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**JOHN BIDWELL AND THE RANCHO  
CHICO INDIAN TREATY OF 1852:  
SEDUCTION, BETRAYAL AND REDEMPTION**

**By Michele Shover**

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# John Bidwell and the Rancho Chico Indian Treaty of 1852: Seduction, Betrayal, and Redemption

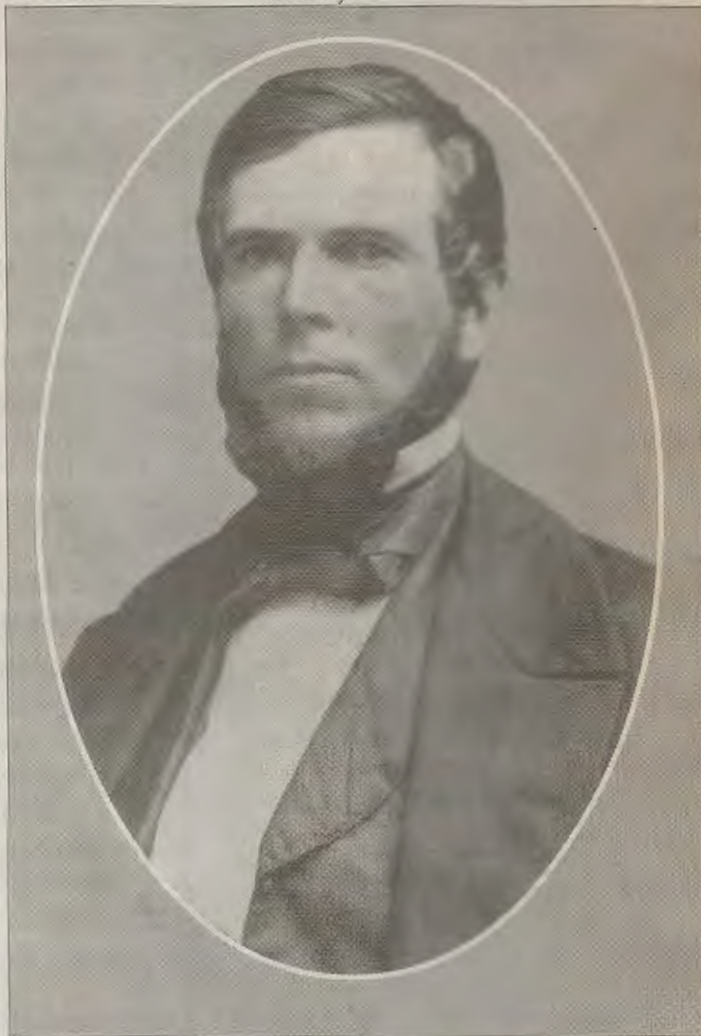
By Michele Shover

Courtesy Bidwell Mansion State Historic Park

When the U.S. Senate turned down eighteen California Indian treaties in 1852, the new state's miners and ranchers celebrated. The treaties' defeat also touched another constituency, the native peoples, who could not understand why the agreements on which their conquerors had insisted, suddenly had come to nothing. Integral to the treaties was a system of reservations which, despite its flaws, would have provided the last chance for northern California Indians to secure a haven from the onslaught of immigrants.

The treaty negotiations commenced throughout California immediately upon the American government's acquisition of the new territory. In northern California's Sacramento Valley, at the foot of the Sierra Nevada, the Indian area's tribelets assembled at Rancho Chico, the expansive property of gold miner and merchant, John Bidwell. At these negotiations in late July 1851 the tribal chiefs and federal representatives reached agreement only after days of strenuous discussion in which John Bidwell played lead advocate for the treaty. Within three months, however, Bidwell would implore his elected representative to secure the treaties' defeat. Documents in national and state archives and libraries have made it possible to discover not only how the negotiations unfolded but also the probable reason why Bidwell turned against the treaty. This account treats an aspect of Bidwell's role in California which has never appeared in the rancher's memoirs or in biographies and which area historians have never explored. The events of that fleeting historical moment reveal a likely source for the powerful moral obligation which Bidwell would assume for the Indian workers and their families on his ranch.

Information about the Rancho Chico treaty appeared in only two works. The first of these was a 1978 book, *The Indians of Chico Rancheria*, by anthropologist Dorothy Hill. Her account described Bidwell's sponsorship of the treaty, its terms, a copy of the treaty, and a map of the proposed reservation. Second, was a mention in a 1988 book, *Indian Survival on the Califor-*



**John Bidwell, owner of Rancho Chico in northern Butte County, as he appeared in 1850.**

*nia Frontier*, by California Indian scholar, Albert Hurtado, based in part on National Archives microfilms of the federal Indian Bureau records from the 1850s. Those microfilms revealed correspondence about the Rancho Chico treaty and included a letter from John Bidwell which set out his objections from the stance of a defender of Indian interests. The contradiction between Bidwell's roles as treaty advocate

and opponent find resolution here in the context of interview remarks of an elderly Maidu woman in the 1940s.<sup>1</sup>

## SEDUCTION

In July 1850 federal Indian Agent Adam Johnston reported to Washington from John Bidwell's ranch in northeastern Butte County. From that base, he had checked on the conditions of mountain and valley Indians in the path of the Gold Rush immigration. While the area's tribes remained peaceful and cooperative, he reported that tensions were on the rise between mountain Indians and miners who now swarmed throughout the foothills of the Sierra Nevada Mountains to the east of Bidwell's place. Johnston blamed problems on the new arrivals who, unlike most old Californians, seemed to regard all Indians as dangerous enemies. That spring a rumor had blamed mountain Indians for the theft of oxen. In retaliation for their lost oxen, settlers killed fourteen Indians and burned their village. Not long after, the oxen reappeared. They had wandered off to graze. With such unstable opportunists in the midst of hard-pressed Indians,

Johnston expected this scenario to recur.<sup>2</sup>

Although John Bidwell was in Washington during Indian Agent Johnston's visit, his ranch staff and area residents were well-versed in area conditions. They could tell him that the valley Maidus had recently battled on the site of today's Oroville with traditional mountain Maidu rivals, the Piquas.<sup>3</sup> In addition, they knew that Bidwell's new workforce, the Mechoopdas, a valley Maidu tribelet, had recently clashed with mountain Indians on the ranch itself. In that case Bidwell's pursuit party had responded with an attack in which the Indians killed or wounded a member of his party and subjected Bidwell to a near miss. The valley Indians' alliances with ranchers such as Bidwell deepened the mountain Indians' resentment of both the native residents of the valley and the settlers. Valley ranchers continued to be wary of raids from mountain Indians who observed cattle grazing on vegetation customarily their own source of nourishment. Four years previous, settlers north of Bidwell's place had called for military help to punish Indian raids on their cattle.<sup>4</sup>

Both Indians and whites lived on alert. The Indians' traditional sense of justice, which was to avenge

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wrongs by equivalent acts, was a significant ingredient. Because whites looked alike to Indians and Indians looked alike to whites, this meant for members of either race that anyone might pay a price for anyone else's acts. On this basis, Agent Johnston advised his Washington superiors that the situation between Indians and settlers could go "any whichway."<sup>5</sup>

Having visited not only the Mechoopdas but also other Maidu tribelets, Johnston wrote of the valley Indians:

*[they are]...the least war like or savage of any indians [sic] on the face of the globe... They are a wild and ignorant people as yet, and though not warlike they will steal and commit murders on individuals but in my opinion it requires but little time to remedy these evils.*

Johnston showed no concern about valley Indians' safety because of their arrangement with ranchers such as Bidwell who had Indian labor needs which seemed to extend indefinitely. However, as a matter of justice and without mentioning Bidwell by name, the federal Indian agent disapproved of the Indian workers' ranch wages which could be as little as a cheap shirt for a week's work. Before long, he predicted, the majority of Indians, who could count on no settlers' help, were bound to become government dependents. Because the Indians as yet placed no value on cash, Johnston recommended their pay be a combination of "clothing, food, and provisions" as the government agents adapted them to "civilization".<sup>6</sup>

More problematic was the situation of the mountain Maidus, a description which then--and so, in this essay--referred to the native peoples in the foothills, canyons and high country immediately east of Rancho Chico and the neighboring Yahis to their immediate northeast. For information on them, Johnston relied on U.S. Army Captain H. Day "who has spent some time in the country." The federal military was then the lead agency in charge of Indian matters. Johnston's tour initiated the shift of responsibility from the Army to the Indian Bureau of the Interior Department, a transfer which would be slow to complete because the two agencies' responsibilities would continue to overlap. According to Captain Day, the mountain Indians presented the most significant challenge. For one thing, he explained, they

*...are divided into small bands each with individual subchiefs and wander independent of each other.*

For another, they ranged throughout the area to which the gold seekers now thronged. There, the Indians had always supplemented vegetation with wild game which had begun to disappear, a casualty of the miners' hunting and target shooting. Similarly, miners' dams had decimated the fish so vital to the Native Americans' diet. Johnston concluded,

*It becomes a question how are [the Indians] to be provided for in ...charity, to say nothing of their native right in the soil.<sup>7</sup>*

With the arrival of federal officials such as Johnston, the former Mexican territory entered the American legal system. Federal Indian policy since 1778 recognized the native peoples' title to the conquered lands. The American government employed treaties as the legal basis for transfers of those lands to federal control. While reservations were neither generous nor equivalent compensation, Indian agents believed they offered value as safe havens. Johnston's report and other sources impressed on federal Indian officials that fast-moving conditions in California must hasten the treaty process. Their objective, then, was to immediately secure economically sustainable reservation sites before the Americans and foreigners could seize all the productive lands for farms and mines. On the other hand, the officials acknowledged that the reservations would create a different set of problems. One of these would be the establishment of a federal management power center competitive with local elites. Therefore, it was in John Bidwell's interest, as northern Butte County's most prominent settler, to build good will with the federal negotiators who would shape the treaty's reservation plans in his area.<sup>8</sup>

In order to move the treaties to ratification as quickly as possible, the Indian Bureau in Washington, D.C. appointed three commissioners. They understood their job as, first, to designate the reservation sites and, second, to persuade California Indians to accept the treaties which would transfer their lands to federal ownership. In addition, the commissioners, who recognized no value in native cultures, envisioned the reservations as safe havens where the Indians would learn white ways. The reservation proposal also confirmed the native peoples' right to remain, if not on old homelands, then at least in reasonably familiar surroundings.<sup>9</sup>

