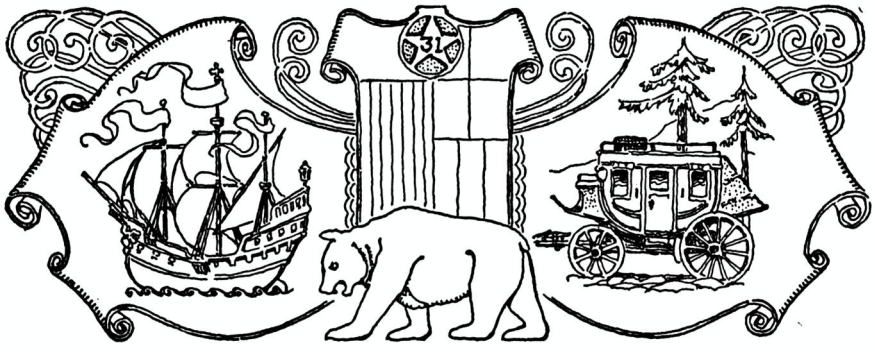

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Edward Fitzgerald Beale *and the* Indian Peace Commissioners in California, 1851-1854

By Richard E. Crouter *and* Andrew F. Rolle

DURING THE AMERICANIZATION OF CALIFORNIA that followed the Gold Rush of 1848-49, Indian-white relations rapidly deteriorated. As hordes of settlers moved westward, an unprecedented series of assaults on the Indian by traders, cattlemen, miners, merchants and the military occurred. No real solution to the problem of preserving Indian rights seemed to exist as their lands were overrun and their tribal ways sorely challenged. Repeatedly, invading whites refused to accommodate themselves to Indian culture. Indeed, they virtually demanded that the Indian change his way of life to suit them. When the Indian struck back he could scarcely do so with any real unity. A genuine tribal organization never fully existed in California. Warfare between Indian groups was more often the rule.

While the Indians were disunited and able to launch only sporadic attacks of a protective sort, the whites were all too well organized for Indian extermination. Caucasians demanded and re-

ceived government protection. The United States Army stood on call behind the whites. Despite the vast western stretches which the War Department was called upon to patrol, Indian outbreaks were usually dealt with sternly. The practical result of white infiltration in the face of Indian weakness was gradual liquidation. If Mexico's secularization of California's missions in the 1830's had caused as serious decrease in their numbers, Indian losses in the gold rush era were simply devastating. It has been estimated that there were between one and two hundred thousand Indians in California when Commodore John Drake Sloat raised the Stars and Stripes at Monterey in 1846. From 1849 to 1856 alone the decrease in the Indian population probably numbered 50,000.

Disease and liquor conspired with bullet and knife to wreak havoc upon the Indian population. Pulmonary and venereal ailments, smallpox, and the ravages of Caucasian living wiped out the former security of Indian life under Mexican rule. Amid aggressive *gringos*, rancho Indians enjoyed no usufructuary or other rights to the land on which they lived. Some Americans paid no more heed to their presence on so-called government lands than if they were foxes or coyotes. Well-armed whites, the inheritors of the prejudices of two centuries of border warfare, were in no mood to acknowledge any rights as inhering in the California aborigines, to whom they applied the contemptuous name "Diggers."

Driven from their homes and from the land of their fathers, Indians were generally submissive, even when compelled to retreat to ever new refuges. Although most California Indians were patiently devoid of the fierceness of the plains Indians, some northern aborigines bitterly resented intrusion by the whites and preferred death to submission. This spirit of resistance accompanied by occasional depredations upon the property and livestock of Americans, brought on various so-called Indian "wars." Retaliation, by killing the first white man an Indian met after suffering an outrage, usually resulted in swift retribution — the literal wiping out of entire Indian *rancherias*.

In the towns and cities the Indians fared badly, too. Their wages were only half those paid to whites, while the conditions under which they worked were often unspeakably bad. Even worse, however, were the disastrous effects of their gambling and addiction to "firewater." "Never in the poorest huts of the most poverty-stricken wilds of Italy, Bavaria, Norway, and New Mexico," protested Helen Hunt Jackson, had she seen anything "so loathsome as the kennels in which some of the San Diego Indians are living." Almost nothing was done to help such native outcasts.

As early as 1849 the federal government took steps to develop an Indian policy for California by sending numerous officials into the state. That year Thomas Butler King was commissioned to study Indian conditions and Adam Johnston was made Indian sub-agent for the Sacramento-San Joaquin area. In 1850 a United States Indian peace commission, with an appropriation of $50,000, was appointed, consisting of Redick McKee, George W. Barbour, and Oliver Wozencraft. Their job was to contact more than a hundred tribal bands and chieftains in order to allocate specific tracts of land to each of these.

In a report to the President of the United States, written November 29, 1851, Secretary of the Interior, Alexander H. Stuart, stated that "a temporizing system can no longer be pursued toward the American Indian." The collective wisdom of the nation's leaders had, as yet, however, failed to produce a permanent solution to the problem. In mid-nineteenth century the United States population still surged westward, skipping over the vast mid-west to settle in the farthest west, including California. The United States government had removed the Indian, in as expedient a manner as possible, from land desired by white settlers. In his report to the President, Secretary of the Interior Stuart piously asserted:

> The policy of removal, except under peculiar circumstances, must necessarily be abandoned. And the only alternative left is to civilize or exterminate them. We must adopt one or the other. A just, humane, and Christian people cannot long hesitate which to choose; and it only remains to decide upon the means necessary to be adopted to effect the contemplated revolution in the Indian character and destiny.[1]

Such an idealistic policy, if fully implemented by the government, would, indeed, have caused a revolution. Therefore, subsequent developments concerning the Indian's welfare proved more evolutionary than revolutionary. Rather than any sudden change in the popular attitude toward the Indian, America's treatment of her native inhabitants remained, ironically, worse than that accorded European minorities seeking refuge in the United States. Only in the late nineteenth century did a reform movement of political significance develop. Helen Hunt Jackson, an avid proponent of reform, in 1881, decried wrongs perpetuated by the government in dealing with the Indian population.[2]

A significant chapter in the development of Indian reform concerns the policy pursued by the federal Office of Indian Affairs among Indians on the mining frontier of California. Expansion to the Pacific had occurred so suddenly, as a result of the gold catalyst in 1848, that the government could scarcely undertake immediate

Indian resettlement operations in California. Three problems had combined to create a vexing situation. Spanish and Mexican land grants were still held operative over large ranchos; numerous settlers claimed squatter's rights upon the public domain; and the treaty of Guadalupe-Hidalgo, which, in 1848, handed California to the United States, officially called for American respect for either Indian or rancho property rights. In addition, many Washington officials were ignorant of the unusual economic complexities in gold rush California.

Although annexation led to the admission of California as the thirty-first state, September 9, 1850, it remained unmapped. Much of its geography was still a mystery, and the count of its Indian population continued to be conjectural, with estimates varying from 50,000 to 300,000.[3] Before land could be set aside for these Indians California must, furthermore, be freed of prior Mexican settler's preemtion claims.

Racial strife mounted in the 'fifties as bands of aboriginal mountain predators crossed the Cajon Pass from the Mojave basin, raiding the cattle ranches of southern California. Other raids were frequently conducted in the Four Creeks area of the San Joaquin Valley, near the present site of Visalia. Conflict between Indian and white, under these circumstances, was inevitable.

