens came to my house and said they came to kill my Indians, because some Indians had been stealing; I told them that I wanted my Indians to work for me, and they must not hurt them; one of the party stated that they had killed some at Bourne's; Bourne was of the party, so was Pat Ward; four or five of the party were drunk; they told me to pick out the Indians I wanted, and they intended to kill the remainder.[8]

Such inhumanity toward the Indians was not infrequent. H. L. Hall was queried about the treatment of women and children captured on another Indian hunt which he undertook with five companions. He responded with the following:

> I saw one of the squaws after she was dead; I think she died from a bullet; I think all the squaws were killed because they refused to go further. We took one boy into the valley, and the infants were put out of their misery, and a girl ten years of age was killed for stubbornness.[9]

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7. Deposition of H. L. Hall taken at Storm's Hotel, Round Valley, February 26, 1860, Indian War Files.

8. Deposition of Isaac W. Shannon taken at Nome Cult Farm, February 28, 1860, Indian War Files.

9. Deposition of H. L. Hall taken at Storm's Hotel, Round Valley, February 26, 1860, Indian War Files.

A stockraiser named Scott heard the following remarkable confession from Hall concerning his treatment of the Indians:

> At another time I heard Mr. Hall say that he did not want any men to go with him to hunt Indians, who would not kill all he could find, because a knit [nit] would make a louse. Mr. Hall said he had run Indians out of their rancherias and put strychnine in their baskets of soup, or what they had to eat.[10]

Added to the horrors of murder by shooting, hanging and poisoning was the sordid story of the abduction of Indian children to be sold into slavery. Rancher William Scott revealed, "I have had men offer to give me Indian children to send below, if I would get in return for them presents to the value of fifty dollars."[11] Another settler, an employee at Nome Cult Farm who arrived in Round Valley in 1858, stated, "In coming into the valley, on the first occasion, I met with a man with four Indian boys taking them off, and the third time I came on the trail, I met a man taking off a girl."[12] Anthropologist Sherburne Cook, in what is probably a conservative estimate, calculated that between three and four thousand Indian children were kidnapped and sold into slavery in the period from 1852

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10. Deposition of William T. Scott taken at Cloverdale, Sonoma County, March 2, 1860, Indian War Files.

11. Ibid.

12. Deposition of Lawrence Battaile taken February 28, 1860, Indian War Files.

to 1867.[13]

With starvation, disease, beatings and sexual exploitation waiting for them on the reservation and murder and abduction facing them on their own territory, the Mendocino Indians finally deliberately and vengefully killed the livestock of White settlers. Yet these "crimes" against private property were also motivated by severe food deprivation. Whatever the reasons of the natives, they moved the settlers to greater efforts to exterminate the source of these losses. Small expeditions were launched all through the year 1858 as the tempo of extermination increased.[14]

Although a U. S. army contingent was temporarily assigned to Cape Mendocino in 1857 under Lieutenant Gibson, who established and built Fort Bragg three miles to the north of the reservation, the first permanent assignment of troops to the Mendocino reservations took place in January of 1859. The troops were under the command of Bvt. Major Edward Johnson, who remained at Fort Bragg. Twenty enlisted men from the company under the command of Lieutenant Edward Dillon were sent to the Nome Cult Farm in Round Valley.[15]

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13. S. F. Cook, The Conflict Between the California Indian and White Civilization, Ibero-American Series, Vol. 23 (Berkeley: University of California Press, 1943), pp. 60-61.

14. Deposition of Martin Corbitt taken at Storm's Hotel, Round Valley, February 27, 1860, Indian War Files.

15. Fred B. Rogers, "Early Military Posts of Mendocino County, California," California Historical Society Quarterly, XXVII (September 1948), pp. 216, 217, 220, 221.

There must have been an audible sigh of relief by the settlers when the troops arrived, for suddenly it appeared that a full company of U. S. soldiers was at their disposal to kill Indians, whose depredations on livestock had become serious by that time. The settlers were to be bitterly disillusioned by Major Johnson and Lieutenant Dillon, for these regular army Southern gentlemen wanted no part in the extermination of the Indians in Mendocino. No sooner had Major Johnson arrived than he threatened one of the Round Valley stock raisers with arrest. According to George White, "I told him I was in pursuit of the Indians who had stolen [the cattle] and that I intended to kill them if I found them with stock; he told me if I killed any he would arrest me."[16]

The settlers fared no better with Lieutenant Edward Dillon, as his report of one encounter shows:

> Mr. Hall came in from Eden Valley and told me that the Indians had several days previous killed 3 cows and a fine stallion, which cost he says one thousand dollars.
>
> I told him that provided the Settlers would not make up a party to hunt and kill these Indians, I would try to bring them in, or at least drive them off some distance, but if they intended to take the matter into their own hands I would have nothing to do with it.[17]

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16. Deposition of George E. White taken at Storm's Hotel, Round Valley, February 27, 1860, Indian War Files.