The Indian agents' correspondence from the northern Sacramento Valley to their Washington su-

periors consistently demonstrated both distress at the Indians' condition and disapproval of settler abuses. Because northern Butte County Maidus of the valleys and the rugged terrain lived in small clusters, they had always been vulnerable to any predator--settler or native--who chose to destroy their livelihood, to kill them, or to steal their women and children.<sup>10</sup> The agent's remarks emphasized the vision of a reservation system that, though modest, would be helpful to the native population. The agents' reports granted low priority to the settlers' demands. While we now know how inadequate and even abusive the reservation system already was for native peoples of other states, the agents regarded them as the California Indians' last hope.<sup>10</sup>

Oliver Wozencraft, the Indian Commissioner responsible for the Sacramento Valley negotiations, set out his thinking behind the treaty campaign in that area. While he felt relatively confident about the condition and prospects of the valley Indians, most of his remarks addressed the challenge which the mountain Indians presented. With his respect for those mountain Maidus clearly evident, his remarks emphasized the need of:

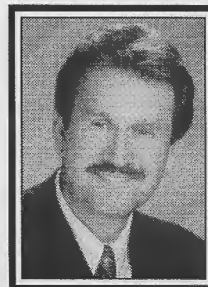
*...quieting and pacifying the Indians in this country, before they become accustomed to the usages of war, before they learn...that dangerous experience.... It is my opinion, if they should gain that knowledge we will have the most formidable of all the aboriginals on this continent to contend with, and a protracted war, terminating only by their extermination and at a fearful cost of life and treasure. They do not lack the nerve and daring of the best of the Atlantic Indians, they but lack the experience, and with that, their mountain fastnesses will be impregnable. In fact, they are measurably so now, with their imperfect defence. There are but few of the caucasian race who can endure the hardships and privations of their eternal snows, and none who can chase them down.<sup>11</sup>*

Commissioner Wozencraft and his aide, Col. William Barbour, arrived at Rancho Chico in July 1851. There, after consultations with John Bidwell, the two rode out to look over the countryside in order to settle on the proposed makeup of the reservation which would serve the northern and eastern Butte County Maidu tribelets. Their conversations with Bidwell impressed Wozencraft not only with the rancher's grasp

of Indian issues but also his influence on the valley Indians. The two men settled on a reservation site more than twenty miles long and six miles wide. The treaty proposal described a western boundary which ran along the eastern edge of present highway 99; moved to a point beyond today's Magalia in the lower Sierra Nevada; continued south to the outskirts of Oroville; and turned northwest to its starting place where it made a generous jog around the eastern edge of Bidwell's farm.<sup>12</sup>

This design served John Bidwell's interest because it would have placed federally supported, housed, and trained Indian workers on his border. To put it another way, a built-in workforce would live practically at his doorstep at no cost to himself. Indian scholar Albert Hurtado identifies this as a characteristic of reservation positioning that also appealed to other ranchers. Bidwell, still a miner and an Indian labor contractor to other miners, initially considered the proposed treaty a favorable development. Regularly wrestling with a labor shortage, in order to secure additional native help he already had reached beyond the Mechoopda tribelet at the core of his ranch workforce. In addition, the proposed reservation site

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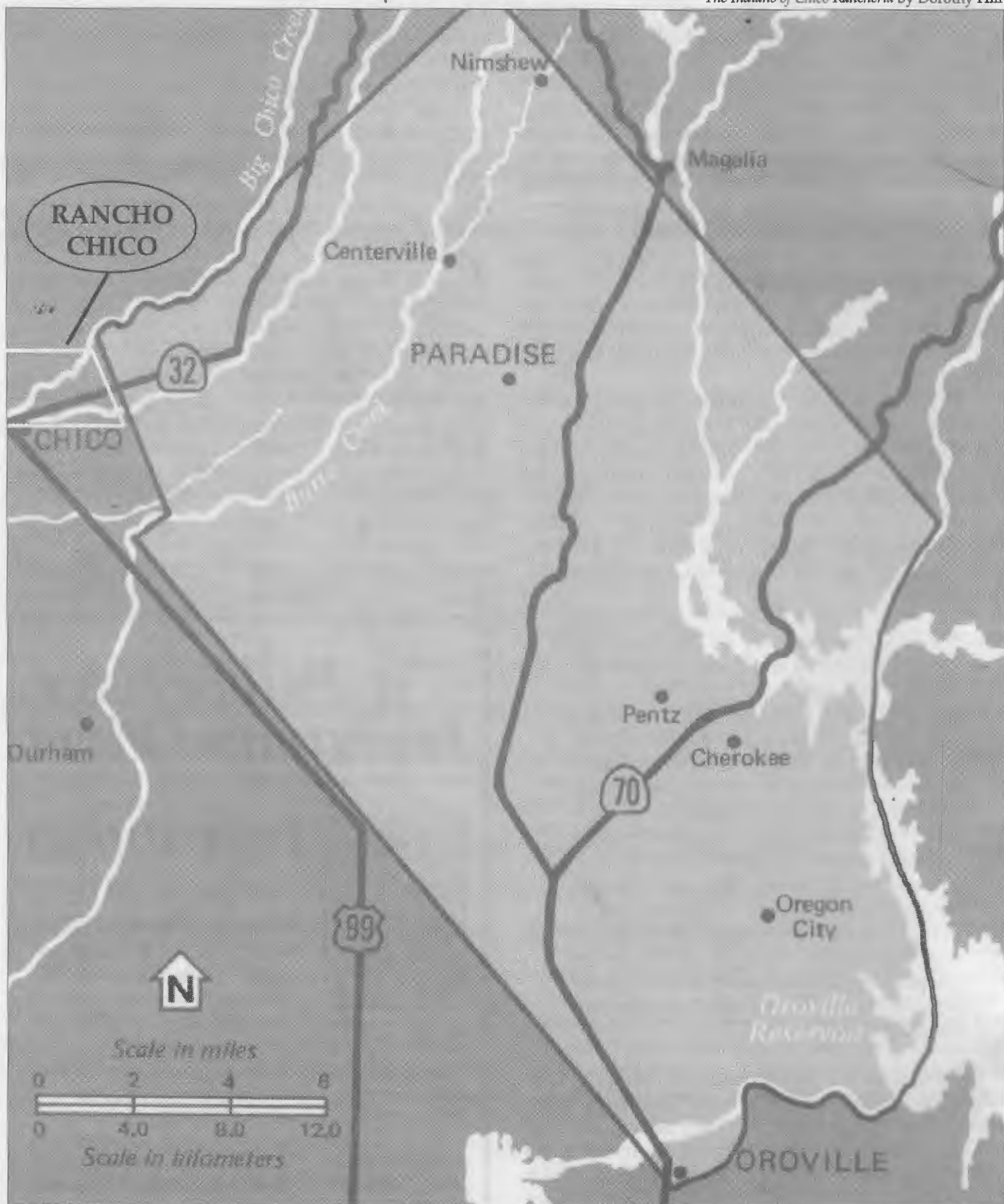
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In 1851 John Bidwell helped to negotiate a treaty with local area Indians for a reservation near Chico. Later he secretly lobbied members of the U.S. Senate to defeat the treaty.

was not desirable for conventional farming but could graze cattle the Indians would need for sustenance and perhaps for sale on the market. As yet it was mostly unoccupied by settlers, although some miners worked gold-bearing streams there. While this factor might excite objection, Commissioner Wozencraft was optimistic that any other alternative would arouse even greater opposition.<sup>13</sup>

Wozencraft intended his northern Butte County reservation design to attract Indians from "their mountain fastnesses" to settle in the foothills just east of the valley plains. The miners, as he saw it, would then fill in the area they had left, creating a "formidable cordon" between the Indians and their old mountain territories. This would frustrate attempts either to move their families in secret or to steal cattle, an established Maidu weapon against settlement. According to Wozencraft, on the reservations they "can have all the protection which...should be afforded them, against their prosecutors..."<sup>14</sup>

John Bidwell had reason to discount the mountain Indians as an issue because he benefited by his valley Indian workers' fear of them. In exchange for the valley natives' labor, he afforded them protection. They feared not only the settlers, but also Yahis and age-old Maidu rivals from the outlying areas. On the other hand, if Bidwell meant to prosper--and he did--stability and peace would be essential. Therefore, because this treaty appeared more an aid than a threat to his operations, John Bidwell became the local principal who lobbied for and won northern Butte County Indians' acceptance of the proposal.

During Wozencraft's stay at the ranch for negotiations, he was impressed when Bidwell managed to attract to the meeting not only valley chiefs or "captains" but also the elusive mountain Indian leaders. In order to entice their cooperation, Bidwell had issued offers of food. On July 6, 1851 Bidwell's agent at Butte Mill near Butte City sent word to Bidwell's ranch, that he had just given 50 pounds of flour to the chiefs of the Kimshews, Concows, and Tigris who had stopped there on their descent to his ranch. At Rancho Chico they joined the valley chiefs for "Big Times," as the Indians called significant gatherings. Bidwell hosted them under the valley oak trees by Big Chico Creek. After daylong meetings in which he personally labored to alleviate their doubts, he supplied the chiefs with 41,250 pounds of beef from 75 cattle for which he charged the government \$8,250. Taking into account Wozencraft's note elsewhere at about that time, the agent ordinarily paid \$60 a head. At the \$110

a head he paid Bidwell, the rancher made a nice profit. With such a critical objective before them, however, both men believed they had made a reasonable deal. After Bidwell reassured Wozencraft that he had made just enough beef available to the chiefs to keep their interest, the commissioner praised him:



A view of Big Chico Creek on Rancho Chico.