Frankly shocked at the situation in California was French Vice-Consul M. Jules Barthelemy Lombard, who, in 1851, reported to his superiors that "it would be difficult, Monsieur le Ministre, from such a long distance, to get a real idea of the state of anarchy and loot which exists in this country." Lombard reported how, suffering from the brutality of whites, the California Indians "turned themselves into open warfare with the Anglo-Saxon race."[4]

The suggestion of revenge upon the Indian raiders by the Los Angeles *Star* and other local papers was not uncommonly made. "A party of fifty to seventy-five men could easily proceed to their camp, give them a whipping — one, too, that they would remember — and get back again in two or three weeks," the *Star* suggested.[5] The San Jose *Daily Argus*, asserted that the root of the difficulty lay not with the Indian but "that 'blame' to any considerable degree rests upon 'our own race.' "[6]

Unrest among the Indians reached a climax in 1851. James D. Savage, a white trader called by some "king of the Tulare Indians," grew concern upon learning that all over the central valley, Indians were moving their women and children to the mountains. Because this looked like the start of a general uprising, Sheriff James Burney, of Mariposa County, raised a company of seventy-four men,

who met on January 6, 1851, near Agua Fria, and proceeded to attack an Indian *rancheria.* Governor McDougal next ordered the creation of a volunteer group, under the leadership of Savage, who was given the title of major. On January 24, 1851, his Mariposa Battalion began a war to end the Indian depredations along the Merced River. McDougal confidently anticipated that a federal expenditure would be granted to cover the expense. The cost of financing the Mariposa Battalion, approximately $240,000, was handed over by the state to the federal government.[7] About the only dividend accruing to the whites from this confusing expedition was the official discovery of the Yosemite Valley.

While the Mariposa War served to focus attention upon Indian depredations in the north, a threat of seemingly equal severity was made to the security of Southern California. In December, 1851, Antonio Garra, of the Warner ranch district, began an insurrection among the Indians there, that excited residents of Los Angeles and San Bernardino by threatening to eradicate all whites. Ironically, Garra was finally captured, and the uprising quelled by one called Juan Antonio, a Cahuilla Indian chief.

Indian agent Adam Johnston, working incessantly, effected considerable improvement in Indian conditions, but lacked specific orders and manpower to govern Indian affairs for the entire state. This would be supplied by the three Indian agents authorized by Congress. Arriving at San Francisco, early in 1851, were McKee of Virginia, Barbour of Kentucky, and Wozencraft of Louisiana.[8] At a meeting on January 13, McKee was appointed disbursing officer responsible for the funds of the group. His son, John, was chosen their secretary. Thrust into the midst of the "Mariposa War," the commissioners' work demanded immediate attention. Caution, however, was also desirable. It was necessary to sound out leadership in the state legislature and to ascertain the attitudes of residents of the agricultural and mining settlements before Indian treaties could be enacted. The commissioners, however, immediately protested Savage's volunteer raids against the commissioners' Indian wards. Governor McDougal, yielding to their will, issued a restraining order which led to the disbanding of the Mariposa Battalion on July 1, 1851.

The dilemma of McKee, Barbour, and Wozencraft, however, grew after their arrival in San Francisco. What were their actual powers granted by the federal government? Except for the idea that they were to negotiate treaties and conduct Indian Affairs in California, instructions had been extremely vague. Should they erect small military posts for the enforcement of the treaties? Had they

the power to appoint competent aides to superintend and manage in their absence? Anticipating full government support, their action was guided by what they believed would be the most effective way to conclude a series of treaties. The commissioners were dismayed when no further government appropriations were made after two original grants of $25,000.

Government refusal of further money was difficult to understand, for communications received, as early as May, 1851, from the Department of Indian Affairs in Washington, indicated complete support of their work. One message from Washington read: "The Department fully appreciates the difficulties with which you have had to contend in executing the important trust confided to you, and is highly gratified with the results you have thus far achieved." On June 25, as McKee anxiously awaited funds, the Department wrote that it was unable immediately to comply with the necessary appropriation because Congress was not then in session. A statement from the government advised McKee to "fix the time of payment at a period sufficiently in the future to allow time for Congress to act."[9]

On January 15, 1851, California newspapers published an "Address to the Citizens" — an open letter composed by the Indian Agents. It explained the noble character of the job to which they had been called. McKee, Barbour, and Wozencraft appealed to California settlers and miners for cooperation "in restoring to the frontier settlements the peaceful and amicable relations which once so happily existed between them and the Indians."[10]

Other factions, more in the mood of the Mariposa Battalion, however, demanded an immediate showdown and settlement with the Indians of the interior. Such an attitude was deflected in an editorial of the *Daily Pacific News*.

> We believe the Commission fully competent, with the aid of gentlemen well acquainted with the Indian character, who are ready to cooperate, to settle the whole matter, if it be possible, without the last appeal. But if that be done it must be done quickly. The Saxon blood is up and when it is so, like the rolling Mississippi, no slight levee will stay it within its channels.[11]

Judge John G. Marvin, recently elected Superintendent of Public Education, believed that it would be necessary to give the Indians a severe beating before they would respect the power of the whites to negotiate treaties.

As the commissioners became involved in their work, Adam Johnston discovered himself to be in a subordinate position. Since April, 1849, he had supplied the Indians of the San Joaquin Valley with more beef and flour than was actually stipulated. He had

even promoted their vaccination for smallpox, which was rampant. Without necessary congressional appropriations, these unauthorized actions led to Johnston's dismissal early in 1852.[12] His long residence in California and intimate knowledge of the obstinate mountain tribes, made Johnston less conciliatory than the commissioners. In favor of a vigorous course of action, he asserted privately that "nothing can be done for some time to come with many of the mountain tribes . . . they will doubtless give the government much trouble."[13] Johnston, however, discreetly restrained himself from public criticism, allowing the new commissioners a free hand in their own policy.

Of the commissioners, McKee was the most adamant in maintaining that peaceful rather than forceful means must be followed to lure the aborigines into negotiations. Instructions given the commissioners by the government enabled these men to work separately or together. The three elected to work as a team. Travel in the California interior was begun with a retinue of assistants and pack animals supplied by Military Governor General Persifer F. Smith. Moving slowly, the commissioners frequently stopped to assure the various Indians of their peaceful intentions, guaranteeing safe conduct to those who were willing to come together for the purpose of treaty-making.

The peace commissioners completed their first treaty on the Tuolomne River, March 19, 1851. Another was concluded at Camp Barbour, on the San Joaquin River, April 29, 1851.[14] Thereafter the commissioners divided their responsibilities geographically. All land west of the coast ranges and north of the headwaters of the Sacramento was given to McKee for supervision; the middle region, from the Sacramento to the headwaters of the San Joaquin was received by Wozencraft; and Barbour drew all of the state lying south of the San Joaquin.[15] Wozencraft remained in San Francisco during May, meeting six tribes near Knight's Ferry, and then moved on to a gathering with Indians of the King's River area on August 20, 1851.[16]

In the northern region, McKee was pleased with the progress of his negotiations. From the boarding house where he lived while inspecting conditions, McKee wrote: "The Indians are said to be well contented with the treaties — scrupulous in observance of their stipulations and many of them working industriously either in agricultural pursuits, or in the mines . . ."[17] In an address made to the Standing Committee on Indian Affairs of the California Legislature, McKee explained that the commission was attempting to colonize Indians upon reservations to be surrounded by whites.