17. Military report from Lieutenant Edward Dillon to Major Edward Johnson, March 23, 1859, Indian War Files.

Dillon attempted to search out the guilty Indians but returned empty-handed a few days later. Several weeks following his abortive attempt, Dillon learned that Hall had lied to him and had taken a large party of settlers out along the Eel River, where they had hunted Indians for two weeks, during which time they had killed 240 natives. Hall approached Dillon later and again appealed for help from the troops. The lieutenant reported that he replied, "that after his recent exploit he could expect no sympathy if the Indians should kill every head of stock in the Valley."[18]

As antagonism between army officers and settlers in Mendocino increased, it became apparent that stockraisers would have to resort to other methods to exterminate the Indians in an organized way. This process was accelerated by the ill fortune of the Indians to kill the wrong horse.

Serranus Clinton Hastings, the first Chief Justice of the California Supreme Court and California Attorney General in 1851, had retired from public life to make his fortune. He was well on his way by 1859 and was reputed to be worth a million dollars by the time the Civil War had started.[19] An absentee landlord living in Napa, California, with at least three "Digger" Indians as personal house slaves,

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18. Ibid.

19. W. H. Brewer, Up and Down California: 1860-1864 (New Haven: Yale University Press, 1930), p. 237.

Hastings owned most of Eden Valley in northern Mendocino County. Superintendent of Indian Affairs T. J. Henley owned the rest. The two men were the most prominent stock raisers in the area as well.[20] Included in Hastings' herd was a prize stallion worth over two thousand dollars which was killed by Indians who apparently made no distinction regarding the quality of meat needed to ward off starvation.[21] Hastings did make such a distinction and determined to raise a militia company to kill the Indians threatening his livestock.

Being good businessmen, Hastings and Henley had an eye to possible profits that could accrue to them from the formation of a militia company. The prospective captain of this group approached a Mr. Buckles, Deputy Assessor of Mendocino County, with an invitation to join his company. Buckles related the following:

> I then asked him under what authority he acted; he told me he had not at that time received a commission from the governor, but expected one; he then said Hastings and Henley had become responsible for provisions and they promised to get a bill passed through the legislature to pay them; I mean Judge Hastings and Colonel Henley. I refused to join the command, from the fact that I did not believe Judge Hastings' promises could be relied on.[22]

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20. Deposition of H. L. Hall taken at Storm's Hotel, Round Valley, February 26, 1860, Indian War Files.

21. Deposition of S. C. Hastings taken at Sacramento City, March 13, 1860, Indian War Files.

22. Deposition of H. H. Buckles taken at Ukiah City, February 23, 1860, Indian War Files.

Hastings was to have better luck with Governor John B. Weller. In a petition signed by T. J. Henley and twenty-eight settlers, Hastings recommended a certain W. S. Jarboe as militia commander to protect the Mendocino residents from hostile savages who allegedly were attacking White men "on sight" and had already destroyed forty thousand dollars' worth of private property.[23] Mendocino Assemblyman J. B. Lamar was later to commend the wisdom of Hastings' selection of Jarboe by stating that "he has already encountered many dangers and endured many hardships, and last but not least brought all his men to the polls and voted the straight Democratic ticket."[24]

Jarboe was well known for his hatred of Indians, an attitude that fitted him well for the work of Indian Killer. It was rumored that he led the massacre of sixty Indians at Cape Mendocino reservation the previous year. A frequent participant in Indian hunts, he joined an expedition by a local rancher named Hildreth a few months prior to his commission. On the expedition Jarboe was wounded by an arrow which no doubt aggravated his personal hatred of the Indians. Hildreth described the incident as follows:

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23. Petition, S. C. Hastings, et al., to Governor John B. Weller, April 24, 1859, Indian War Files.