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Questions later arose about whether the native men who carried "chief" or "captain" titles in the treaty meetings had the authority to commit their people to the terms of the treaty. Certainly, the men who bargained at Rancho Chico behaved as if they considered themselves authorized to do so. And later on, when John Bidwell explained his opposition to the treaty, he never indicated any doubt about the chiefs' legitimacy as spokesmen for their people. The Indians who assembled at his ranch felt the pressure of their circumstances, understood what they were doing, and they certainly taxed John Bidwell's persuasive powers. The problem was not a linguistic one: his Maidu interpreters assured the participants' common understanding. Even so, Bidwell strained to overcome the mountain Maidus' reluctance to accept the treaty terms. The length of time between the chiefs' approach to Chico in early July and their August 1 signing, suggests an intense engagement. Bidwell labored under considerable pressure to win not only Wozencraft's agreement for the treaty boundaries but also his gratitude for producing the elusive mountain Indians for the negotiations.

However, even Bidwell's most ardent persuasion could not overcome the mountain Indians' rejection of white leadership. His problem convincing them was not unusual. Indian Commissioner Redick McKee, who also negotiated treaties with northern California tribes, later commented:

*We gave them the land they asked for.... Indians in this portion of California have...been greatly underrated, both as to shrewdness and enterprise.<sup>16</sup>*

In the process, Bidwell and Wozencraft repeatedly emphasized the binding nature of the treaty on the American government. A side effect which Bidwell had not anticipated was that the treaty's purported benefits would become a subject of keen interest to Bidwell's ranch Indians, the Mechoopdas. Their oral tradition would recall this opportunity one hundred years later, according to Emma Cooper, a Maidu resident of the Keefer rancheria who lived out most of her life on Rancho Chico. She spoke of the treaty meeting in her old age. As the ranch Indians heard Bidwell

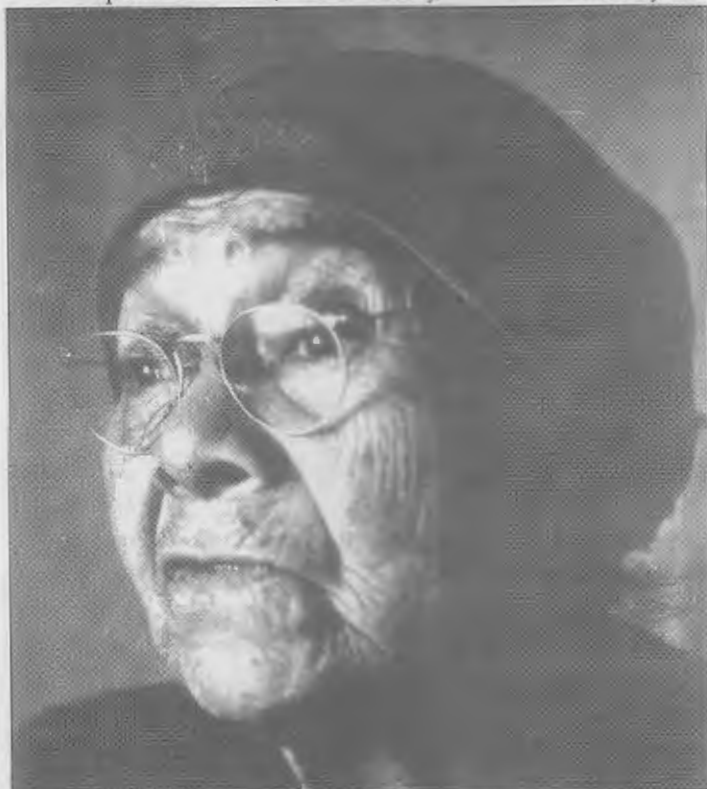
explain the treaty, it offered them as follows:

*Government will give you land, two horses, cattle, plow, harrow, wagon, money to start with. Bidwell wanted to keep his Indians, said he would do the same by them that the government was going to do.<sup>17</sup>*

Cooper's words provide the critical clue to Bidwell's later actions. They reveal how Bidwell's urgent appeal to the outlying Indians inadvertently had undermined his arrangement with the Mechoopdas on his own ranch. The treaty's terms, which Bidwell and Wozencraft impressed on the crowd in glowing terms, had rendered the prospect of work and security at Rancho Chico as, by contrast, less attractive than work and security on the reservation Wozencraft offered. Bidwell's offer to them, as Cooper recalled the tribal memory, therefore, must have been his counteroffer to his Mechoopda workers' talk about leaving the ranch to join the others on the proposed reservation.

Some modern readers might doubt the Mechoopdas' desire to trade Rancho Chico's safety

Special Collections, Meriam Library, CSU-Chico & Dorothy Hill



**Emma Cooper, Valley Maidu resident of Rancho Chico, recalled Bidwell's explanation of the proposed reservation treaty which would have undermined his own interests.**

Courtesy Special Collections, Meriam Library, California State University, Chico



This is the first photograph taken of the Mechoopda Indians standing in front of John Bidwell's store in 1852. They had agreed to become John Bidwell's workforce after he acquired Rancho Chico in 1850. Marcus Benjamin, in his 1907 biography entitled *John Bidwell, Pioneer*, used this photograph with the caption "General Bidwell Distributing Goods To The Indians in 1852." Is the man standing in front of the closed door John Bidwell with a beard and tophat?

and conditions for a reservation. After all, over most of the nineteenth century John Bidwell and his wife, would earn respect for their many services to the Indian residents of their ranch, most of whom were Mechoopdas. However, the treaty negotiations took place in the valley Indians' earliest days as ranch hands. They had discovered their working conditions were markedly more rigorous than any they had known when on their own in the verdant Sacramento Valley. J.W. Powell, an early traveler who spent about two years among the California tribes, commented that the valley Maidus' ample natural resources had accustomed them to an indolent life. While their culture was more complex and interesting than he credited, his observation explains their second thoughts about life as ranchhands:

*imity to them and I give it as the result of my extended observations that they sleep, day and night, fourteen to sixteen hours out of the twenty-four.... During the day they are constantly drowsing.<sup>18</sup>*

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Bidwell's need to build a huge ranch "from scratch" pressed his workforce to labor over long days at a level of physical exertion to which nothing had previously accustomed them. In addition, while Bidwell took pride in his fair treatment of Indian workers, laborers in that century endured long hours under difficult, dangerous conditions. Therefore, even though the Rancho Chico owner was among the better sort of settlers, he condoned harsh conditions. He was also a strict disciplinarian. For example, Bidwell related to an audience how Indians had customarily assigned old Indians to camp at the corners of huge wheatfields to keep out cattle. They were to stay in place "during day and night, storm and sunshine, and if they failed to do so would be severely whipped."<sup>19</sup> While he did not identify the ranch he described as his own, he neither disassociated himself from the example nor inferred criticism of it. Bidwell was responsible for old Indians, he farmed "huge wheatfields" alongside which large cattle herds grazed, and the Mechoopdas' culture embraced harsh types of discipline. All in all, it is reasonable that the ranch Indians, who had never experienced such long hours and hard labor, might well have hoped to do

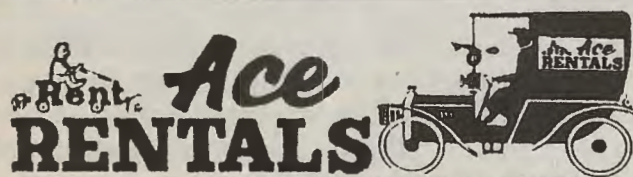
better for themselves on a reservation such as the one Wozencraft set out and Bidwell praised.

John Bidwell, now on the defensive as the admiring Indian commissioner looked on, could only quiet the rebellious talk with the competing offer which, according to Cooper, the Mechoopdas remembered as the "Bidwell-Government treaty." His Spanish land grant purchase already committed him to allow the Mechoopdas to remain in residence on their historic lands, an arrangement consonant with his labor needs which then appeared permanent. However, in having to go one better than the treaty's offer, he had led them to expect he would set them up as farmers—to repeat, the reference to "land, two horses, cattle, harrow, wagon, and money to start with." The information from Emma Cooper becomes the only remaining key by which the events over the next months make sense.

Bidwell's persuasion won over nine valley and foothill Indian chiefs who endorsed the treaty on August 1. It was significant that the signatories came from Maidu valley and foothill tribes. However, and most important for Bidwell, the Maidu, Concow, Tigris, Kimshew, and Nimshew tribelet chiefs, who represented mountain Indians, withstood Bidwell's persuasion. They refused to sign. Kulmeh, chief of the Concows, one of the most powerful of the Maidu groups, "did not believe the words of the white man" and rejected the treaty because the reservation boundaries did not embrace his people's village.<sup>20</sup> Their omission would have been a serious problem for the treaty's feasibility had it gone into effect because, as Wozencraft had set out, the mountain Indians were the most warlike in the area and, therefore, they posed the greatest risk not only to peaceful Indians but to mountain trade.

The treaty left Bidwell with serious problems. First, its terms compelled him to make a costly offer to keep his native workers who, with the prospect of a reservation, suddenly had lost interest in the provisions and protection he provided in order to keep their loyalty. The offer he had made them in the presence of the Indian commissioner had assumed the status of a public promise. Second, apart from his personal dilemma, neighboring ranchers would have been indignant at the likelihood their Indian workers might expect the same benefits. In addition, while Bidwell had impressed the commissioner with his ability to bring in the mountain Indians, their sturdy resistance to his persuasion represented an embarrassment.

Finally, Bidwell could not have been pleased that



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Wozencraft heard the valley Indians express their dissatisfaction at the ranch meeting. He also could not have been happy to discover signs of a valley Indian alliance with the mountain Indians. The valley Indians were less complacent than Wozencraft had understood before the treaty meetings. Immediately upon his departure from Rancho Chico the federal agent reported to Washington that the valley Indians he had encountered there were,

*...very friendly disposed towards the whites, but have much just cause of complaint as the whites have taken possession of their homes, and they through necessity are reduced to servitude: their labour is required only in the harvesting season, and the balance of the year they may shift for themselves the best way they can. The valley and foothill Indians have hereto fore been inimical to each other but they have been interchanging visits of late and meeting in council, and I had rea-*

*son to believe it was with a view of confederating against their common enemy the whites.<sup>21</sup>*

This observation and later mountain Maidu attacks on Rancho Chico Mechoopdas evoke another suggestion about the mountain Indians' intent at the meetings. In light of events that followed, their appearance for the treaty negotiations was less likely an example of Bidwell's persuasive powers than a chance for them to assess the Mechoopdas' situation on Bidwell's ranch and to undermine their arrangement with Bidwell. If this was the case, they succeeded on both counts.