Such a system, he asserted, would prevent extensive concentration of the tribes. A vital part of the aid to be given these Indians, beyond assimilation into white agriculture and mining, would be instruction in the "arts of civilization," to be administered by teachers established on each reservation. When questioned about placement of Indians among the white miners, McKee informed the legislature that it was absurd to say that all the Indian reservations would be located where there was no gold. But, he assured legislators, "If time and experience should show that these reservations were too large or contained valuable minerals, then peaceful measures would be taken by the Government to confine them within more narrow limits, or remove them elsewhere."[18]

Commissioner George W. Barbour, traveling with a military escort, proceeded southward, having agreed upon the necessity of establishing a base near the San Joaquin (later Camp Barbour) reservation.[19] From this agency food was made available to the Tulare Indians by a contract between Barbour and John C. Frémont, by which the latter turned over to the commissioners nineteen hundred head of cattle, valued at $183,825.00 Barbour next sent word to tribes living south of the Kern River to meet him in the Tejon Pass region, at Camp Persifer F. Smith. On June 10, 1851, Barbour signed a treaty with the chiefs of eleven tribes. Although they ceded all claims to land south of the Tehachapi Mountains, the Indians were granted sole rights to a tract between the Tehachapi Mountains and the Kern River, comprising 763,000 acres.[20]

When he ran out of money, in late June, further treaty prospects for Barbour in southern California appeared hopeless. He, therefore, requested leave to winter in the east and sailed from San Francisco on October 4, 1851. His resignation was received by the Commissioner of Indian Affairs in Washington on February 2, 1852. In this final report to his superior, Barbour upheld the terms of his treaties, asserting that poverty of the Indians and their unjust treatment at the hands of whites demanded the somewhat generous agreements he had made.[21]

An early concern for public acceptance of the treaties is evident in a letter sent by Barbour, on behalf of his colleagues, to the editors of the San Francisco *Alta California*, September, 1851. It was Barbour's intention to "disabuse the public mind and *miners*, *in particular*, in relation to the supposed extent and great *mineral* and *agricultural* wealth of those districts" then being handed to the Indians.[22] Settlers in the interior of California were depicted as ignorant of the facts, even willfully misrepresenting work of the

Indian commission. Like McKee, Barbour asserted that more trouble was caused by the whites than by the Indians.[23]

Between March 19, 1851, and January 7, 1852, Commissioners McKee, Barbour, and Wozencraft had negotiated a total of eighteen treaties with the California Indians.[24] Embracing one hundred thirty-nine tribes, and involving one-half of California's Indian population, these agreements promised the Indians annuities of beef, blankets and other badly-needed supplies. Altogether, 7,488,000 acres, or about one-fourteenth of the state, were set aside as a permanent Indian domicile. The original treaty of March 19, which served as pattern for the others, was signed by six tribes, granting them a reservation between the Merced and Tuolomne Rivers. Acknowledging United States sovereignty, the tribes yielded any right to land outside their new reservations.

The federal appropriation for all this treaty work had been only $50,000, but the total cost of the eighteen treaties, if ratified, would be $716,394.79. McKee, Barbour, and Wozencraft defended this disparity between appropriation and expenditure, pleading the necessity of contracts than met the existing situation. The commissioners believed that their work easily justified additional government spending. On the other hand the provisions of their treaties were specifically subject to ratification by the Senate of the United States. A directive from Commissioner of Indian Affairs Luke Lea to McKee in California had, after all, warned that the commissioners "fix the time of payment at a period sufficiently in the future to allow time for Congress to act."

California newspapers from 1851-1852 indicate the ferment of society at the time of the Indian treaties. Those opposed to the commissioners believed that whites must kill or be killed. Treaties, even if properly negotiated by federal commissioners, would hardly be effective in stopping the slaughter. What regard did Indians have for the conventions and laws of white men? Spearheading the opposition was the Sacramento *Placer Times and Transcript.* The work of the commissioners was appraised by the *Times* as seeking to cover the entire state with Indian reservations, which, upon completion, would comprise one-half of all its arable and mineral land. Attacking the impact made by the commissioners the *Times* warned: "Much has been said about . . . taxes upon miners, but nothing has been done thus far which is likely so seriously to effect this class of our citizens as the Indian reservations."[25] The new Indian reservations were seen by the *Times* solely as a guise for profiteering among gold seekers.

Willing to dissent from other journalistic efforts was the *Alta*

California of San Francisco. In September, 1851, the *Alta* was laudatory:

> The Commissioners have done much towards the accomplishment of their labors, and have every reason to be gratified at the result, especially when we consider that the appropriation upon which they were to depend was entirely inadequate, that their funds have long ago been exhausted, and that they have been long without advices from Washington.[26]

During the next month, amid the violent verbiage of an editorial feud, both the *Times* and *Alta* were forced into more extreme positions regarding the commissioners. The *Times* warned that:

> It would be well for the *Alta California* to examine carefully what its correspondent writes before it lends aid to induce the Senate of the United States to confirm the Indian treaties, which have been made in California, for there may be iniquity which it has not yet fathomed . . .[27]

Accompanying this battle of the press was discussion of the Indian Peace Commission in the state Senate and Assembly. Barely one week after the arrival of McKee, Barbour, and Wozencraft in California, Governor McDougal, in a special message to the legislature, had stated that an end to Indian hostilities must come from within the state. Washington, he asserted, had no effective means of handling the problem. "We must, " McDougal insisted, "rely upon ourselves for this purpose as circumstances warrant . . ."[28] Under Governor McDougal's successor, John Bigler, a policy mistrustful of the commissioners became one of obstructionism. Bigler urged "rejection of the treaties by which these reservations are secured." The *Alta* commented upon the strange fact that Bigler's recommendation was

> urged upon the Legislature almost in the same breath with another, asking Congress to assume and pay the entire Indian war debt of the State, which but for the labors of these Commissioners, and the provisions of these identical treaties, would by this time have been eight or ten instead of two millions (sic) of dollars.[29]

The San Jose *Weekly Visitor*, in February, 1852, argued that if the reservations were sustained, growth of the state would be retarded. It was therefore the governor's duty to call for action on the part of the Legislature. In reviewing the recent treaties, the Standing Committee on Indian Affairs of the California Senate and Assembly presented a majority report, objecting to any recognition of the Indian rights to California soil. The Standing Committee advocated removal of Indians beyond the jurisdiction of sovereign states — as the only policy which could properly be pursued.

State Senator J. J. Warner of San Diego County was the only

member of the Legislature to oppose the majority report. Warner asserted that, "If the Indians are to be told that those Commissioners had no power to make treaties or that the President or Government can falsify itself, will you expect them, hereafter, to enter into any treaty or keep one inviolate after having entered into it?"[30] In presenting the minority report, the San Diego senator argued the impracticability of removing Indians from the state, and urged that senators examine fully into the treaties of the Commission. If found to be "impolitic, onerous, or burdensome to the people of this State" the senators might then "use the influence of their position to have such treaties altered or amended . . ."[31]

Less tactful than Warner was an address to the Legislature delivered by McKee barely two days before its nearly unanimous vote condemned the treaties. He openly charged both houses with having slandered his colleagues' work for the purpose of influencing public opinion within the state and in Washington.[32] The moment of calm promoted by J. J. Warner suddenly collapsed in a legislative showdown on March 22, 1852, when the original resolutions urging rejection of the treaties were adopted.[33]

In spite of other efforts to justify the commissioners' actions, the eighteen treaties lay under official condemnation by the State of California. To California's United States Senators, then elected by vote of the Legislature, it would have been suicidal not to act in accordance with the resolves. It only remained for legislative processes to carry the treaties into the United States Congress where the struggle would be continued.

The last of the eighteen treaties was received in Washington, D. C., February 18, 1852. Officials within the Bureau of Indian Affairs and the Department of Interior were aware that violent opposition existed against the treaties and that the California delegation in Congress solidy opposed them.[34] In an official report submitted to the Secretary of the Interior, Indian Commissioner Lea asserted that "there is reason to believe that much good has resulted" from the efforts of McKee, Barbour, and Wozencraft to end hostilities.[35] Realizing that governmental policy and appropriations had provided little stimulus to effective Indian negotiations, Lea suggested that a new, independent office be established to govern Indian affairs in California. Lea echoed the views of his predecessor, Indian commissioner Orlando Brown. In 1847, Brown had recommended the establishment of three such offices for tribes west of the Rocky Mountains to lessen dependence upon the often inept agents and sub-agents in the Far West.

Embarrassed by the large financial commitments of the eighteen treaties and the open opposition by congressmen from California, the Washington Indian Office agreed that a permanent representative was needed in California. Accordingly, an independent Indian superintendency was established March 3, 1852. On the following day, Edward Fitzgerald Beale was named Superintendent of Indian Affairs for California. With a new Indian Appropriation Bill and action on the eighteen treaties pending in Congress, Beale delayed his departure for California until August, electing to remain in Washington amid the debate over the treaties. Beale performed routine administrative tasks: computing a budget, making personnel recommendations, and buying supplies, preparatory to leaving for California.