24. Sacramento Union, January 16, 1860.

> I found three Indians skinning a yearling steer; I fired at them twice, and they ran down the canon; I then raised a company and followed these three Indians to their rancherias; we attacked them and killed seventeen; one of our party, Mr. Jarboe, was wounded.[25]

Jarboe, not to be outdone in business acumen by Hastings and Henley, saw a potential profit in the Militia business. He approached W. T Scott with the proposition, as Scott reported, Scott was to supply the company with such items as

> liquors, cigars, oysters, sardines, crackers, white shirts, and cards, and other articles. Jarboe said that he would not be known in the business; that I should charge a good price; that he would collect the money and the profits should be divided between Jarboe, Robinson, and myself, and further that I should share with them the profits on the beef, over and above the regular price.[26]

Jarboe stood ready to cheat his own men, bilk the government of funds and exercise no honor among his fellow thieves Hastings and Henley.

If all else failed, there were still wages to be gained by murdering Indians. Jarboe was supported by Hastings, who fired off a letter to his friend Governor Weller on April 30, 1859, claiming that U. S. troops were

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25. Deposition of W. J. Hildreth taken at Hildreth's Rancho on the Eel River, February 24, 1860, Indian War Files.

26. Deposition of W. T. Scott taken March 2, 1860, Indian War Files.

not cooperative in moving against the Indians and hence a militia of fifteen or twenty men was essential for the safety of the county.[27]

However, the wheels of government grind slowly and sometimes not at all. Despite his influence Judge Hastings received no immediate response from Weller. By the summer of 1859 many Indians in Mendocino faced with the slow but inexorable destruction of their culture were reduced not only to killing livestock but to beggary as well. They began to loiter about the settlements, becoming public nuisances. As a result, the citizenry of Mendocino held a grand jury which demanded in a report sent to the state legislature that the govenrment rid the county of the "miserable half-starved creatures prowling about and infesting every neighborhood, greatly to the damage and annoyance of our Citizens."[28]

Again in May Judge Hastings added fuel to the fire in a peppery letter to the governor in which he stated, "I am attacked by Indians in the front and the tax assessor in the rear."[29] Hastings went on to say that

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27. S. C. Hastings to Governor John B. Weller, April 30, 1859, Indian War Files.

28. Grand Jury Report, County Clerk G. Lanning Smith to California State Legislature, Summer 1859, Indian War Files.

29. S. C. Hastings to Governor John B. Weller, May 4, 1859, Indian War Files.

Lieutenant Dillon was a friend of the Indians, in league with them against American citizens.

This last letter from Hastings prompted Weller to act. He wrote the Commander of the Pacific, General W. S. Clark, to send more troops to Mendocino. Clark ethically backed his subordinates Johnson and Dillon and refused to send more soldiers, reporting to Weller that the Indian situation was not severe in Mendocino and that troops stationed there were adequate to handle trouble if it arose.[30]

Weller then had state militia Captain F. F. Flint proceed to Mendocino County from an expedition near the Oregon border to ascertain the extent of the Indian problem there. Flint forwarded a hair-raising report of hostile savages attacking settlers and killing livestock; he implied a sort of "Red Peril" requiring the creation of a militia company to remain permanently in the area.[31]

Anticipating the Governor's commission, Jarboe organized the company and assumed command on July 11, 1859, "to punish the repeated outrages of the Euka [Yuki] and Wilaka [Wilacki] Indians."[32] Punish them he did. By the time

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30. Governor John B. Weller to General W. S. Clark, Headquarters, Department of the Pacific, May 13, 1859, Indian War Files.

31. Militia report, Captain F. F. Flint to Governor John B. Weller, July 30, 1859, Indian War Files.

32. Captain W. S. Jarboe to Governor John B. Weller, September 16, 1859, Indian War Files.

Jarboe's commission arrived in early September his band of twenty men had killed sixty-two Indians and had taken at least seventy captives.[33]

Yet by the middle of August Jarboe realized he had a large task on his hands and appealed to Major Johnson to help him with the Indians. Johnson sent back a verbal reply by messenger that Jarboe "was not worthy of mention and he wished the Indians would kill [Jarboe]."[34]

Shortly after Jarboe's letter of complaint to Weller about the lack of cooperation from the army, Major Johnson wrote Weller indicating that up to August 14 Jarboe and his men had killed at least fifty Indians, including in their last attack on a rancheria six men, four women and four children. Major Johnson pointed out in the same letter that Colonel T. J. Henley, former superintendent of Indian Affairs, had led a small party to a rancheria on the Eel River and killed eleven Indians just two days after Jarboe's last fight.[35]

Governor Weller must have been shaken by Major Johnson's letter, for on September 8 he wrote Jarboe that he should

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33. Ibid.