Wozencraft departed with Bidwell's assurances that it was only a matter of time before he could bring the mountain Indians into the treaties; that he would do what he could to coax them to Wozencraft's next negotiations in southern Butte County. In order to commit the rancher to follow through, Wozencraft reported to Washington that he,

Courtesy Bidwell Mansion State Historic Park



View of John Bidwell's Old Adobe (left of center) built in 1852 on Rancho Chico where the Oroville-Shasta Road crossed Big Chico Creek. It served as Bidwell's residence and headquarters during the decade of the 1850s. The building on the left was Bidwell's grainery.

*...gave a license to trade with the Indians to Mr. Bidwell, who has great influence over the Indians, and it is expected that he will bring in additional tribes from the mountains who are troublesome. He was very kind and rendered efficient service in forwarding my mission.<sup>22</sup>*

Eager to retain Wozencraft's approval of his trading license, Bidwell dispatched a wagonload of coats the Indian agent had purchased from him as an incentive to the tribal leaders at the scheduled meetings to the south. The Indian commissioner, who predicted the coats' braiding would impress those Indians, remained worried about the potential threat the mountain Indians would pose, should they remain disgruntled. He mentioned to Bidwell that he would again offer them beef "when they come in."<sup>23</sup> Bidwell, who did not attend, dispatched his Indian aide, Lorenzo, to translate. While Wozencraft secured a new set of chiefs' endorsements, again he left the area without signatures from the mountain Indians he had considered most crucial for the success of the northeastern Sacramento Valley treaties. Their absence signalled their continued disdain for Wozencraft's mission.<sup>24</sup>

The mountain Indians' position is not only understandable, of course, but speaks to their leaders' grasp of their situation. The California treaties were a shabby compensation for their territories. From another point of view, however, even a weak treaty would have placed the Indians in a stronger position than what the treaty failure left them with: no rights, no refuge and little help. In other parts of the country, treaties, for all their faults, did regularize the Indians' position, acknowledge a modicum of public responsibility for their security or maintenance, and they did lay a basis for the majority population's future legal accountability.<sup>25</sup>

## BETRAYAL

The treaty moved to its next stage, United States Senate action. Because both the federal Indian agents and the native peoples expected the Senate to adopt the treaties, both began to implement the reservation plan. However, while Indians readied themselves for moves to the designated reservation sites, outraged settlers swarmed to Sacramento where they demanded their representatives call for the treaties' defeat in Washington. Because the proposed reservation treaties would have ceded 1/7 of the area of California, both its state representatives and congressmen

looked for grounds to defeat them. They immediately found an ally in John Bidwell who worked behind the scenes. Despite having just played the role of major treaty advocate, he would exert his influence on powerful political contacts whom he would implore to work for the treaties' defeat.

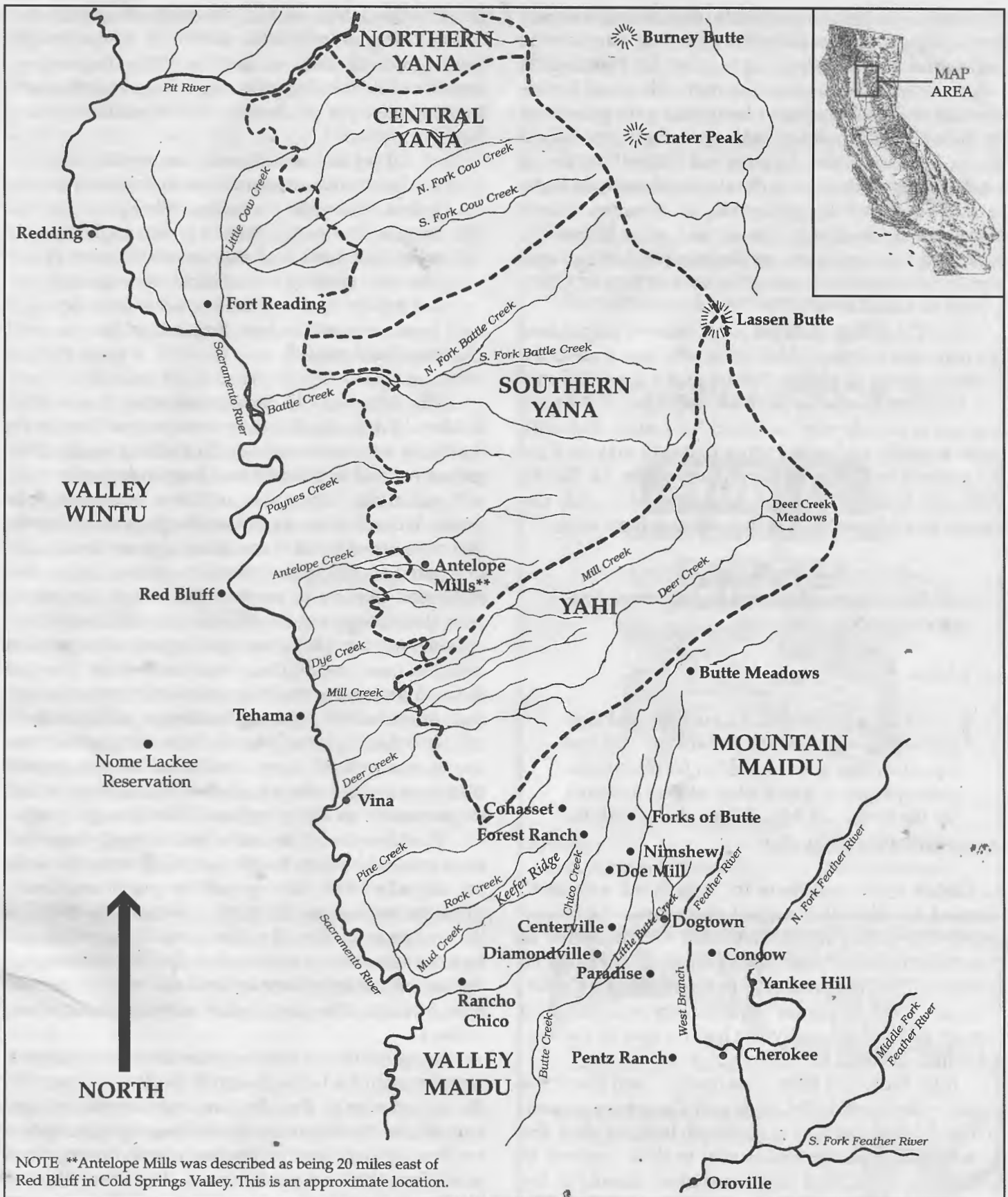
The vigor of the settlers' objections alarmed the Indian commissioners. How could they explain to the native peoples that some whites had refused other whites' terms which the native leaders had accepted? As Wozencraft's fellow Indian Commissioner Redick McKee wrote Governor John Bigler,

*The Indians do not understand our distinctions, they look upon a treaty as a bargain between all the Indians on the one side and all the whites on the other....<sup>26</sup>*

No evidence points to the Indians in northern Butte County ever having learned about Bidwell's change of mind, let alone his urgent effort to defeat the treaties. Of course, Bidwell was one voice among many settlers who objected to the reservations. For example, miners would lose access to gold-bearing streams on the proposed reservations. Ranchers in Bidwell's position complained that reservations would constitute huge Indian cattle operations at which, they predicted, the Indians would find it more attractive to labor than on the settlers' ranches. Among the opponents, Bidwell was better connected to elected representatives than most. Only the year before, he had been a member of the state senate which was to recommend a course of action to its Washington counterpart.<sup>27</sup>

John Bidwell immediately channeled his opposition through Joseph "Mac" McCorkle, his friend from the gold fields and, now, his district's representative in the state assembly. Because McCorkle was already aware of Bidwell's turn against the agreement only a month after its signing on his ranch, Emma Cooper's memory of his treaty promise to his ranch workers takes on added significance as the key to his position. No information within that time frame indicates any other factor. On October 4, just two months after the Rancho Chico treaty meeting, McCorkle solicited the rancher's ideas about what he wanted in its place:

*Let me know when I can serve you. Do not forget to send me your plan for the regulation and government of the Valley Indians and also, what policy should be adopted for the Mountain Indians.<sup>28</sup>*



Map showing the northern California area of Indian-settler conflicts.

McCorkle was particularly useful on this issue because he could not only speak for Bidwell to his Sacramento colleagues but he was about to leave for Washington where he would assume a seat in the House of Representatives. In that capacity he would gain proximity to Bidwell's old political colleague, Senator William Gwin. McCorkle, therefore, served Bidwell's interests on the treaty issue in both the state and national legislatures. Meanwhile, McCorkle, an attorney whose home on Little Chico Creek was near Bidwell's, wrapped up legal work on the rancher's behalf and made arrangements to leave his mare at Rancho Chico where he asked Bidwell to have it bred.<sup>29</sup>

On December 20, 1851 John Bidwell dispatched his response to Joseph McCorkle who sent it on to the Commissioner of Indian Affairs and a copy to Senator William Gwin as Bidwell requested. Because McCorkle was already "on board," of course, Bidwell's letter actually addressed other decision makers (Letter printed in full in Appendix on pages 24, 32-34). With the Indian Bureau chief's copy McCorkle enclosed an endorsement of Bidwell as a man who,

*...understands the Indians of that Country better than any man in it, and [as] a humane honest and conscientious man.*

He added,

*I am satisfied that his opinions and suggestions in regard to the Indians are just and true and I hope you may find in his remarks the germ of a system, which when adopted will work for the benefit, as Maj. B remarks, of both the whites and Indians.<sup>30</sup>*

McCorkle's reference here to "a germ of a system" covered for Bidwell's neglect to propose the mountain Indian policy which McCorkle had requested of him in the October letter. According to historian W.H. Ellison in 1925, the politically indefatigable McCorkle, "of course, had influence," on the treaty outcome, even though as a representative he had no vote in the Senate which decided it.