Only thirty years old when appointed to the superintendency, Beale, following graduation from Annapolis in 1842, quickly achieved the rank of Lieutenant in the Pacific Naval Fleet. The outbreak of the Mexican War in 1846 furthered Beale's military and frontier experiences. He emerged from the battle of San Pascual as a hero and lifelong friend of Kit Carson. Upon the discovery of gold in California in 1848, Beale was chosen official Naval emissary to carry the precious metal from the Sacramento Valley, in order to authenticate its discovery in Washington. Returning to California after carrying the gold east, Beale entered the transportation business. For a time most river routes leading from Sacramento and Marysville to the American Fork and Sutter's ranch were controlled by Beale as manager for the firm of W. H. Aspinwall and Commodore Stockton. As an enterpriser on the California mining frontier, Beale had witnessed firsthand the Indian-white atrocities of the early 'fifties. His desire for government service, combined with his reputation for "courage, coolness in the face of danger, unconquerable energy and determination" led to the federal appointment of March 4, 1852.[36]

Indian Commissioner Lea asked the new superintendent, on the basis of recent experience in California, to appraise the eighteen treaties prior to action by the Senate. Beale's report, delivered to Lea on May 11, contained only a minor point of criticism that was directed at the formal establishment of schools for the Indians, "their present state of civilization and advancement being such as to preclude the possibility of their appreciating the benefits to be derived from such instruction."[37] Otherwise, Beale unequivocally urged ratification of the treaties by the Senate. Whether his recommendation was based upon their intrinsic merit, or fear that rejection would cause an Indian uprising, may only be surmised. Beale was

aware that, if approved by the Senate, responsibility for enactment of the treaties would pass to the newly created Indian office.

Neither the admonition of J. J. Warner nor the recommendation of Edward F. Beale was sufficient to prevail against the stream of public opinion and political influence. The eighteen treaties were submitted to the United States Senate, June 1, and on June 8, 1852, they were individually and collectively rejected in a secret session of that body. The Senate obviously was in no mood to pay the immense claims against the United States that would remove large areas of land from public and private use. While most of these claims were never paid, several, including $183,825 to John C. Frémont and $7,000 to Oliver M. Wozencraft, were quietly granted in the next few years.[38]

Rejection of the eighteen treaties in the Senate precipitated numerous difficulties just short of a general Indian uprising. As the treaties were undergoing debate, Gen. E. A. Hitchcock, United States Army commander in California, "rebuked the miners who were intruding upon the reservations set apart for the Indians, maintaining that until the treaties were rejected they must be respected."[39] Following rejection of the treaties, "respect" for Indian rights was replaced by a policy of defiance. Mountain tribes which had been persuaded to leave their traditional homes in order to live in a valley reservation never experienced the rewards promised them for their removal. Legitimate claims of Indian traders were never honored by the government; the flow of needed supplies to the Indian abruptly ended.

Prior to rejection of the treaties, President Millard Fillmore had recommended that Congress increase army strength to enable the War Department to provide greater protection to the frontier settlements in California. Also urging such increased military force against the rebuffed Indians were Senators Gwin and Weller of California who obtained an appropriation of $100,000 in order to purchase supplies and gifts for appeasement of the California Indians.[40]

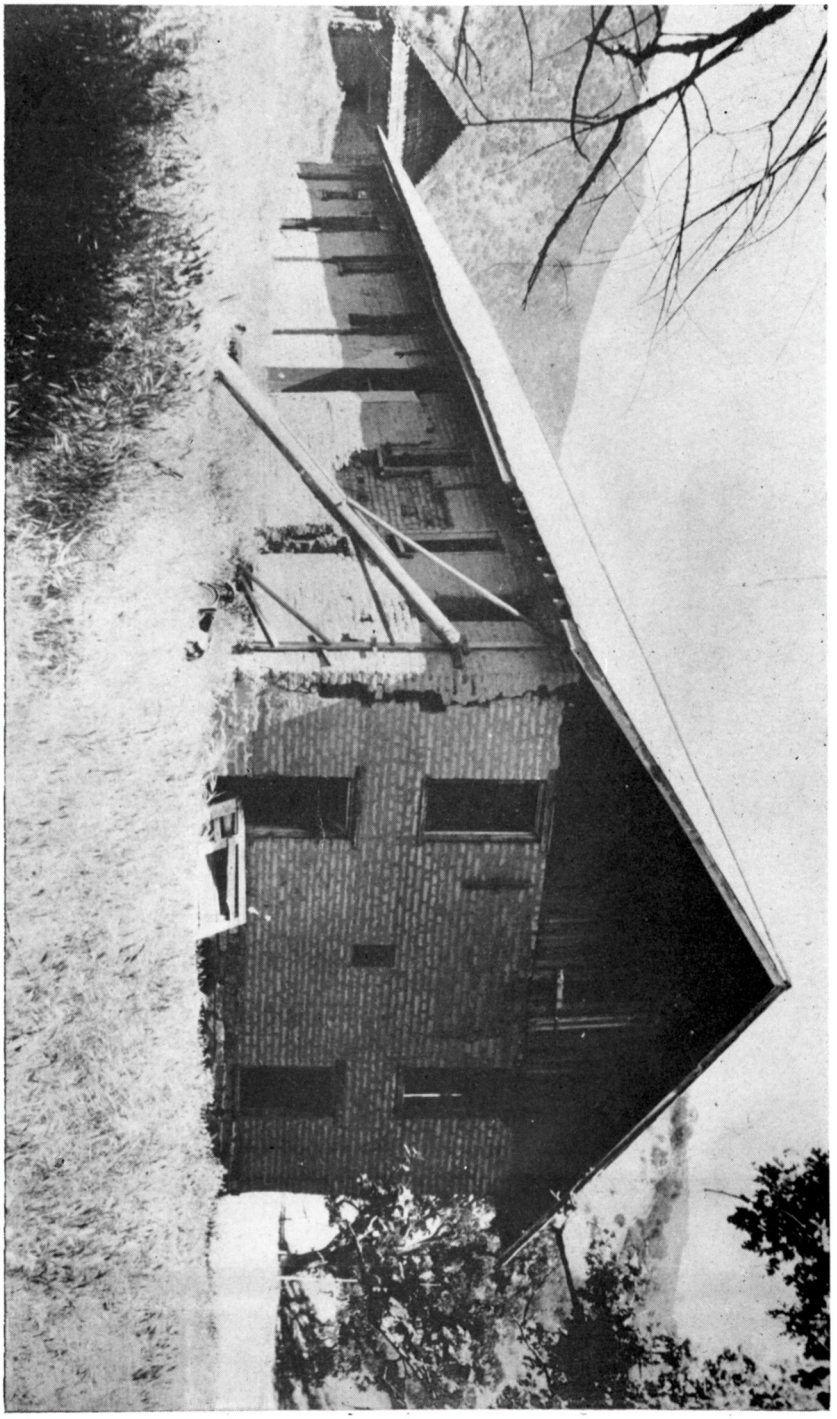
Beale departed from New York City for California on August 5, and arrived in San Francisco on September 16, 1852. Congress passed an Indian Appropriation Act providing $14,000 for his salary and that of a clerk, together with contingent expenses. When Beale reached California, the state of Indian affairs was in hopeless confusion. Wozencraft and McKee had not been among the Indians for months; contracts with the Indians had been mismanaged, neglected and terminated. In order to determine where the blame lay, Beale ordered an investigation of his predecessors.[41]

Barbour had tendered his resignation in February and Wozencraft, protesting the lack of funds, resigned soon after Beale's appointment. McKee, who elected to remain, was assigned to the middle region of the state, but, disliking his new subordinate capacity, soon became involved in a controversy with Beale and was suspended on November 30, 1852.

