

REPORT OF SPECIAL AGENT JOHN G. AMES
ON THE CONDITION OF THE MISSION INDIANS*

WASHINGTON, D.C., Oct. 28, 1873

SIR: I have the honor to submit the following report touching the "number, location, and condition of the so-called Mission Indians of Southern California," with such recommendations in their behalf as seem best adapted to meet the exigencies of their situation.

In accordance with your instructions, I proceeded in May last to Southern California, where, on the 1st of June, I fixed the headquarters of the agency at Los Angeles. At this point I was detained several weeks, in consequence of the severe illness of a member of my family. This detention, however, was rather favorable than otherwise to the investigation upon which I was about to enter. It gave me the opportunity of learning the views of many of the citizens of Los Angeles and vicinity concerning the Mission Indian question, of acquainting myself with many facts in regard to the past history and management of these Indians, tending to throw light upon their present condition, and of advising with those whom I found best informed upon the subject as to what was best to be done with and for them. It gave me, also, the opportunity of learning, from the officers of the land-office at Los Angeles, so far as the records of that office indicate, the status of land in Southern California, which will aid materially in the solution of this question. I will say in this connection that I found the sentiment of the people of Los Angeles for the most part friendly to the Indians, and in favor of the Government doing something without delay in their behalf. There is a general feeling among those who give any attention to the subject that action in the premises has already been too long neglected, increasing the grievances of which the Indians complain, and making it ever more difficult to remedy the evils to which they are subject.

During my stay at Los Angeles I had several conferences with Indians of the San Luis Rey tribe; the first on June 12, with certain Indians living in Los Angeles, who expressed their gratification that the attention of the Government was at length directed to them, and their hope that they might soon be secure in the enjoyment of their rights. They desired especially that their title to lands now occupied by them should be so confirmed that they could not be driven from them by white men, and thought if this were done the Indians could easily take care of themselves.

Information having been communicated to the Indians living at Pala and vicinity that an agent of the Government had reached Los Angeles, I was in a few days visited by Olegario, actual chief of the large majority of the San Luis Rey tribe, though not recognized as such by the late superintendent of

*Report of the Commissioner of Indian Affairs for 1873, Appendix A, pp. 29-40, 1874.

Indian affairs for California. Olegario was accompanied by ten of his captains. With these Indians I had protracted interviews on the 23rd of June and on the 3rd and 5th of July. They had come to lay their grievances before me and to ask the speedy interposition of the Government in their behalf.

The burden of their complaint was to the effect that they had been gradually driven from the lands which they or their fathers once occupied the title to which they thought justly belonged to them, until at the present time but little available land remained to them; that white men were in many cases endeavoring to take from them the lands upon which they are living, and by the cultivation of which they gain a partial support; that they were frequently annoyed by the settlers interfering with water upon which they depended for irrigation, corraling their stock, and subjecting them to fine for the same, or taking it from them altogether, threatening them with violence, and in other ways invading what they believe to be their rights; that in disposing of lands the agents of the Government have never recognized the possessory rights of the Indians, and that in consequence they have been, and are still, obliged to abandon lands which they have held in immemorial possession, and to remove from places to which they are specially attached, as the home and the burial-ground of their ancestors, and this without any provision being made for them elsewhere.

They desired the Government to interfere to prevent this being done hereafter, and to secure them in the possession of the lands now occupied by them. If this was done they could readily support themselves, and were willing to do so, without aid from the Government, except in the matter of farming implements and seed and clothing for the supply of their immediate wants.

They urged, furthermore, as a special grievance, that their right to elect their own chief had been interfered with by the late superintendent, and that the Government recognizes as chief an Indian who was repudiated by nearly all the tribe, against whom they protested at the time of his appointment, two years ago, and whose authority they had since disregarded. They wished a new election ordered, that the tribe might choose its own chief and be no longer even nominally subject to one to whom so few owed allegiance.

In reply I assured them of the sincere desire of the Government to secure their rights and promote their interests, and of its intention to do whatever might be found practicable in this direction; that I had been sent out by the Government to hear their story, to examine carefully into their condition and recommend such measures as seemed under the circumstances most desirable; that I should, as soon as possible, visit them in their homes and see with my own eyes how they were situated, so that I might be better able to advise in their behalf.