John Bidwell's letter was unequivocal about the position he wanted McCorkle and Gwin to represent. While in July he had convinced Indians that the Rancho Chico treaty was crucial to their interest; in December he omitted any mention of his role in the negotiations as he called for the treaties' defeat. The moral tone which suffuses this letter was characteris-

tic of Bidwell, who would always find it difficult to acknowledge an economic motive. In the present instance, Bidwell claimed that the treaty reservations would violate the happy lives which white settlers and Indians had built in common. As he put it,

*They look up to the white man with a filial obedience to his commands, and expect from him a kind of parental protection. When he wants them to work he tells them to go into his fields--when they want food they invariably come to him--also clothing and whatever their necessities require. And it would be cruel to force these harmless creatures from the places of their ancient habitations.<sup>31</sup>*

The terms of his description echo that of slave holders in defense of their system at that time in the South. By contrast, however, the Indians he describes as passive and dependent had been independent and self-sustaining in his area until two years before he wrote. Bidwell's letter rambled for pages in this vein. To uninformed readers the letter appears to be a disinterested and eloquent attack on federal Indian bureaucrats' designs to remove the Native Americans from their happy ranch homes in order to dump them on reservations. On closer reading, with knowledge of the Indians' conditions and of the treaties' effect on Bidwell's interests, the letter is less salutary or benign than its moralistic arguments attempt to establish.<sup>32</sup>

In the first place, Bidwell did not argue that treaties in other places were a bad idea. He was specific that the treaties were a bad idea in California which he presented as an exception. Even though treaties may have been suitable in the East where Indians had been pushed back to frontiers, in California the Indians already lived throughout the populace. Under these circumstances, the future relationship between the two peoples should not be a public issue imposed by impractical federal officials but, instead, he urged, should be left to private individuals who know best how to shape the relationship between Indians and settlers.

In addition, in place of the American contract-based system for Indian labor, Bidwell recommended the superiority of the Mexican vassalage-based system. While the American system exempted employers from legal obligations beyond whatever wages and conditions the workers accepted, the latter observed landowners' obligation for workers' maintenance on their historic lands. In the two years his ranch had

been underway Bidwell had copied the Mexican, rather than the American model. In order to remedy the seasonal Indian workers' unreliability that he had observed during his days on John Sutter's Hock Farm, he adapted the Mexican system by applying his better treatment for Indian laborers which, he found, had produced a dependable workforce. Bidwell's system was intended to result in contented Indians loyally at work for the generous master, and offers context for his letter's boast that, according to the Mexican tradition, he would donate lands to the Indians on his ranch. Having made a similarly vague, though even more generous offer in front of his Rancho Chico Indians as well as Commissioner Wozencraft and fifty military escorts, Bidwell now employed the limited offer to establish his integrity. Importantly, he omitted the more generous version. His use of "donation" reads as if he intended to transfer land titles on his 22,000 acres to the Indians. Of course, he knew no American government would enforce such an intent. And his system would indeed permit the Indians he chose to remain in their village on the ranch which he, however, would continue to own and control. For their part, he expected the Indians to labor on his terms.

Bidwell did not enlarge on his vague remark that no line can be drawn between the domesticated Indians and "the frontier savages" or mountain Indians. He knew better. The remark merits notice as his sole mention of the mountain Indians. This was the case even though, "anything that disturbs the Indians in the neighborhood affects me...."<sup>33</sup> The mountain Maidu and the Yahi to their immediate northeast were of deep concern to Indian Commissioner Wozencraft; they were the traditional enemies to the valley Indians at Rancho Chico; and their cattle raids enraged the settlers who were Bidwell's immediate neighbors and clients. They were formidable warriors capable of lightning raids and then rapid disappearance into inaccessible canyon recesses. Yet his letter addressed only the issue of the valley Indians and offered not even, in McCorkle's words, a "germ" of a plan for the others.

Bidwell did acknowledge the Indians' plight as victims of hostile immigrants. The solution he proposed was better law enforcement. Who could object to such a good idea? While desirable, it was as yet unattainable. Any resident of the area where John Bidwell lived knew that reliable law enforcement was a chimera for both whites and Indians beyond the immediate area of the county seat and one or two other

places. Furthermore, new laws or shifts in responsibility could not touch core reasons for the problem. Remote and inaccessible geography, ingrained racism, and vigilante attitudes which ignored public authority regularly undermined efforts to establish law enforcement in the raw conditions of rural northern California for well over another decade or more. In addition, no sheriff considered white and Indian clashes as part of his job description. When the mountain Indians attacked the valley Indians, or when settlers and Indians clashed, no one even thought to call

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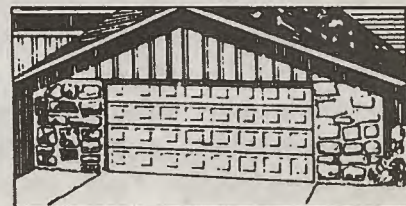
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for the sheriff to act. And the U.S. military rarely happened to be on the scene when problems arose. When the military did respond well after problems occurred, the units not only lacked authority over white citizens but they could never find the allegedly guilty Indians who had long vanished into remote canyons. Beyond that, the settlers did not trust the federal military because officers commonly concluded that settlers were the parties at fault.<sup>34</sup>

In addition, Bidwell's recommendation that the federal government reserve Indian policy in California for the state government was disingenuous. His thorough immersion in state politics must have informed him that nothing in state government supported action on behalf of Indians—even action to secure their basic safety. For example, only four months after Bidwell's letter to McCorkle, California's Governor John Bigler refused Indian Commissioner Redick McKee's urgent plea to send state troops to protect northwestern California Indians from settlers.<sup>35</sup> The settlers had recently killed unjustly accused Indians. Bigler even refused McKee's request to distribute posters to call for decent treatment of the native peoples. The full weight of Bidwell's recommendation rested upon his projection of an idealistic vision which he knew conditions did not support—except upon his own ranch and those of a few others.

In his letter Bidwell dealt with the issue of his ranch's Mechoopda Indians' attraction to the reservation proposal. Reservations, large or small, he predicted,

*...would withdraw a large body of Indians who were now semi-civilized, from the locations, which they occupy under the paternal protection of the old residents of the country.*

Such Indians who are,

*...residing on private lands, with the consent of the owners, or engaged in cultivating their soil, should not be disturbed in their position...*

To the contrary, he urged, government should,

*...let the Indians alone...and they would be sure to cling around and shelter themselves under the protection of him who treats them best.*

Such was "already the best school of civilization." From this point he moved, first, to recommend scat-

tered small reservations right in the midst of the settlers. Then he immediately turned about-face and condemned even these as no less an "outrage...an abuse and an idle perversion..." than the large ones. He again implored the government to stay out of the way. His letter is remarkable for such hyperbole, contradictions and confusion. The urgency of his tone reveals a deeply worried writer.

In his old age one of the regrets Bidwell expressed about the Indians' fate was the loss of their lands for no compensation. Yet Bidwell contributed to that outcome by his opposition to the Indian treaties. The treaties were the Indians' only chance for recognition of their "possessory" property right. Treaties were the only measure which recognized the legal assumption that, in order to assume possession, the American government must compensate the native peoples for the loss of their property to the American conquest. With the collapse of the treaties, of course, the California Indians lost not only their property but also the best and only compensation the American system was willing to offer them. Without the treaties, until well into the twentieth century California's native peoples became distinguished among American Indians for their inability either to claim treaty protections or to appeal for compensation for treaty violations.<sup>36</sup>

The self-interested objections which motivated miners and California ranchers like John Bidwell found camouflage behind their avalanche of accusations. They savaged the integrity of the U.S. Commissioners for their beef expenditures on behalf of the agreements. Gifts of beef, such as those at Rancho Chico, had lured the tribes to enter negotiations and at present sustained the native peoples while they quietly prepared for the reservations. As the treaty debate swirled, the Indian Bureau asked the views of Edward Beale on the value of the commissioners' work. As its new Superintendent of Indian Affairs for California, the hope was that Beale could give a disinterested assessment.

While Beale acknowledged that the Indian commissioners had kept poor expenditure records from the field and had exceeded the paltry treaty allocation for the whole state, he supported their accomplishment. In the first place, he reported, respected "old Californians" assured him that the reservations are essential to the Indians' survival for, "if allowed to roam at pleasure their early extinction is inevitable."<sup>37</sup> Furthermore, Beale stressed, the treaties are the right thing to do:

*I am slow to believe that the Government, recognizing as it does the possessory right to all the soil inhabited by them, would deny them the occupancy of a small portion of the vast country which such extraordinary benefits are in process of receipt.*

He criticized only the treaty expenditures for schools and implements on the grounds that, because Indians did not yet recognize their value, the funds for those purposes would be stolen by settlers. Finally, anxious about how the Indians would react when they learned about the treaties' imminent rejection, Beale needed time to prepare them for some alternative to the treaty terms.

*To reject them outright without an effort to retain their confidence and friendship as already secured by inducements of an equally advantageous character...would undoubtedly involve the state in a long and bloody war.<sup>38</sup>*

How influential had Bidwell's objection been? The California State Senate Committee's recommendation to the U. S. Senate against the treaties' ratification is remarkably similar not only in its reasoning but even in its phrasing to the position Bidwell (their colleague only the previous year) had dispatched to Sacramento via McCorkle. In brief, they used his phrasing as they declared the treaties undesirable because,

*...they would withdraw a large body of Indians who were now semi-civilized from the locations, which they occupy under the paternal protection of the old residents of the country.<sup>39</sup>*

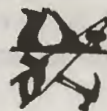
Indians who are,

*...residing on private lands, with the consent of the owners, or engaged in cultivating their soil, should not be disturbed in their position.*

And, they added, again in his phrasing, the Indians' places of work "already are the best school of civilization."<sup>40</sup> Because the U.S. Senate committee that considered the treaties met in secret, no official record reveals whether its members found this argument compelling. However, they dispatched the treaties to such oblivion that even the treaty documents vanished for sixty years.

Before word of the treaties' defeat reached California, Congressman McCorkle's new assignment was to secure the government's payment for the Indian commissioners' purchases of beef and other Indian provisions from California merchants. The Indian commissioners, whose initial appropriation had been \$25,000 for the whole state's negotiations, therefore, had purchased on credit a significant amount from merchants like McCorkle's constituent John Bidwell on the assumption that the federal government would honor the debt. When Congress refused to honor the obligation, despite McCorkle's pleas that they do so, the commissioners not only failed to pay the creditors but they had to violate their promises of further help to the Indians.