Undismayed by the confusion, Beale sought for some means to provide Indians aid in a manner acceptable to the California public. He hit upon the idea of an experimental reservation, to offer agricultural work to about one thousand Indians. This self-supporting farming unit became so successful that Beale made plans to establish other small reservations. The concepts evolved by Beale reflected his military training and were reminiscent of the Spanish mission system. Each reservation was to be garrisoned by a military post. Without offering a tract of land to the Indians, the government invited them to work on the reservations, where instruction in agriculture and handicraft labor was to be made available. Beale returned to Washington early in 1853, hoping to obtain political backing for his latest plans, and, if possible, to secure a necessary appropiation which he estimated to be $500,000.

Arriving in Washington, Beale found political figures that were not only receptive to his ideas for reservations, but willing to give them needed support. Beale received the backing of William K. Sebastian, Senator from Arkansas, and Chairman of the Senate Committee on Indian Affairs, who, during February and March, 1853, arose in the Senate to urge that, "some legislation of this kind is absolutely necessary to correct the state of affairs now prevailing in California which no one can wish to see continued." Sebastian begged that his fellow legislators "be startled neither at the amount asked for or at the almost unlimited power which it is found necessary to confer on the Superintendent for the Indians."[42] Prompted by the arguments of Sebastian, an Indian Appropriation Act, with an amendment that embodied the Beale plan, was unanimously carried by Congress on March 3, 1853. Under these provisions the President of the United States was authorized to establish five military reservations either in the State of California or in the territories of Utah and New Mexico. The sum of $250,000, one half of that recommended by Beale, was appropriated to cover his expenses.

Encouraged by such senatorial backing, Beale set out again for California, this time proceeding overland, exploring a possible central route to the Pacific.[43] A party of twelve, jointly led by Beale and an associate, Gwin Harris Heap, arrived in California in August, 1853. Authority granted the new superintendent by the federal



FORT TEJON, CALIFORNIA

— *Photo courtesy The National Archives, Washington, D. C.*

No. 14 LAND OFFICE at Los Angeles, June 8, 1863.

I, Edward Fitzgerald, of Beale San Francisco County California,
do hereby apply to purchase the North East quarter of the South West quarter
of Section Thirty-two in Township Seven North of Range
Fourteen West containing Forty Acres, according
to the returns of the Surveyor General, for which I have agreed with the Register to give at the rate of One Dollar and
Twenty-five cents per acre.

E. F. Beale

I, J. R. Ramirez Register of the Land Office at Los Angeles, Cal.
do hereby certify, that the Lot above described contains Forty acres ——— Acres,
as mentioned above, and that the price agreed upon is One Dollar and Twenty-five Cents per acre.

J. R. Ramirez *Register.*

— *From the Author's Collection*

APPLICATION FOR LAND PURCHASE

government caused a stir of optimism in California. First to express this optimism was General Hitchcock, who wrote Beale, cautioning his friend of the necessity for careful budgeting of government funds in order to insure the success of his work.[44]

Beale's party was met at Los Angeles by Benjamin Davis Wilson, respected resident of Southern California, and recently appointed by President Fillmore as an Indian sub-agent. Collaborating with the new superintendent, Wilson submitted a report advocating removal of the Southern California Indian to an area east of any populated area, perhaps as far eastward as the Colorado River. While such a policy may have been popular among white residents, it was not seriously considered by Beale.[45]

In reporting the return of Beale and his plans for military reservations, the Los Angeles *Star* of September 3, 1853, reflected the hopeful spirit of local residents.

> We trust fervently, that now we are to have a complete change for the better, in the aspect of Indian Affairs for California, which must take place if the efforts of the government and its agents meet with a proper sympathy and consideration from the people of this state. . .[46]

Other newspapers, such as the San Francisco *Herald* and the San Joaquin *Republican* joined the *Star* to promote public opinion sympathetic to Beale's plans.[47] Many of the objections voiced against the Indian Commission were not revived against Beale. The maximum acreage allotted by the government for the new reservation system was 125,000 acres compared to the almost incredible total granted by the commissioners which had been 7,488,000.

Upon completion of an initial survey of the Indian country, Beale reported the California situation to the successor of Luke Lea as Indian Commissioner, George W. Manypenny. The text of Beale's letter, sent September 30, 1853, shows the progress of his work and his interest in the Tejon Valley as an ideal reservation site.

> Sir: In pursuance of the intention which I communicated to you in my letter of the 26th, I left Los Angeles on the 30th, and arrived at the Tejon Pass on the 2nd inst.
>
> I found the Indians in that quarter quietly engaged in farming, but anxious to know the intentions of the government towards them. Mr. Edwards, whom I had employed as a farming agent, had been unable to assure them of anything permanent in relation to their affairs. He had, however, with great tact, and with the assistance of Mr. Alexander Godey, by traveling from tribe to tribe and talking constantly with them, succeeded in preventing any outbreak or disturbance in the San Joaquin Valley.
>
> I immediately collected together the headmen and chiefs . . . With these Indians I held council for two days explaining to them

> the intentions of the government in relation to their future support. After long deliberations . . . they agreed to accept the terms I had offered them: . . . That the government should commence a system of farming instruction . . . That for this purpose the government would furnish them with seed of all kinds . . . I pointed out to them the impossibility of their remaining any longer a barrier to the rapid settlement of the State, and of the necessity which existed that they sould leave their old homes in the mountains and settle . . . where the government would be able to watch and protect them from the whites as well as the whites from them . . .
>
> The Tejon Valley, or at least a large portion of it, is said to be covered by a Spanish grant; but as I found no settlers on it, or any evidence it had been settled; and under the fact that there is no other place where the Indians could be placed without the same objection, I concluded to go on with the farming system at that point and leave it to Congress to purchase the land should the title prove good, or remove the Indians to some less suitable locality.
>
> E. F. BEALE, Superintendent of Indian Affairs[48]

A reservation at the Tejon Pass which led through the Tehachapi Mountains to Los Angeles would enable the government to restrain the warlike actions of hostile southern tribes. Furthermore, the Tejon Valley, composed of fertile land capable of irrigation, would enable Beale to repeat the success of his experimental farm — a self-sufficient Indian reservation. Ignoring a nearby Spanish land grant, Beale claimed the Tejon Valley as government property because it had never been settled.[49]

The Tejon or Sebastian Reservation was formally established by Superintendent Beale in September, 1853. Since the earliest days of California the Tejon Pass served as an inland cattle and trade route between Southern California and the San Joaquin Valley. At the time of Beale's arrival the number of Indians residing in the area was estimated at only three hundred fifty.[50] A statement made by Alonzo Ridley, an Indian trader at Tejon Pass, substantiates Beale's recognition that the Indians of this region were restless as to their future.