34. Captain W. S. Jarboe to Major Edward Johnson (copy to Governor Weller), August 13, 1859, Indian War Files.

35. Major Edward Johnson to Governor John B. Weller, August 21, 1859, Indian War Files.

spare the Indians' lives if possible and that "the women and children must under all circumstances be spared."[36] Despite his trepidation Weller sent Jarboe his commission on September 16, 1859, thus giving legal sanction to Jarboe and his band of cutthroats.[37]

In the midst of the carnage thirty citizens signed another petition which appeared on Governor Weller's desk. The signators thought that Jarboe was doing a fine job but that he needed more men to "chastise" the Indians properly.[38]

Shortly before this request an editorial referring to the slaughter in Mendocino had appeared in the Sacramento Union. The editor wrote, "the aborigines are melting away as the snows of the mountains in June. Corrupted and depraved in body and soul, by contact with white men, they are doomed to steady exterpation."[39] Despite acceptance of the fate of the Indian the editor condemned the outrages of the Whites against the Indians.

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36. Governor John B. Weller to Captain W. S. Jarboe, September 8, 1859, Indian War Files.

37. Captain W. S. Jarboe to Governor John B. Weller, September 28, 1859, Indian War Files.

38. Petition, Mendocino citizens to Governor John B. Weller, September 28, 1859, Indian War Files.

39. Sacramento Union, August 22, 1859.

But although the governor had voiced alarm at the killing of women and children and the newspapers had begun to take notice of the plight of the Indians, the killing by Jarboe and his command continued apace. He reported that on September 20 he "killed twenty-five buck Indians and took 20 prisoners." A week later he took "30 prisoners without the fire of a gun."[40] In early October he again reported to Weller killing "11 buck Indians" and taking "six bucks and twenty-seven Squas [Squaws] prisoners." In the same letter he mentioned Lieutenant Dillon, stating that he "refuses to ade [aid] me in chastizing the Indians for any offence."[41]

Weller again revealed his uneasiness about the extent of the Indian killings by again cautioning Jarboe not to "wage a war of extermination against a whole tribe . . . . Try to punish only the guilty."[42] Three days after Weller's letter had been written, Jarboe reported to the governor the killing of nine Indians and the capture of thirty prisoners. This incident was followed by another in which the militia commander took ninety prisoners, all of whom were marched to the Mendocino Reservation. At this point the

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40. W. S. Jarboe to Governor John B. Weller, October 1, 1859, Indian War Files.

41. Captain W. S. Jarboe to Governor John B. Weller, October 16, 1859, Indian War Files.

42. Governor John B. Weller to Captain W. S. Jarboe, October 25, 1859, Indian War Files.

reserve was no more than a prisoner of war camp and internment there a fate almost as deadly as a gunshot wound.[43] In early December 1859, Jarboe reported to Governor Weller four occasions on which he killed three, nine, "several," and eighteen Indians, taking numerous prisoners. To this composite account he added, "It seems that however cruel it may be that nothing short of extermination will suffice to rid the county of them or make them cease their thieving and murderous course."[44]

While Jarboe and his men were occupied with almost daily attacks against the Indians, other Mendocino settlers grew impatient with the choice of either adding more men to Jarboe's command or getting an additional militia company commissioned by the governor. As a result, they organized a private company of forty men under a Captain Farley to "chastise" the Indians. A member of that company described their handiwork in the following way:

> On the first night we found and surrounded a rancheria in which we found two wounded Indians and one old squaw, all of which we killed; on our return home we found another rancheria which we approached within fifteen feet before the Indians observed us;

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43. Captain W. S. Jarboe to Governor John B. Weller, October 28, 1859, Indian War Files.