It was a matter of special gratification to me that at the conference with Olegario and his captains, held July 3, General B. R. Cowen, the Assistant Secretary of the Interior was present to listen to their story and to give them wise counsel. General Cowen expressed himself as particularly pleased with their appearance, and hopeful of their future if they were to be regarded as specimens of the Mission Indians.

TOUR OF INVESTIGATION

On July 7 I started on a tour of investigation among the Indian settlements of the San Luis Rey tribe, accompanied by Mr. L. E. Sleigh, who, with the approval of the Indian Office, had been appointed clerk of this agency, and by Mr. Louis Wartenberg as interpreter.

We reached San Juan Capistrano the next day, where we called upon Rev. Jos. Mutt of the Roman Catholic Church, whom we found much interested in the Indians of that locality and in possession of information of interest in regard to the pueblo lands adjacent to the mission property. He showed us copies of record matter obtained at great trouble and expense from the archives at San Francisco, from which it appears that the pueblo of San Juan Capistrano was in the year 1841 actually subdivided by the Mexican authorities among the inhabitants, the Indians sharing with the Mexicans in this distribution.

If the claim of the Indians residing there, of whom there are about forty souls, can be established, as Rev. Mr. Mutt believes, the problem as far as they are concerned will be easily solved.

On the 11th we proceeded to San Luis Rey, where are to be found half a dozen families of Indians living upon land in dispute between them and one John Somers. The condition of these Indians, as well as the facts in the case of this dispute, are ably set before the Department by the late superintendent, C. B. Whiting, in a special report under dat of May 19, 1873, to which reference is respectfully made.

On the 12th we proceeded thence to the city of San Diego, remaining there until the following Monday evening for the purpose of conferring with some of the citizens of the place as to the condition of the Indians of the country and the course best to be pursued by the Government to better their condition. A diversity of opinion prevails, but all agr-e that the disputes between the Indians and Americans involving titles to land should be speedily settled.

Reaching Pawai on Monday evening, I was there detained by illness two days, but sent Mr. Sleigh and the interpreter forward to visit certain Indian villages with the understanding that we should meet at Pala, the headquarters of the San Luis Rey tribe. Mr. Sleigh's report of his detour is here inserted:

LOS ANGELES, CAL.,
July 31, 1873

"DEAR SIR: I have the honor to submit the following report of my visit to the Indian villages of San Pasqual, Santa Ysabel, and Agua Caliente, in the county of San Diego, State of California.

"I reached San Pasqual on the 15th instant, from Pawai, where you were yourself detained. I proceeded at once to the house of Panto Lion, captain of the village, and requested him to summon his people together on the following morning for a conference, at the same time explaining to him that we had been sent by the Government at Washington to inquire into their condition and to ascertain if anything could be done by the Government to aid them.

"The villagers began to assemble early. At the appointed hour the captain rose, and in a short speech in the Indian language, which seemed to be both eloquent and well appreciated, gave his hearers to understand the errand upon which I visited them. A lively interest was manifested by every one. They complained of the encroachments of their American neighbors upon their land, and pointed to a house near by, built by one of the more adventurous of his class, who claimed to have pre-empted the land upon which the larger part of the village lies. On calling upon the man afterward, I found that such was really the case, and that he had actually paid the price of the land to the register of the land-office of this district, and was daily expecting the patent from Washington. He owned it was hard to wrest from these well-disposed and industrious creatures the homes they had built up. 'But,' said he, 'if I had not done it somebody else would, for all agree that the Indian has no right to public lands.' These Indians further complain that settlers take advantage of them in every way possible; employ them to work and insist on paying them in trifles that are of no account to them; 'dock' them for imaginary neglect, or fail entirely to pay them; take up their stock on the slightest pretext and make exorbitant charges for damages and detention of the stock seized. They are in many cases unable to redeem it. They have therefore little encouragement to work or to raise stock. Nor do they care to plant fruit-trees or grape-vines as long as land thus improved may be taken from them, as has been the case in very many instances. Among the little homes included in the pre-emption claim above referred to are those adorned with trees and vines. Instead of feeling secure and happy in the possession of what little is left to them, they are continually filled with anxiety. They claim that they ought to be allowed to remain where their forefathers have lived for so long, and that they should be protected by law in the peaceful possession of the homes that have been handed down to them.