Since the treaty concluded June 10, 1851, by Commissioner Barbour had failed of ratification, the Tejon, Cas-take, and nine other Indian tribes had been so uncertain of that future, that they feared extermination by the white man. Many of these Indians had moved to the Tejon Valley as a result of the treaty with Barbour. In their agreement with Barbour they ceded claims to land south of the Tehachapi Mountains, thereby protecting residents of Los Angeles and San Bernardino previously menaced by the Indians.[51] It was only natural that such Indians would distrust Beale; few of Barbour's promises had materialized. In addition to one hundred-fifty head

of beef annually distributed to the eleven tribes, Barbour had pledged:

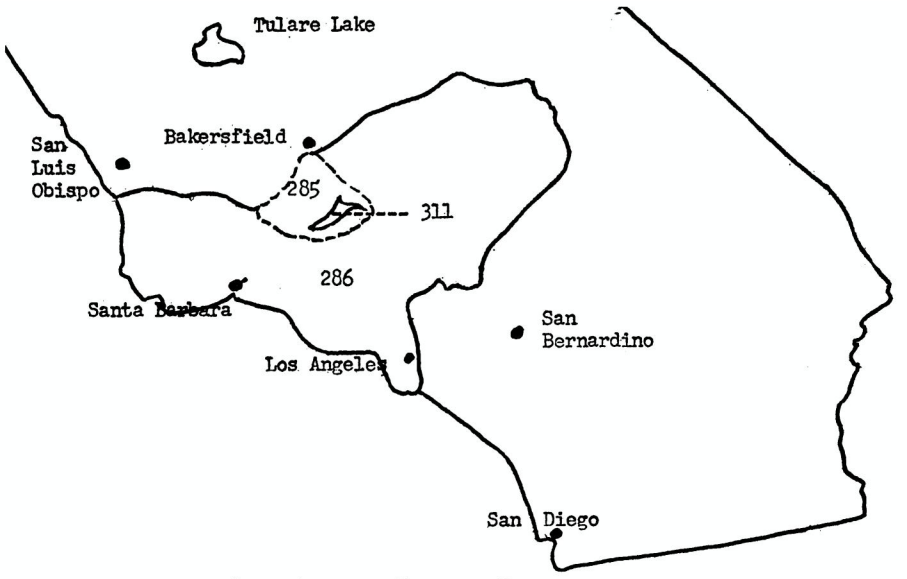
> six large and six small ploughs, twelve sets of harness complete, twelve work mules or horses, twelve yoke of California oxen, fifty axes, one hundred hoes, fifty spades or shovels, fifty mattocks or picks, all necessary seeds for sowing and planting for one year, one thousand pounds of iron, two hundred pounds of steel, five hundred blankets, two pair of coarse pantaloons and two flannel shirts for each man and boy over fifteen years old, one thousand yards of linsey cloth, same of cotton cloth, and same of coarse calico, for clothing for the women and children, twenty-five pounds of thread, three thousand needles, two hundred thimbles, six dozen pairs of scizzors and six grindstones.[52]

Other assurances made the Indians by Barbour included government personnel: a blacksmith, a man "skilled in the business of farming," a carpenter, and several teachers whose schoolhouse would be erected at government expense.

The most striking fact about Beale's new Tejon Reservation was that it comprised 75,000 acres of the immense land tract ceded to the Indians in Barbour's rejected treaty. Although Beale himself heartily approved of the unratified treaties of his predecessors, no attempt was made to build on their terms. He now sought to build upon his own system of Indian government. Such an attitude may have been unavoidable. An essential part of Beale's task was to evade the conflict that impeded the prior agents in California.

Possessing an enlightened policy, it was Beale's firm intention that Indians be made useful, self-supporting members of society. His germinal idea of placing them on small reservations, to which they would withdraw by simple agreement, was later to be extended throughout the west. Soon after founding the Tejon reserve, Beale wrote that his feelings for his wards, "which at first were merely those of compassion, are rapidly changing into deep interest in their welfare, and in many instances to a personal attachment."[53] Work at Tejon preceeded so well that Beale quickly gave the Indians a voice in their affairs, selecting various chiefs to meet as a council where they would aid in policy and the disposal of crop surpluses. The *Los Angeles Star* reported that Beale had "cut up the reserve into allotments or *rancherias* under the supervision of Indian chiefs. The seven Indian *rancherias* were located on different sections of the reservation, being established apart from one another in semblance of the old Indian tribal groups."[54] Beale never hesitated to critizice local citizens when word reached him of injustice being done by whites.

Engrossed in the reservation at Tejon, Beale became somewhat



THE TEJON INDIAN RESERVATION

In Barbour's treaty of June 10, 1851, the Tejon, Cas-take, and nine other Indian tribes ceded any claim to the white man's domain in Area 286. The tribes agreed to withdraw to Area 285, a reservation comprising 763,000 acres. The Tejon Reservation of Edward F. Beale was subsequently established, September, 1853, in Area 311, approximately 75,000 acres. SEE *Royce,* LAND CESSIONS IN THE UNITED STATES, *II, n. p.*

negligent in keeping accurate financial records. Although he considered such matters of secondary importance, the federal government, still smarting over debts accrued by the three commissioners, demanded minutely accurate records. An ardent supporter of Beale, Missouri Senator Thomas H. Benton, who consistently promoted the development of the American West, advised the superintendent of Washington sentiment: "I think you should make a special report on the Indian department debts in California — reporting every one to the Government, that you can find out, with the justice, or injustice of each."[55] For his own protection Beale was urged to pay more attention to his bookkeeping.

Early in 1854, in spite of successful operation of Tejon, Beale discovered that his position needed increasing protection. His ruthlessness in disciplining subordinate Indian agents had produced a host of discredited officials in Washington who were engaged in a whispering campaign, designed to cause his dismissal. Originally appointed by President Fillmore's Whig administration, the California Indian Superintendent had been continued in office by the Democratic administration of Franklin Pierce. Nevertheless, formal charges later claimed that Beale's financial accounts were out of order and the superintendent, himself, guilty of embezzlement.

Early in 1854 Beale traveled to Washington on his own behalf and accounted for $360,000 of public funds in the presence of the Treasury Department. His accusers, however, on May 1, 1854, reported his financial records in arrears to the extent of nearly $250,000. Beale's requested appropriation for Indian Affairs in California, then pending in Congress, was consequently cut to $125,000. Also, the number of proposed reservations was dropped from five to three. The restrictions which cutbacks placed upon Beale were never experienced by him, however. Before final action could be taken by Congress, Beale was removed and replaced in the California superintendency by Thomas Jefferson Henley, a Democratic partisan thoroughly experienced in business as well as in political circles.[56]

Virtually the same political factions that opposed the work of McKee, Barbour, and Wozencraft, were behind Beale's dismissal. Although his status in Indian Affairs was officially ended by these opponents, Beale's influence in California was not at an end. Investigations conducted by his successor, Henley, the Department of Indian Affairs in Washington, and the government fiscal agent, J. Ross Browne, ultimately showed Beale's financial records to have been satisfactory.[57] The good which was accomplished at the Tejon Reservation served to justify Beale in the eyes of those Californians who considered him a great benefactor of the Indian.

During an uprising of 1856 known as the Kern River War, California's governor again turned to Beale for assistance. Called from his residence on privately-owned land at Tejon, Beale was made a Brigadier General with full authority to end hostilities either by force or negotiation.[58] Supported by militia troops from Fort Tejon, Beale called together councils of various tribes until the Indians peaceably agreed to return to their camps.

The Tejon Reservation remained intact for a decade after Beale's dismissal.[59] Originally surveyed to contain about 75,000 acres, the Secretary of the Interior ordered its reduction to 25,000 acres after 1855. As boundaries of the reduced reservation were never resurveyed, ex-Superintendent Beale, and various associates, were permitted to obtain patents under old Spanish grants for most of the land covered by the original reserve. Government measures to remove the dwindling Indian population and to abandon Tejon were completed in 1864 when the last tribesmen were sent northward to a reservation at the Tule River. The way was clear for Beale to develop the land he cherished into the great cattle and sheep ranch which he privately maintained in subsequent years.

The role played by California in the tragic history of America's Indian policy cannot be under-estimated. The Indian problem

remained an enigma for several generations. In rejecting the treaties negotiated by the three commissioners, and by dismissing an enlightened Indian superintendent, the federal government followed a policy of extermination rather than one of domestication. In its treatment of the American Indian a nation founded upon the ideal that all men possess certain inalienable rights, failed to recognize those of its original inhabitants. Reform moved slowly, and basic attitudes, however unjust, could only be altered gradually.