44. Militia Report, Captain W. S. Jarboe to Governor John B. Weller, December 3, 1859, Indian War Files.

> they then broke for the brush, and we pursued them and killed thirteen bucks and two squaws.[45]

According to their commander the company was in the field twenty-two days, during which, Farley stated, "I think we killed one hundred and fifty or two hundred Indians; we have taken twenty-two prisoners, whom I sent to Mendocino Reserve."[46]

Jarboe's company remained active until it was mustered out in January of 1860. In his last report to Governor Weller Jarboe recounted his actions of the first three weeks in December, during which he burned Indians alive in their huts and in four subsequent encounters shot seven, thirty, thirty-two and ten natives.[47]

Only two of the seven militia reports of Jarboe's Eel River Rangers are available, so it is impossible to ascertain exactly the number killed by his company during its five months of operations. According to Ukiah resident H. H. Buckles, "Captain Jarboe told me that his company has killed more Indians than any other expedition that ever had been ordered out in this State."[48]

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45. Deposition of William F. Frazier taken at Ukiah City on February 22, 1860, Indian War Files.

46. Deposition of Jackson Farley taken at Storm's Ranch, Round Valley, February 26, 1860, Indian War Files.

47. Militia Report, Captain W. S. Jarboe to Governor John B. Weller, December 20, 1859, Indian War Files.

48. Deposition of H. H. Buckles taken February 23, 1860, Indian War Files.

A local rancher named Arthur testified that "I was informed by Benjamin Birch, one of Captain Jarboe's men, that Captain Jarboe reported he had killed three hundred Indians and had taken five hundred prisoners."[49] Jarboe's alleged estimate of prisoners supported the testimony of the Indian agent at Cape Mendocino Reservation, who stated, "I have received from the officers of Gen. Kibbe and Capt. Jarboe one thousand and seven Indians."[50]

The only official total was contained in a letter from Jarboe to Governor John B. Downey in February of 1860, in which the captain claimed "283 warriors killed, the number wounded not known, took 292 prisoners, sent them to the reservation."[51] Jarboe was in effect sending a bill for services rendered to the governor. Because he and his men had been mustered out of service on January 24, 1860, he was charging the state government for $11,143.43 for the five-month period. If one considered the value of the dollar at the time, this had been a very profitable venture for Jarboe's Eel River Rangers.[52]

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49. Deposition of Benjamin Arthur taken February 28, 1860, Indian War Files.

50. Depositions of H. L. Ford taken February 22, 1860, Indian War Files.

51. Captain W. S. Jarboe to Governor John B. Downey, February 18, 1860, California State Archives, Governors Papers.

52. Ibid.

At no time that Jarboe's and Farley's companies were in the field did the other citizens of Mendocino refrain from sending out small hunting parties of their own. The number killed will never be known, but it probably was in the thousands during the period from 1856 through 1860. One farmer on the Nome Cult Farm calculated that for every beef killed ten or fifteen Indians were killed.[53]

The Indian agent at Round Valley ventured that "I suppose . . . during the past three and a half years five hundred Indians have been killed in the vicinity of Round Valley."[54] In limiting his estimate to Round Valley, Agent Storms did not mention the expeditions against the Indians in Eden, Long, Potter and Redwood Valleys and the surrounding mountains. By 1860 one Mendocino farmer asserted that there were so few Indians left in the area that the Whites could not find enough to kill.[55]

Early in 1860 Jarboe's Eel River Rangers were mustered out and no other militia company was ever organized in the county. By the end of 1860, citizens of this area no longer sent petitions to the governor and the legislature. In four short years a policy of genocide on and off the reservations solved the Indian problem in Mendocino County.

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53. Deposition of John W. Burgess taken at Nome Cult Farm, February 28, 1860, Indian War Files.

54. Deposition of S. P. Storms taken at Storms' Ranch, Round Valley, February 26, 1860, Indian War Files.

55. Deposition of Benjamin Arthur taken February 28, 1860, Indian War Files.

CHAPTER IV

Conclusion

By the end of 1860 the dramatic clash between the Whites and Indians in Mendocino County had been reduced to a "mopping up" operation. Former Superintendent of Indian Affairs, Colonel Thomas J. Henley, turned his energies to ranching on a large scale and was eulogized as a citizen of great prominence at his funeral in Santa Rosa in 1875.[1] Judge S. C. Hastings went on to make his million and founded the Hastings School of Law in San Francisco in 1876. He died not only a financial success but a philanthropist as well.[2] W. S. Jarboe left the scene of battle to drift into historical obscurity.

The opponents of Indian genocide in Mendocino suffered sadder fates. Lieutenant Edward Dillon resigned his commission in the U. S. army in June of 1861 to join the Confederate army. He became colonel of the 47th Mississippi

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1. San Francisco Alta, May 26, 1875.