Bidwell's 1851 letter to McCorkle had criticized Wozencraft's purchases of beef during the summer negotiations as wasteful because in that season the Indians needed no food. He failed to mention that in August he had sold Commissioner Wozencraft a handsome quantity of beef and other provisions which he now criticized him for in December. In March 1852, after the treaty had failed, Bidwell turned his attention to reimbursement of the treaty commissioners' negotiation expenses. On July 7 solicitous representative, McCorkle, implored the House to pay creditors. On the House floor, McCorkle urged members to understand that "roast beef" was the most "alluring" reward the commissioners could offer to attract Indians to the table. With no treaty approved, McCorkle went on to warn that the "rootdiggers," a pejorative for Butte County's Indians, would comply with the treaty's peace terms "just as long as [the balance of] your beef holds out."<sup>41</sup> The citizens, he argued, of whom Bidwell was his principal constituent, had sold the government provisions in good faith and should be paid. Significantly, McCorkle also predicted in the House debate that, with no beef and no treaty, angry



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Indians would challenge dangerous whites who would move to exterminate them. In this, McCorkle, who had numerous other sources of information in his district, abandoned Bidwell's description of Indian contentedness with their conditions. In fact, with a recent mountain Indian attack on a Rancho Chico Indian and an armed response by Bidwell, events had already begun to follow the politician's--not the rancher's--script.

With the negative treaty vote in Washington, the California Indians, having lost even the frail help of a weak treaty, fell subject to the arbitrary actions of settlers. About sixty years later, California's Attorney General Robert W. Kenny would acknowledge the consequences:

*The results of the rejection of the treaties left the Indians of California exposed, helpless, and largely unprotected from ruthless evictions, unprovoked aggression, bitter persecutions, conscienceless exploitation, dispossessed and despoiled of their property without recourse, to become homeless wanderers in the lands of their fathers.*<sup>42</sup>

The Rancho Chico Indians' prospect without the treaty, of course, was favorable relative to that of other Indians because they were among the few who could count on work, food, and secure housing in exchange for labor. The failure of Bidwell's promise to his ranch workers at the treaty meeting must, however, have created interesting complications in his workers' view of the rancher, if only in that initial period of their association. More visible were the reactions of other Indians and settlers. Commissioner Redick McKee, who had completed treaties just north of the Sacramento Valley, again pleaded with the governor for law enforcement, this time to contain Eel River settlers who justified their aggression against local Indians by the treaty opposition in the state legislature. In McKee's words, with no treaties to contain them, the settlers figured,

*...they might just as well take the matter in their hands at once, and rid the country of the whole race!*<sup>43</sup>

With Indians subject to such provocations, he was skeptical whether they could maintain their present peacefulness, which he attributed to their anticipation of the reservations' openings. In his letter to the In-

dian Bureau, Oliver Wozencraft agreed. His field-based knowledge of the Indians led him to conclude that the treaties' failure "Would neither be forgotten or forgiven by them."<sup>44</sup>

Both Indian commissioners agreed: first, the Indians fully understood the terms of the deal they had made in good faith. Second, the Indians just as clearly recognized the bad faith of whites who now repudiated that obligation. McKee drove home the point: "The Law of retaliation is deeply implanted in the Indian nature."<sup>45</sup> Because mountain Indians intensified their hostile acts in northern Butte County and specifically against the Bidwell operation, it suggests that a train of reactions was underway.

For example, in mid-June 1852, when news of the treaties' failure had begun to circulate, James Callen wrote John Bidwell from "Mounting House" [sic] that the mountain Indians were becoming more active by the day in thefts and in threats to miners. Callen, with whom Bidwell had a business relationship, hoped attention from the area's leading citizen could calm the situation. But he was skeptical. He wrote:

*The Indians are doing mischief here more and more every day and are threatening the members of this settlement and something must and will be done...you will please send me word what you can do when and how.*<sup>46</sup>

With the collapse of the treaties and the complaints about their financial transactions, government agents no longer could command the funds or the credit to sustain the hungry Indians. Just two weeks after Callen wrote, a band of mountain Indians descended on Bidwell's grazing grounds where they stole valuable American cattle which Bidwell had just acquired from immigrants. Bidwell led out a large pursuit party made up of his white and Indian ranch men. In the mountains, their scouts, without being observed, found the culprits in a large camp and retired for the night with plans for a secret assault. At dawn, however, a gun fired from their own camp, probably fired by one of Bidwell's Indians to alert the rancher's quarry, revealed their presence and sparked a lightning mountain Indian assault on their party. In the clash that followed, Bidwell and his men killed eleven native men. A member of Bidwell's party, Amos Frye, one of Rancho Chico's most responsible employees, was killed.

On June 20 the rancher received a warning from D.M. Bean who had heard a group of Nimshevi Indi-

ans threaten Bidwell: "They declared they would kill you with the first opportunity."<sup>47</sup> The Nimshews were one of the mountain Maidu tribelets who had attended the Rancho Chico treaty meetings and had refused to approve the agreement. From a mountain camp Bidwell's chief vaquero, Alexander Barber, responded to news of a second Indian attempt to burn out Bidwell's ranch with a warning:

*Again you look to the mountains for the depredators. Allow me to advise you to look to those who live neare you if not in your immediate household for your enemies. would not the same dispositions do you personal and bodily injury if an opertunity...should offer. reflèct a little on these things. They appear to me to be of some importance.<sup>48</sup>*

As a Bidwell employee who regularly worked with the ranch's Indians both in the valley and in the mountain operations, Barber's admonition adds evidence in the immediate aftermath of the treaties' failure that others knew of ranch Indians close to Bidwell who were so unhappy about their situation that they were capable of threatening the rancher.

The treaties' rejection did not exempt federal officials from their obligation to deal with the California Indians' problems, of course. The number and extent of these problems virtually overwhelmed the dispirited and ill-funded Bureau of Indian Affairs. Settlers continued to expel the native people from their homelands. Indians died of new diseases, and ill health left others unable to work for whites. Violence mounted. Without the kind of reservation which Wozencraft had envisioned, the Indian agents had to come up with a substitute. In 1854 former Indian commissioner and now Indian Agent Oliver Wozencraft relied on John Bidwell's advice as he planned the Nome Lackee reservation in Tehama County. The friendly tone of Wozencraft's subsequent correspondence with Bidwell suggests he never learned about the rancher's criticisms of his work on the treaties. From Nome Lackee's inception it was a gimcrack operation, hastily patched together and ill-maintained. Situated in the mid-valley, the owners of the ranches which surrounded it regularly tore down protective fences in order to graze their cattle in its wheat fields. With no other adequate food source for its occupants, rationing provided male laborers a meager portion, while women and children had to wander in search of whatever they could find to eat: The Indians' situa-

tion at Nome Lackee was hardly better than that for Indians on the outside. In Oroville, for example, the *Butte Record* reported the,

*...truly deplorable condition of the Indians visible on local streets as they searched for any food to store for the looming winter.<sup>49</sup>*

While the treaties' compensation would have been inadequate to the Indians' losses, it is hard to conclude that their defeat represented good policy. John Bidwell, who observed the whole course of events that followed and set out his memories at length, may have had second thoughts about his role; but, if he did, his studied neglect to mention the treaty negotiations at the ranch in any of his articles or through biographical accounts suggests that he did not want to revisit either what happened then or the implications of what followed.

Certainly, however, John Bidwell's efforts were only one key factor in the demise of the treaties. Per-

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haps nothing could have saved them in California's superheated entrepreneurial atmosphere. The Chico rancher's relationship with the Indians of his area deepened and remained complicated. He would find and act on many opportunities to compensate for his role in the treaty issues of the early 1850s.

### REDEMPTION

This study has examined an early incident in John Bidwell's long career as a prominent California rancher. While his actions on the 1852 treaty do not reflect credit on his reputation, until now they have attracted no public notice. After all, the federal agents' reports sank into the archival depths of Washington, D.C.; his messages to legislators were private ones; and there was no newspaper in his area that early. The

nature of his treaty role is important, however, because it adds overdue complexity to the standard accounts, most of which have portrayed Bidwell as a moralist who was innocent of "realpolitik."

A long train of publications have focused exclusively on the faithful commitment Bidwell and his wife observed in relation to the Indian workforce they maintained at Rancho Chico. Certainly, knowledge of his role on the treaty does not obviate the value of those later services. And perspective helps. For example, when the treaty events took place, area Indians represented an economic resource he could not do without. The arrangement between him and the Mechoopda elders still rested exclusively on calculations of interest. The relationship between Bidwell and the ranch Indians deepened over decades.

His new native workers' attraction to the pro-

Courtesy Special Collections, California State University, Chico & Dorothy Hill



Annie Bidwell (right) poses with some of the Mechoopda Indians who worked and lived on Rancho Chico. The Bidwells earned respect for their many services to the Indian residents of their ranch and they continued to provide jobs, homes and schooling for them for decades past the time it was economically advantageous for them to do so.

posed reservation was probably the first major incident which revealed to John Bidwell that the Indians of his ranch still felt free enough to decide their destiny for themselves. As the imagery in his letter to McCorkle reveals, his dream of the Indians' passive and grateful obedience had made any notion of such independent attitudes unthinkable to him. Over the next ten years Bidwell would repeatedly grapple with obligations and challenges which the ranch community presented. He would find himself the enemy of his Indian workers' enemies and his ranch's native workers would find themselves the enemies of his enemies. As each event was to unfold, the ranch Indians and Bidwell would work through disappointments. But they would also deepen a bond in which he honored his obligations to them. Although, as Emma Cooper's remark has revealed, the Mechoopdas never forgot "The Bidwell-Government treaty" promises, they observed their obligation: they became skilled workers who put in long hours and for the most part remained loyal to his ranch.

While Indian labor was essential to the Bidwell ranch's early establishment, by the late mid-1860s, later than in other areas of the state, other affordable labor sources became available to ranchers. Not only did ranchers often cast off their Indian workers with the appearance of Chinese and other new immigrants from the eastern states, but machinery also replaced jobs which the Indians had mastered. Nevertheless, John and Annie Bidwell continued to provide work and homes as well as education for the ranch Indians for decades past the time it was economically advantageous for them to do so.