"I asked how they would like for their children to go to school, learn to speak the English language, and to live more like white people. It would be very nice, they replied, but it would do them little good if they could not have their homes protected.

"I asked them how they would like to be moved to some place where they could be better protected, have ground of their own secured to them, and more comfortable homes. The answer was, 'Our fathers lived and died here, and we would rather live here than at any other place.'

"In conclusion I assured them that I should report what I had learned about them, and that I had little doubt but that the Government at Washington would be able to do something to better their condition, charging them at the same time to strive, as I felt they had been doing, to keep the peace among themselves and with the whites.

"I proceeded thence by the most direct route to Santa Ysabel rancheria. On reaching that place, I found the captain, Augustine, absent; sent a messenger for him, and also one for the chief on the Diegenes, Pablo Pene, who lives in a neighboring rancheria. There are about one hundred and twenty-five souls at Santa Ysabel. They occupy the finest valley of the ranch of the same name, on one side of which are about twenty adobe houses for winter-quarters, while on the other side, near their fields of grain, are as many brush-houses, now occupied. At the time that I reached the village, men, women, and children

were scattered over the fields harvesting their grain. Some were reaping, some thrashing, some grinding, while near the houses women were making it into bread for immediate use. It was altogether an interesting picture to look upon.

"The chief and captain arrived during the night, and as soon as possible in the morning I sought a conference with them in relation to the condition and wants of their people. I was glad to find them exempt from many of the annoyances of which the Indians of San Pasqual complain. The land which they occupy is claimed under a grant from the Mexican government by private parties, who have hesitated to undertake to eject the Indians for fear of violence on their part in resisting, as they (the Indians) dispute any ownership more sacred than their own, and insist that they should not be disturbed in their possession.

"I reached Agua Caliente on the 17th instant. From a notched stick given me by the captain of the village, José Maria Moro, it appears that there are one hundred and sixty-eight Indians at that place. The land upon which they live has been understood to be of the public domain, until a recent survey of Warner's ranch betrayed the fact that it was included within the boundary of said ranch. The owners of the ranch threaten to drive them away, and settlers have interfered with their water-privileges, and annoy them in many ways. On the whole they have little to encourage them, and begin to feel that the white man is their enemy.

"My talk with the Indians of Santa Ysabel and Agua Caliente was substantially the same as at San Pasqual. They look to the Government to relieve them of the difficulties under which they now labor. They are peaceably disposed, and for the most part industrious, and deserve better treatment than they get.

"At San Pasqual and Agua Caliente I was called upon by white settlers, the majority of whom had no good word for their dusky neighbors. 'They are thieves; they are treacherous; they are vagabonds.' It was urged that they should be taken to some one of the Territories and surrounded by soldiers to keep them at home, or to some island in the sea. I found, however, little in my journey to confirm such opinions, but was glad to note many indications of thrift. I could but wonder, indeed, that they are as reliable, honest, and peaceable as I found them to be. The sentiments entertained by very many white men in Southern California toward the Indians are well illustrated in the conclusion to which the proprietor of a small ranch near Temecula came in presenting the subject to me from his stand-point. It is well to mention that a family of Indians has occupied one corner of his ranch 'from time immemorial.' His wise and humane (?) conclusion was that the owners of large ranches should not drive 'their Indians' away, but should keep them to work for them, and set apart certain portions of the ranch for them. 'There is worthless land enough upon every ranch,' he said, 'for Indians to live on.'

"The Indians of San Pasqual and Santa Ysabel belong to the Diegenes tribe, with Pablo Pene chief, while those of Agua Caliente are Coahuila Indians, under the chief-ship of Manual Largo. The two tribes speak different dialects; a few in either tribe can speak the Spanish language, but I found none able to converse in English. The aggregate number of the Diegenes is estimated at

one thousand, distributed in about fifteen rancherias, which are situated in the central and southern portions of the county of San Diego.