2. W. H. Brewer, Up and Down California: 1860-1864 (New Haven: Yale University Press, 1930), p. 237.

Volunteers and survived the Civil War to live in a defeated South until his death in 1897.[3] Major Edward Johnson, twice breveted for bravery in the Mexican War, began his Confederate career as a colonel of the 12th Virginia Regiment and rose to the rank of major general commanding Stonewall Jackson's division at the battle of Gettysburg. Once wounded and twice captured, he survived the Civil War and died a farmer in the Reconstruction South in 1873.[4]

To label either Lieutenant Dillon or Major Johnson opponents to the destruction of the Indian is perhaps to overstate the case. They were certainly the only sympathetic personalities among all who dealt with the Indians in Mendocino, since it seemed that everyone else conspired against them.

The policy of the state of California toward the Indian in its judicial and legislative branches was painfully obvious. Even though the native had suffered so much by 1860, in that year the state legislature passed a bill to keep him in a condition of peonage. The act stated in part,

> Any Indian or Indians, whether children or grown persons, that may be held as

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3. Francis Bernard Heitman, Historical Register and Dictionary of the U. S. Army, Vol. 2 (Washington: Government Printing Office, 1903), p. 415.

4. Mark Mayo Boatner III, The Civil War Dictionary (New York: David McKay Company, Inc., 1959), pp. 437-438.

> prisoners of war, or at the instance and request of any person desirous of obtaining any vagrant Indian or Indians, as have no settled habitation or means of livelihood, and have not placed themselves under the protection of any white person, to bind and put out such Indians as apprentices to trades, husbandry, or other employments, as shall to them appear proper, and for this purpose shall execute duplicate articles of indenture.[5]

The California legislature also appropriated funds for support of militia companies to deal with the Indians. Furthermore, the governor disbursed the funds and supplied the commissions which brought those militias into existence.

Notwithstanding Governor Weller's hypocritical puling about deploring the death of Indian women and children, he was more aware of Jarboe's activities than almost anyone in the state. He knew of atrocities committed by Jarboe before awarding him his militia commission. In regard to Indian affairs the executive branch of the California state government was controlled by political expediency despite the personal qualms which the governor may have felt. With regard to the Indians he reacted to pressure from powerful property owners such as S. C. Hastings and T. J. Henley, hence contributing to the extermination of the Indians.

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5. California Statutes, 1860, p. 196.

The state government was openly hostile to the Indian, in that the executive, legislative and judicial branches all participated in his destruction, but they were not the only government bodies involved in Indian affairs. The federal government did its part as well to ensure the decline of the Indian. The Office of Indian Affairs and the military were agents of this deterioration. The federal reservation system in California was so riddled with corruption in 1859 that T. J. Henley was relieved of his position as Superintendent of Indian Affairs because of fraudulent practices. The stealing of federal money was so blatant that in the same year the Secretary of the Interior reduced the funds for California from the usual large appropriation of several hundred thousand dollars to just fifty thousand and then secured the risk by delivering the money to a federal investigator of the reservation system for disbursement.[6]

The administration of the reservations themselves were appalling in the late 1850's. Indians were starved, infected with diseases, abused and murdered within the confines of the reserves. The money intended to feed them was used by the officials of the reservations for private ventures, and the Indians supplemented the thefts

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6. Sacramento Union, July 18, 1859.

with their physical labor, often to the point of being worked to death. Adding a final insult, the reservation officials themselves were members of groups which hunted the Indians, killing some and taking survivors to the reservations, which by 1859 were no better than concentration camps.

As an officer assigned to the reserve for the protection of the Indian, Edward Dillon admitted that

> Although in neither of the written orders received, is anything said about my affording any protection to the citizens, or taking any means to punish Indians who commit thefts; yet I consider myself obliged by the verbal orders given me at first, to do anything in my power to put a stop to their depredations.[7]

Although it is to the credit of Dillon and Major Johnson that they did not actively pursue the "verbal orders" given them by their superiors, it is also apparent that they felt constrained to take no action to protect the Indians. Natives were starved, beaten and hanged on the reservations while under the "protection" of these officers, who by omission became reluctant allies of the entire White society, which was bent on the extermination of the California Indian.

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7. Military report, Lieutenant Edward Dillon to Major Edward Johnson, March 23, 1859, Indian War Files.