Today some criticize Annie Bidwell for her program's immersion of the ranch Indians in western culture to the detriment of the native culture's preservation. While many modern whites now recognize that culture's beauty and respect its mysteries, such

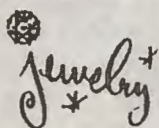
## The Rancho Chico Treaty

The Rancho Chico Treaty promised the Indians approximately 227 square miles of land, reaching roughly from Chico to Nimsheew to Oroville and each person over fifteen years of age was promised:

- 1 pair strong pantaloons and 1 red flannel shirt for each man and boy
- 1 linsey gown for each woman and girl
- 2,000 yards of calico
- 500 yards brown sheeting
- 20 pounds Scotch thread
- 1,000 needles
- 6 dozen thimbles
- 2 dozen pairs scissors
- 1 two and a half point Mackinaw blanket
- 1,000 pounds iron
- 100 pounds steel; and in like manner in the first year for the permanent use of the said tribes, and as their joint property
- 25 brood mares and 1 stallion
- 100 milch cows and six bulls
- 4 yoke work-cattle with yokes and chains
- 6 work-mules or horses
- 12 ploughs assorted sizes
- 75 garden or corn hoes
- 4 grindstones

Teachers and workmen were to be hired by the United States to teach the Indians the skills of farming, wheelwrighting, and blacksmithing. The United States agreed to erect school houses, shops, and dwellings for the staff.

(Source: *The Indians of Chico Rancheria* by Dorothy Hill, 1978)



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appreciation eluded most of the settlers and their descendants until the later nineteenth century. While it may be regrettable that the Bidwells' schooling of Indians did not seek a balance between traditional and American cultures, the archival correspondence between her and younger ranch Indians, tells us that, by and large, those Indians understood what the couple tried to do and appreciated it most of the time. This does not dismiss the validity of their regret—even the resentment—they no doubt felt at restrictions which the Bidwells occasionally imposed. But California Indians' survival would depend on a large measure of adaptation to the conquerors' culture. Taken in this light, both the Bidwells are due credit for their contributions to the ranch Indians' survival and their transition to the modern world.<sup>50</sup>

The treaty incident was only the earliest of several moments when, as in his letter to McCorkle, John Bidwell buried issues of his economic interest beneath a moral facade. But in the American system, economic values are paramount. Among many types of "the good" for which Bidwell's investments provided, not least was the cluster of Indian families whom he employed, fed, housed, and educated in a world where few others would or could have done the same. In the context of Bidwell's times and his serial financial crises, if he cloaked his financial interest in moralisms, it was to Bidwell's credit that ethics mattered. In his day wealthy men commonly scoffed at moral considerations.

All that being the case, with regard to his role in the federal Indian treaty of 1852 in northeastern Butte County, John Bidwell engaged in double-dealing. A half a century later in his informal memoir he would express his regret about the Indians' losses of their land for no compensation. Readers of that memoir or others could not know that his words represented more than a point in passing. As he dictated, only he

knew what he chose not record: his own early contribution to their plight.<sup>51</sup>

### About the Author:

**Michele Shover is Professor of Political Science at California State University, Chico. She has published her research about northern Butte County history of the nineteenth century for over twenty years.**

**Michele authored two previous articles on Indian and settler relations in Butte County during the 1850s in the *Dogtown Territorial Quarterly*. "John Bidwell, Reluctant Indian Fighter, 1852-1856" appeared in the 1998 winter issue #36 and "The Politics of the 1859 Kibbe Campaign, Northern California Indian-Settler Conflicts of the 1850s" appeared in the 1999 summer issue #38. Research for a fourth article is currently underway.**

### APPENDIX

Chico 20 December 1851

Dear Mac

I ought to have written to you much earlier, -- and indeed it was my intention to have done so--and I have no excuse to plead--but a kind of submission to procrastination, which is the thief of time.

Our own circumstances in California are as you well know by a small experience and observation in very many respects peculiar. There are bands and tribes of Indians on the whole frontiers of the Atlantic States--But here we have not only Indians on our frontiers, but all among us, around us, with us--hardly a farm house--a kitchen without them. And where is the line to be drawn between those who are domesticated and the frontier savages? nowhere--it cannot be found. Our white population permeates the whole entire State and Indians are with them everywhere. The farmer no sooner settles down that he is surrounded by them with their families; and children will leave the villages alone to cling around his house; and if he be a humane man and treat them always consistently they naturally and voluntarily domesticate themselves. They look up to the white man with a filial obedience to his commands, and expect from him a kind of parental protection. When he wants them to work he tells them to go into his fields--when they want food they invariably come to him--also clothing and whatever

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*Indian Treaty of 1852 .....From page 24*

their necessities require. And it would be cruel indeed to force these harmless creatures from the places of their ancient habitations. The system pursued by the UStates Govt. towards Indian tribes on the Atlantic side may be adapted to circumstances there--but they must learn that all Indians as well as all frontier territory are not alike--and that the same system will by no means apply here. The nature of our state is such that the Indians cannot be all collected together on one body of land reserved for them--because the valleys are already covered with a white population that cannot be disturbed--the large ones are shingled over with Spanish grants. And these timid and defenseless beings cannot be thrown into the rugged and barren mountains with only here and there a little valley of a few acres, affording not a hundredth part of the grass

required for the animals of the miners who traverse and occupy every nook, glen, corner, and ravine of our almost boundless mountain regions.[sic]

The Indian Commissioners have seen so far--that they could not all be placed upon one reserve--and the only thing that surprises me is that men who should have been selected for their practical knowledge of Indian affairs in this country--could see no further-- When you begin to lay plans, for removing the entire Indian population to any one body of country the impracticability, the injustice to the Indians, the expense, and the impossibility of executing such a law all become too apparent, and forbid it as cruel and impolitic. If you vary the plan,--and make a number of reserves instead of one, the same objections exist with undiminished force, until you increase the number of reserves to as many as there are Indian villages

Courtesy Bidwell Mansion State Historic Park



This photograph shows some of John Bidwell's Mechoopda Indians working under one of the giant valley oak trees that adorned Rancho Del Arroyo Chico.

in the State--then you have it exactly right--that is--let the Indians alone--make laws to protect them against the brutal treatment which is so often inflicted upon them-- Let them cultivate a garden and have a reasonable quantity of land for pasture just where they live, and work in their vicinity to obtain food and clothing do for whom and where they please-- They are sure to cling around and shelter themselves under the protection of him who treats them best. The UStates can enact laws for their protection and appoint an Indian agent to be constantly employed, and always on hand, to be present at the trial and punishment of Indians, when they have been accused of crime, and see that they have justice done them--that punishments are not inflicted in a cruel manner.--Make it a provision of the law that the Ind Agent be notified

on all such occasions-- In this manner chastisements would have a salutary effect. The Indians would see the reason & justice of it--make the shooting of Indians, which has heretofore been as common as the shooting of wolves, a heavy penalty--and teach the malicious and brutal vagabonds who have shot thousands of these innocent creatures because a horse happened to be missing, or some imaginary offence was committed, thereby destroying all the confidence the poor Indians had reposed in the white man, and thereby exposing the industrious and well disposed miner to dangers and death. If the UStates cannot be persuaded to enact a law to protect and govern the Indians where they now are even in our midst, they should permit our State Govt. to do it, under such re-

Courtesy Bidwell Mansion State Historic Park



The Bidwell mansion was constructed by John Bidwell in 1868 for his new bride, Annie Ellicott Kennedy of Washington, D.C. The beautifully restored mansion and spacious grounds are now a California State Historic Park located on The Esplanade in Chico, California.

strictions as they may deem wise. In making small reservations of a few acres in the localities of their villages, or adjacent to them, no injustice could be done to anyone, whether he be owner of Mexican or Spanish Grants or not; for every such title contains a provision of their villages. I have to regret that such a provision was not engrafted in the law passed by the last Congress for the settlement of land claims in California. But it is not too late now. I for one intend to donate lands for the Indians in this neighborhood whether Congress makes such provision or not.

You will believe me candid when I tell you that I have no other object in setting forth these views than the real good of the Indians as well as that of the white population. I am a permanent settler--and anything that disturbs the Indians in the neighborhood affects me, more or less--so it is with every citizen all over the State. I do solemnly declare that the action of the Indian Commissioners here in California is an outrage upon the citizens of the State both the old settlers and the new comers, an abuse and an idle perversion of the spirit of the law under which they are acting, a great expense to the Govt. and has and will be productive of no benefit to the Indians, on the contrary its tendency is to injure and degrade them, and to render them pilfering vagabonds--

The Commissioners have been feeding the Indians during the summer on the beef of the Govt. at a time when they need no such assistance--and the very means too which the law promises them to enable them to move to the reserves made for them; and begin to cultivate for themselves--and this too before the Treaties made have been ratified, by the President & Senate, or even an attempt to set them farming.

I must close now for want of time, but I shall address you on various subjects; and shall be very happy to see you have the honor of bring about many measures that will be for the benefit of the country. I

have written this very confusedly and it is now late in the evening.

I am very truly

Yours

JBidwell

P.S. Dont fail to send the documents etc. I have not time to write to do it. Gwinn--Please show him this letter if you deem proper. [sic]

Source: National Archives. Office of Indian Affairs. Letters Received, 1849-1852. (M234)

## END NOTES

Author's Note: Pre-publication manuscript readers include the late Dorothy Hill, the primary Mechoopda Indian scholar, Professor Robert Stanley of California State University, Chico and Emeritus Professor of History Don Lillibridge. Each made valuable comments on what has appeared above.

1. Dorothy Hill. *The Indians of Chico Rancheria* (Sacramento: State of California Department of Parks, 1978); Albert Hurtado. *Indian Survival on the California Frontier* (Hartford: Yale University Press, 1988); George Harwood Phillips. *Indians and Indian Agents: The Origins of the Reservation System in California, 1849-1852* (Norman: University of Oklahoma Press, 1997) concentrates on the Central Valley.

2. Adam Johnston to the Indian Bureau, Department of the Interior, 6 July 1850. National Archives. Office of Indian Affairs, Letters Received, 1849-1852. M234. Citations from this source below will appear as OIA. This also appears in the Annual Report of the Commissioner of Indian Affairs, 1850. 31st Congress, 2nd Session, Senate Executive Document 1, pt. 1, vol. 1, 2 Dec 1850, pp. 91-93. The quotes from Johnston and Day are from this document. Future citations from this Senate Executive Document will appear as S.E.D.