Wozencraft, McKee, and Barbour, in negotiating their eighteen treaties, acted under orders of the federal government to construct a peace between the Indians and white citizens of California. The odds against the commissioners' success were great, if not insurmountable. Yet, Adam Johnston, their predecessor in California Indian Affairs once wrote: "The integrity of these Commissioners could not be questioned. Nevertheless, like most Easterners, they misunderstood the situation in California and tried to impose a conciliatory policy upon the whites."[60]

The later demands made by Beale on behalf of the Indians were not nearly so disruptive as those of the commissioners. Beale, until his dismissal, was careful to proceed only after he had obtained governmental backing and appropriations. The scale of Beale's work was small but effective, while that of the commissioners was vast but never given a real chance for survival.

Millions of dollars and hundreds of human lives were spent by the government in the later nineteenth century to quell Indian uprisings. A few years after the events described herein, the costly Modoc War would point up the dangers of a flimsy Indian policy. Had the eighteen treaties been ratified by the Senate, their total area would have included much land extremely productive in mineral and agricultural wealth, but further revision through negotiations between the tribes and government was always possible. The effect of these treaties in providing for Indian welfare and education, changing popular attitudes toward the natives at so early a date, cannot be easily dismissed.

Beale's desire to develop experimental Indian farms showed his concern for a working policy that would prove realistic in handling large masses of untutored Indians. Beale later served California as federal surveyor-General of California and, upon retirement, as Minister of the United States to Austria-Hungary. But he is perhaps best remembered for his experiments at Tejon. Like his fellow commissioners, Beale was, in part, a victim of political obstructionism in Washington. Subject to a "change of guard" every four years, the Office of Indian Affairs in Washington had little

stability or continuity. Authority still remained unclearly delegated between the Department of the Interior and the Department of War. Furthermore, the State of California, almost a self-governing dominion during its first fifty years, was able to impose its own parochial attitudes upon the federal government. Mid-nineteenth century America, rejecting more enlightened measures, was to pursue a temporizing policy toward the Indian of which few today are proud.

NOTES

1. Appendix to the *Congressional Globe*, 32d Congress, 1st Session, p. 10.
2. Helen Hunt Jackson, *A Century of Dishonor* (New York, 1881), p. 338.
3. Annie R. Mitchell, *Jim Savage and the Tulereno Indians* (Los Angeles, 1957), p. 45.
4. A. P. Nasatir, "A French Pessimist in California," *California Historical Society Quarterly*, XXXI (December, 1952), 309-310.
5. *Los Angeles Star*, April 2, 1853, quoted in John W. Caughey, (ed.), *The Indians in Southern California in 1852* (San Marino, 1952), pp. 94-95.
6. John G. Marvin, Scrapbook I. One of two scrapbooks maintained by Marvin between 1842-1852, hereinafter cited as Marvin Scrapbook I, or II. An early Superintendent of public Instruction in California, Marvin was also a judge, an acquaintance of James Savage, and editor of the *Sonora Herald.* News clippings compiled by Marvin reflect the ferment of California society in the early 'fifties as reported in the *Alta California*, the *Placer Times and Transcript*, the *California Democrat*, and the *Sonora Herald.* At the present time the Marvin Scrapbooks are owned by Professor David Ferris of Occidental College.
7. Charles B. Leonard, *Federal Indian Policy in the San Joaquin Valley, Its Application and Results* (Berkeley, 1928), pp. 147-148.
8. Edward Everett Dale, *The Indians of the Southwest* (San Marino, 1949), p. 29. Dale's book presents a comprehensive picture of Indian Affairs in California during the 1850's. Wozencraft arrived in San Francisco on December 27, 1850; McKee on December 29; and Barbour on January 8, 1851. Several chapters of Averam B. Bender's *The March of Empire* (Lawrence, Kansas, 1952), treat on California's Indian Affairs, 1848-1860.
9. Leonard, pp. 164n.-165n.
10. *Ibid.*, p. 119. The text of the commissioners' address is found in Marvin Scrapbook, I.
11. Mitchell, p. 49.
12. Carvel Collins, (ed.), *Sam Ward in the Gold Rush* (Stanford, 1949), p. 54n.
13. Quoted in Leonard, p. 134.
14. For text of treaty of April 29, 1851, see Mitchell, *Appendix B, Exhibit IV*, pp. 102-107.
15. Leonard, p. 157.
16. Raymond F. Wood, *California's Agua Fria: The Early History of Mariposa County* (Fresno, 1954), p. 58. It was while on his way to meet with Wozencraft and tribes at the King's River, August 20, 1851, that James Savage, self-styled "King of the Tulare Indians," was shot to death in a personal feud.
17. Marvin Scrapbook, II.
18. *Ibid.*
19. This permanent military camp was begun in the spring of 1851 on the south bank of the San Joaquin River. It was named Camp Barbour in honer of Commissioner George W. Barbour, who, with Wozencraft and McKee, concluded a significant treaty at the site on April 29, 1851. On the recommendation of Adam Johnston, Fort Miller was established here and remained the only army post in the San Joaquin Valley prior to the establishment of Fort Tejon, August, 1854. Helen S. Giffen, "Fort Miller and Millerton," *Historical Society of Southern California*, QUARTERLY, Volume XXI, No. 1, (March, 1939), 7-8. See Alban W. Hoopes, "The Journal of George W. Barbour," May 1 to October 4, 1851, *Southwestern Historical Quarterly*, Vol. 40, July-April, 1936-1937.

20. Leonard, p. 179. This agreement of June 10, 1851 is included in Charles C. Royce's exhaustive *Indian Land Cessions in the United States*, I-II, Annual Report of the Bureau of American Ethnology, House Document No. 736, 56th Congress, 1st Session, 1896-1897, no page reference.
21. *Senate Executive Document, No. 4*, 33d Congress, Special Session, pp. 253-254, see Leonard, p. 175.
22. Marvin Scrapbook, II.
23. In a letter to his military escort, May 21, 1851, Barbour, after observing the white miners, wrote that "No warning to them to desist from selling liquor to the Indians has any effect on them and few were among them who did not itch to have a hundred or so Indians washing gold for them." Quoted in Leonard, p. 177n.
24. A brief discussion of the eighteen treaties is given by Caughey, (ed.), p. XXV, and Collins, (ed.), p. 51n.
25. Marvin Scrapbook, II.
26. *Ibid.*
27. *Ibid.* Whether or not the *Times* referred to some specific iniquity may only be surmised. Evidence indicates that an Indian Ring was flourishing in California but any connection with supply contracts of the three commissioners remains unproven. See note *41*.
28. Marvin Scrapbook, I. California's first Governor, Peter H. Burnett, resigned January 8, 1851, in favor of a career in private affairs. His successor, Lt. Gov. John McDougal, after governing a few months, also resigned, being succeeded by John Bigler.
29. Marvin Scrapbook, II.
30. *Ibid.*
31. *Ibid.*
32. *Ibid.*
33. Mitchell, pp. 63-65.
34. William H. Ellison, "The Federal Indian Policy in California," *Mississippi Valley Historical Review*, IX (June, 1922), 57-58.
35. *Appendix* to the *Congressional Globe*, 32d Congress, 1st Session, November 27, 1851, p. 1082. That this official report was re-published in a California newspaper and collected in the scrapbooks of John G. Marvin indicates the widespread attention focused upon it.
36. A letter of January 30, 1852, was sent by Beale to John M. Clayton, Secretary of State under Zachary Taylor, asking for a personal endorsement of his character and integrity in being considered for the California Indian Post. The only opposition to Beale's appointment arose over his alleged support of John C. Frémont's $138,825 claim against the government that had resulted from the beef contract negotiated with Barbour. A letter from Frémont denying Beale's involvement in the controversial claim promoted immediate confirmation as Indian Superintendent. See the *Alta California*, May 15, 1852. See also House Reports, No. 289, 33d Congress 1st Session, Vol. IV, 7 pp.
37. Charles J. Kappler, (ed.), *Indian Affairs: Laws and Treaties*, IV (Washington, 1929), p. 1089n. In addition to the text of all eighteen treaties (pp. 1081-1133) Kappler's invaluable compilation contains the Report of E. F. Beale, The Message of the President Communicating them to Congress, and the action taken by the Senate. Final action upon the treaties was in a secret session of the Senate and a ban of secrecy was placed upon them that was not lifted until January 19, 1905, under order of the Senate in executive session. Having been classed confidential the treaties were not included among Congressional documents, but were published separately under the title *Message of the President of the United States Communicating Eighteen Treaties made with Indians in California* (Washington, 1905). For a concise subsequent history of the treaties see Mitchell, *Appendix B, Exhibit V*, pp. 107-110.
38. Ellison, "The Federal Indian Policy in California," p. 59.
39. Joseph Ellison, *California and the Nation*, 1850-1869 (Berkeley, 1927), p. 89.
40. *Ibid.*, pp. 93-95.
41. In 1853 Superintendent Beale "presented evidence that one of the three treaty-making Commissioners had been involved in a dishonest contract for 2,500 head of cattle, and that one contractor had taken for himself a third to a half of the cattle due the Indians," See Collins, (ed.), p. 54n.
42. Stephen Bonsal, *Edward Fitzgerald Beale, A Pioneer in Path of Empire*, 1822-1893 (New York, 1912), pp. 179-181.