By 1860 the population on the reservations had been reduced to no more than two or three hundred Indians on each reserve.[8] The remaining natives living in the mountains were by then a pitiful and starving remnant of the populous and flourishing tribes of 1855. The largest tribe in upper Mendocino County had been the Yuki. In 1944 only ten full-blooded Yuki Indians were left alive.[9] The Yuki were the primary target of the settlers in Mendocino County, for they represented some eight thousand of the approximately twenty thousand Indians who inhabited Mendocino. It is possible to believe that their numbers could be reduced so drastically in several years only when one realizes that the testimony of the killers of the Indians consisted of statements reluctantly given, representing by no means complete records of every expedition against the Indians, and yet that that testimony accounted for nearly one thousand murdered Indians during the year 1859 alone. This figure does not include the deaths resulting from starvation and disease which occurred on the reservations of Mendocino and which numbered several hundred per month for three or four years; nor does the figure encompass the number who died in the

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8. Deposition of Charles H. Bourne taken February 27, 1860, Indian War Files.

9. George M. Foster, "A Summary of Yuki Culture," Anthropological Records, Vol. 5 (1944), p. 155.

mountains from hunger and disease and those worked to death by the settlers. When all is considered, it is understandable that the Indian population in Mendocino was reduced by some seventy or eighty percent between the years 1856 and 1860. Furthermore, these dreadful statistics applied to the entire state of California between 1849 and 1865.

At the end of the Civil War California's Indian population had been lowered from an estimated 175,000 to 20,000.[10] In sixteen short years approximately 150,000 natives had been killed by starvation, disease, gunshot wounds, hangings and other violent means. Until recently anthropologists suggested that disease caused a majority of these deaths. In the forefront expostulating this opinion was Professor Sherburne F. Cook. Yet in a recent magazine article he has revised his view by stating that "actual physical conflict between the races accounted directly for much [Indian] mortality."[11]

Writing history is necessarily a descriptive task. To explain the reasons for the behavior of the California settler toward the Indian is to analyze human nature, a chore which has stymied philosophers for thousands of years. A little light can be shed, however, on why the more kindly disposed nineteenth-century Anglo-American did not take action to stop the extermination of the Indian. There

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10. S. F. Cook, "The Destruction of the California Indian," California Monthly, LXXIX (December, 1968) p. 22.

11. Ibid., p. 15.

was a fatalism regarding the native--an acceptance of the inevitable doom of the Indian population which appears throughout the literature of the period. A concept of "the vanishing American" and of the ultimate disappearance of aboriginal people characterized the thinking of most writers on the subject.

This can best be illustrated by the writings of two nineteenth-century men of markedly different casts of mind. Historian L. L. Palmer predicted the fate of the Indians in this way:

> Many people are inclined to put on sentimental airs and charge that the white man has been the cause of all this decimation among [the Indians'] ranks. Such, however, does not seem to be the case. The truth is, that they had served their purpose in the great economy of God, and the fullness of time for their disappearance from the earth has come, and they are going to go.[12]

That genius of the nineteenth century, Charles Darwin, placed the blame more squarely than did Palmer, but still accepted the inevitability of the destruction of aboriginal peoples. Darwin clinically observed that

> Wherever the European has trod, death seems to pursue the aboriginal. We may look to the wide extent of the Americas, Polynesia, the Cape of Good Hope and Australia, and we find the same result.[13]

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12. Lyman L. Palmer, History of Mendocino County (San Francisco: Alley, Bowen and Company, 1880), p. 173.

13. Charles Darwin, The Voyage of the Beagle, Anchor Books (New York: Doubleday and Company, Inc., 1962), pp. 433-434.

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The Indian War Files contain a variety of eyewitness accounts, which provide information for further substantiation of the mistreatment of the California Indian in Mendocino County. The depositions listed here are also published in the Appendix to the 1860 California Journal of the Assembly as The Mendocino War Report. As the documents have not been catalogued or numbered, I have provided a full listing of the sources used for this paper by name and date.

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Buckles, H. H., taken February 23, 1860.

Burgess, John W., taken February 28, 1860.

Corbitt, Martin, taken February 27, 1860.

Farley, Jackson, taken February 26, 1860.

Hall, H. L., taken February 26, 1860.

Hastings, S. C., taken March 3, 1860.

Hildreth, William J., taken February 24, 1860.

Jeffress, George W., taken February 28, 1860.

Lacock, Dryden, taken February 27, 1860.

Lawson, John, taken February 27, 1860.

Reese, George, taken February 27, 1860.

Scott, William T., taken March 2, 1860.

Shannon, Isaac W., taken February 28, 1860.

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