3. George Mansfield. *History of Butte County*. Los Angeles: Historic Record Co., 1918, p. 185, Cf, pp. 44 and 411 ; *San Francisco Alta* 7 July 1852. While Mansfield says that Michael Nye was killed, letters from him to Bidwell about 10 years later are in the Bidwell Collection at the State Library.

4. Petition to New Helvetia from Daniel Sills et al. Courtesy of the Huntington Library; Col. R.B. Mason to Lt. John A. Anderson, "Message on California and New Mexico," 31st Congress, 1st Sess. Senate Executive Document, 18 Vol. 1, 24 January 1850, Serial Set no. 557, p. 658.

5. Johnston, *pp. cit.*

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6. Ibid.

7. Ibid.

8. Robert W. Kenny. *History and Proposed Settlement Claims of California Indians*. Sacramento: State Printing Office, No date; Cf W.H. Ellison, "Rejection of California Indian Treaties," *The Grizzly Bear* (May, June, and July 1925). The Ellison series represents treaty issues in a broader context than the present account but its analysis is consistent with the present author's conclusions about the general worthiness of the Indian commissioners work on behalf both of the treaties and the general justifiability of their claims for reimbursements to creditors and themselves.

9. *Annual Report of the Commissioner of Indian Affairs, 1850*. 31 st Congress, 2nd Sess., Senate Executive Document 1, pt. 1, vol. 1, December 2, 1850, pp. 35-175. Serial Set No. 587.

10. These observations stem from impressions derived from the Office of Indian Affairs documents cited above and below.

11. Wozencraft to the Hon. Luke Lea, Commissioner of Indian Affairs. May 14, 1897. S.E.D.

12. Hill, pp. 89.

13. Hurtado, *Indian Survival on the Frontier*, pp. 138-139.

14. Wozencraft to Lea, 11 May 1851. U.S. Senate,

*The Indians of Chico Rancheria* by Dorothy Hill, 1978 and Bidwell Mansion State Historic Park



**This photograph shows the homes of the Mechoopda Indians on Rancho Chico in 1888, long after their reservation treaty was defeated by the United States Senate.**

Wozencraft to Lea, 11 May 1851. S.E.D.

15. John Bidwell Collection. California State Library. In further citations this source will appear as JBC; Correspondence from Wozencraft to Bidwell in July 1851 in JBC; Anne H. Currie, "The Bidwell Rancheria," *California Historical Quarterly*, XXXVI (December 1957), pp. 313-325. The amounts of beef seem suspect to the modern individual. However, Americans of those days ate a great deal of beef. Men on the Lewis and Clark expedition consumed eight to nine pounds each per day, for example. Those they sent to Washington, D.C. ate twelve pounds daily. In the case of California, where native people relied most on vegetation for food, the settlers seem to have projected their own preferences on the native people, many of whom preferred the flavor of horsemeat. Stephen E. Ambrose, *Undaunted Courage: Meriwether Lewis, Thomas Jefferson and the Opening of the American West*. (New York: Touchstone, 1996), p. 346.

16. Harry Kelsey, "The California Indian Treaty Myth," *Southern California Quarterly* LV (Fall 1973), p. 231.

17. Currie, p. 315. Interview. Dorothy Hill. 11 April 1997. Emma Cooper, who was 74 in the early 1940s, was born on the northern Butte County rancheria of James Keefer which closed down in the 1870s. After a period on a farm north of Chico she moved to the Bidwell rancheria. In World War II she taught army linguists the Maidu language for purposes of intelligence code design. In the end the army employed another Indian language.

18. Quoted in Mansfield, p. 35. With respect to Maidu practices, according to anthropologist A.L. Kroeber, the Maidus, who warred only to exact vengeance, tortured captives from rival tribes before killing them. They beheaded war opponents and took the heads home as trophies. They killed enemy women and children rather than enslaving them as was the practice of a neighboring tribe. He also reported that Maidus were known to take scalps which included the eyes, eyebrows, ears, and noses. Cf "Elements of Culture in Native California," in *The California Indians: A Source Book*. D.F. Heizer and M.A. Whipple, eds. (Berkeley: University of California Press, 1971), pp. 35-37. While this seems to contradict the valley Maidus' reputation for being more well-off, and, therefore, more stable and pacific than other tribes, valley Indians such as the Mechoopdas lived in fear of the fierce and stealthy rival tribes in the area. Such practices as Kroeber describes, may have been their version of appropriate countermeasures. Kroeber's Indian sources' memories extended to the 1840s and 1850s.

Earlier research published here is that of the author who has documented a mountain Indian "war" on the Bidwell ranch and its native workers between 1851 and 1856.

19. John Bidwell. "Speech to the Society of California Pioneers." *Quarterly of the Society of California Pioneers*, vol. 111, No. 1, pp. 9-10.

20. Hill, *The Indians of Chico Rancheria*, pp. 23; cf. pp. 20-23 and the Appendix.

21. Wozencraft to Lea. 4 August 1851. OIA.

22. Ibid.

23. Wozencraft to John Bidwell, 3 September, 1851. JBC.

24. Ibid.

25. Kenny, Ch 1. Correspondence with Wozencraft in JBC.

26. McKee to Bigler, 5 April 1852. OIA.

27. Albert Hurtado, pp. 138-139.

28. Joseph McCorkle to John Bidwell, 4 October 1851, JBC.

29. Ibid. McCorkle stayed at the ranch of his partner, Dr. J. B. Smith along Little Chico Creek. While Smith and McCorkle called the place "Sunflower Farm," it later became the Chapman Addition. The house still stands as the middle portion of the Little Chapman Mansion.

30. McCorkle to Committee of Indian Affairs. OIA; Ellison, *Grizzly Bear* (June 195), p. 4.

31. Bidwell to McCorkle, *ibid.* The quotes from Bidwell that follow in this section are from this letter.

32. John Bidwell to Joseph McCorkle. OIA; Cf. *The Oroville Mercury* columns of the 1870s raised many serious allegations about Bidwell's use of his seat in Congress to benefit his Chico ranch and Sierra Nevada properties along the Humboldt Road. These merit a separate study.

33. Bidwell to McCorkle, *ibid.* The quotes from Bidwell that follow in this section are from this letter.

34. William F. Strobridge. *Regulars in the Redwoods: The U.S....Army in Northern California, 1852-1861*, Passim.

35. Governor Bigler did not have any state troops and his Quartermaster General, the ad hoc Commander of the Militia, had just stolen the weapons in the state arsenal to sell to Mexican revolutionaries. The State of California would have no weapons to issue Bonded Militia units until 1854 when their next Congressional allotment arrived and General Wool allowed an advance from the U.S. Arsenal.

36. "Bidwell Dictation," John Bidwell Collection, (University of California, Berkeley: Bancroft Library), 36.

37. Beale to Luke Lea, 11 May 1852. OIA.

38. Ibid.

39. "Report of the Special Committee of the California State Senate to Inquire into the Treaties Made by the U.S. Commissioners in California," *California State Senate Journal*, 1852), pp. 302-305. Distinguished anthropologist Robert Heizer published a stinging condemnation of the treaties. Cf. *The Eighteen Unratified Treaties of 1851-1852 Between the California Indians and the United States Government*. Berkeley: Archaeological Research Facility, 1972. This author agrees with most of his criticisms. However, it seems to me that he overlooks the major point: i.e., in 1851 American conquest had taken California from both the Indians and the Mexicans. In addition, the Indians' best remaining chances for decent conditions rested on the federal government's responsibility for them. The Indian Bureau and its California staff's correspondence and reports which apply to northern Butte County in the treaty debate period were clearly supportive of the Indians in the terms of the day. Even though the treaties presented the terms of conquest, they offered the conquered people a better condition than they were to have without it. The present account and William Strobridge's *Regulars in the Redwoods* agree that federal officials, both executive and military, were notably more attentive to Indians' plight than were state and local officials. An important consideration as well is that the commissioners who made the treaties worked in an impossible political environment. The ultimate problem with the treaties was that settlers, who were determined to leave the Indians with nothing, recognized that the treaties guaranteed the Indians something substantial. The anguish of the commissioners, which is unmistakable in their letters and reports to the Indian Bureau, was not that they secured too little for whites but that they had failed to provide even a modicum of security for the native peoples.

40. Ibid.

41. *The Congressional Globe*, 32d Cong. 1st Sess. 26 March 1852, p. 890 and passim. Wozencraft to Bidwell, 20 October 1851. Bidwell sought appointments from Wozencraft, who replied that he was comfortable with the people already in the positions in question. Had Wozencraft encouraged Bidwell to believe he had a first claim on the lucrative appointments the commissioner planned to offer "after the ratification of the treaty," would he have swallowed his concerns about the ranch Indians?

42. Robert W. Kenny, *History and Proposed Settlement Claims of California Indians*. Sacramento: State

Printing Office, No Date, p. 18. Between 1848 and 1878 thousands died "in despair" in a "bitter struggle for existence." (Ibid)

43. Redick McKee to Governor John Bigler, 5 April 1852. OIA, Letter. 31 May 1852. OIA.

44. Wozencraft to the Indian Bureau. 31 May 1852, OIA.

45. McKee to Governor Bigler, 5 April 1852. OIA.

46. Letter to John Bidwell, June 15, 1852, JBC.

47. Paul W. Gates, *California Ranchos and Farms* (Madison: State Historical Society of Wisconsin, 1967) Chapter 1; Mansfield, p. 185; *San Francisco Alta* 7 July 1852; Frye estate correspondence is in JBC; D.M. Bean to John Bidwell. 20 July 1852. JBC.

48. Alexander Barber to John Bidwell. (5 July 1853) JBC.

49. *Butte Record* 30 September and 24 November 1854; Correspondence between Bidwell and Wozencraft, JBC; Gates, pp. 222-223.

50. Michael Magliari and Michael Gillis, "John Bidwell and the Indians of Chico Rancheria," *Chico News and Review* (23 February 1995).

51. John Bidwell, op cit.

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