43. See the journal maintained during this overland trip, April to September, 1853. Gwin Harris Heap, *Central Route to the Pacific* (London, 1854). Bonsal's much quoted biography of Beale has drawn extensively from this journal.
44. Bonsal, pp. 167-169.
45. Caughey, (ed.), *The Indians of Southern California in 1852*, is a recent edition of the B. D. Wilson report placed in its historic context with reflections from local newspapers. For Wilson's account of his resignation because of lack of harmony with Beale see Arthur Woodward, "Benjamin Davis Wilson's Observations on Early Days in California and New Mexico," *Historical Society of Southern California*, ANNUAL, Volume XVI, Part I (1934), 126.
46. Quoted in Caughey, (ed.), pp. 106-108.
47. Leonard, p. 283.
48. Helen S. Giffen, *The Story of El Tejon* (Los Angeles, 1942), pp. 21-23.
49. Beale either overlooked or failed to report the existence of a dwelling that had been erected at Tejon Pass in 1850 by E. D. French, M.D., who, like Beale, had fought with Kearny at San Pascual and remained in the west. See Helen S. Giffen, *The Story of El Tejon* (Los Angeles, 1942), p. 11. Also informative is William Henry Ellison, *A Self-Governing Dominion, California*, 1849-1860 (Berkeley, 1950), especially chapter five entitled "Who Owns the Land?"
50. Giffen, *The Story of El Tejon*, p. 36.
51. Marvin Scrapbook, II.
52. Kappler, (ed.), IV., pp. 1101-1103.
53. Quoted in Leonard, p. 282, no further reference.
54. Giffen, pp. 29-30.
55. Bonsal, p. 172.
56. A native of Indiana, T. J. Henley became active in Democratic politics at an early date, being elected to the legislature several times and to Congress for three successive terms. Leaving Indiana for California during the gold rush of 1849, Henley became a partner in the banking firm of Henley, Latham & Hastings. Prior to accepting the Indian Superintendency in June, 1854, Henley served as Postmaster of San Francisco. Originally enthusiastic about the appointment of Henley, the *Alta California* of July 6, 1855, charged him with devoting excessive time and attention to "political objects, and lobbying about Sacramento . . . while his reservations have been left to the care of irresponsible agents."
57. The San Francisco *Daily Herald*, October 16, 1854, expressed his faith that "Mr. Beale goes to Washington with such proofs of the fidelity of his stewardship as will exact from the Government an acknowledgement that he was removed without cause." Months later, after investigation and further study of Beale's case, the Treasury Department announced complete vindication of the former Indian Superintendent. The day following this announcement, April 21, 1855, Beale, according to the *Washington Evening Star*, "inflicted a severe castigation with his fists" upon Commissioner of Indian Affairs George W. Manypenny whose personal hostility had hindered Beale's attempt to clear his name. Manypenny's account of the incident which occurred in front of the Willard Hotel is given in the *National Intelligencer*, May 23, 1855.
58. Following his dismissal from the Indian Office, Beale and a partner Samuel A. Bishop, became owners of several hundred thousand acres of Kern County land surrounding Fort Tejon. This vast territory, later the basis for Beale's Tejon Ranch, was given them as payment for their work in surveying the Butterfield Route through that section of California. After Bishop disposed of his share, Col. R. S. Baker became a partner of Beale, providing the name of Bakersfield for the town that was part of the great ranch holdings. At a later date Baker sold out to Beale and purchased the San Vicente Ranch in the southland. See Harris Newmark, *Sixty Years in Southern California*, 1853-1913, edited by Maurice H. and Marco R. Newmark, 1930, p. 143.
59. During the decade from 1854 until becoming a part of E. F. Beale's ranch when abandoned by the Army in 1864, Fort Tejon was the center of military, social, and political activities between Fort Miller and Los Angeles. Over twenty buildings existed at this site. In 1858 a Butterfield Overland Mail station was established there on the line which extended from St. Louis to San Francisco. A site of continued historic interest, Fort Tejon is presently a State Historical Monument that is being restored on its original site near the famous grapevine route leading from Los Angeles to Bakersfield. Jointly sharing in this restoration are the State Division of Beaches and Parks and the Kern County Historical Society. *See* also

Clarence Cullimore, *Old Adobes of Forgotten Fort Tejon* (Bakersfield, 1941), and Helen S. Giffen and Arthur Woodward, *The Story of El Tejon* (Los Angeles, 1942). William F. Edgar, "Historical Notes of Old Land Marks in California," *Historical Society of Southern California*, ANNUAL, Volume III (1893), 22-30, briefly describes the older Fort Tejon. Since Beale's death in 1893, the Tejon Ranch, comprising 280,000 acres, has been sold to owners outside the Beale family who have erected one of the nation's largest cattle, oil, and agricultural corporations. See Grace Bradley, "Tejon Ranch Storehouse of Farm, Mineral Wealth." *The Bakersfield* Californian, June, 1957, p. 24. See also Earle Crowe, Men of El Tejon (Los Angeles, 1957).

A Pueblo de Los Angeles Memoir . . .

ALVARADO HEIGHTS . . . ALVARADO STREET

By Adolfo Gerardo Rivera

Through the Courtesy of LUCY RIVERA MALIN

Early in 1865, when Los Angeles was still a pueblo in population, though not in name, Pancho Alvarado married one of Santa Ana's beautiful señoritas. His father obtained for him, as a wedding gift, a grant of several acres of land in what is today known as Alvarado Heights, including Westlake Park. In the due course of time, a small house, a barn and corrals were erected. A number of horses, cows and sheep were given to Pancho to start him on his journey through life.

During the first six months he lived in sweet companionship, happy and contented apparently; but Pancho strummed his *guitar y gorjeaba un jilguero* (sang like a bird) *y bailaba sus "pollitas" y "camotes,"* (and danced California dances). He was young and also something of a Lothario. He longed for the companionship of his boyhood friends and the *serenatas* (serenades) of yore, the *bailes* in the pueblo.

Pancho was a "city bred" youth. It was not long before he began his nocturnal visits into his beloved Los Angeles. Life in the country was irksome. As the months rolled by, his visits increased until he began to lose interest in his family and the *ranchito* that was so far away from his early haunts and pleasures.

One day, Señora Alvarado called him to task and in his endeavor to please her, he decided to return at once into the fair city of his boyhood days — with wife, cattle, horses, sheep, dogs, and all — forever abandoning his *ranchito* in "Alvarado Heights," because it was "*muy lejos del pueblo*" (too distant from the pueblo).

Years after, a subdivider came along — the land on the hills surrounding Westlake Park was called "Alvarado Heights" and the main thoroughfare was named "Alvarado Street."