"All of which I have the honor to submit.

"LUTHER E. SLIEGH

"REV. JOHN G. AMES,
"Special Agent Mission Indians."

Proceeding by way of San Pasqual and Bear Valley, for the purpose of examining the country with reference to a reservation, I reached Pala on the 18th, where, on the next day, I had interviews with José Antonio Sal, chief, and with Manualita Cota, ex-chief of the tribe; also visited the flourishing Palma rancheria on the Palma grant, reaching Rincon, the residence of Olegario, whom most of the tribe acknowledge as chief, the same evening. Here I was rejoined by Mr. Sleigh on the 20th.

It being Sunday, we held in the evening a religious service, which was attended by most of the Indians of the rancheria, who gave respectful attention to the words addressed to them. At their special request this service was concluded with the recital of a portion of the liturgy of the Catholic Church, one of their own number leading and the rest responding.

Visiting the potrero, near by, on the next day, I found an Indian family of unusual interest, because of their greater intelligence and generally recognized superiority among the tribe. The head of the family was absent, but his wife, "Margarita," known far and wide among the Indians, seemed quite competent to take the management of affairs in his absence. This Indian woman claims a half league of land which was granted by the Mexican government to her grandmother, and which she now holds by her mother's will intrust for the heirs of the same. The rancheria upon this land is composed chiefly of these heirs, who derive from the land a comfortable subsistence.

Returning to Rincon, I had the good fortune to witness in the evening one of the traditional dances in which the Indians take so much delight. It was conducted in an orderly manner, nor was it carried to excess, and could hardly be regarded by any as other than a safe and commendable amusement for them.

On the 21st, at this place, a conference was held with the San Luis Rey Indians. Runners had been sent out to inform those living in the different rancherias, and a large number had come together eager to hear the news from Washington. This tribe takes its title from the Mission of that name. It is father advanced in civilization than any other tribe of the so-called Mission Indians. They have the reputation of being industrious, and for the most part peaceable, and but for the difficulties they labor under, in consequence of the unsettled condition of land matters and the disregard of their rights by the settlers, would be self-sustaining and make reliable citizens.

At present they are in trouble about their chief, as indicated at the conference at Los Angeles. A large majority prefer Olegario, and if an election were held now he would doubtless be chosen. He is intelligent above

the average, peaceably disposed toward the whites, capable of controlling his Indians -- for he is virtually chief, notwithstanding the action of the late superintendent -- and is at the same time an enthusiastic defender of his people and disposed to take advanced grounds on questions of their rights. A more competent man altogether cannot be found in the tribe.

Manualita Cota and Francisco Magla, ex-chiefs, and José Antonio Sal, chief, were also present at the conference. We were obliged to employ two interpreters, in order that all could be made to understand what we had to say. I began by reading my letter of instruction, and explained the same to them. Much satisfaction was expressed at the prospect of relief from the Government at Washington.

They complained that they were subjected to many indignities from white neighbors who covet the lands occupied by them; that the water they had long depended upon for irrigation had been turned out of its course, rendering their lands useless. Lands that they have supposed to belong to them have, on various pretexts, been wrested from them. They feel that the Government should protect them from injustice in such matters. They also expressed a desire that schools should be established among them, so that their children may learn to speak the English language and live more like Americans.

I explained to them, at length, the law in relation to the Government and grant lands upon which they live; also, the laws of the State relative to the care of stock, and trespass by the same.

In regard to the election of a chief, about which intense feeling prevails, I told them I would refer the question to the Government for instructions, as I had no authority to order an election at present.

In conclusion, addressing Olegario and his captains, and then José Antonio Sal and his captains, I charged them to see that the peace be kept and the rights of everybody's property respected; that there should be no strife among themselves, but that all should work together for the common good.

The aggregate number of the San Luis Rey tribe, as reported by the several captains, is nine hundred and seventy-five. These are distributed in ten rancherias, scattered over the northwestern portions of San Diego County and located some upon Government and some upon grant lands.

On the whole the conference resulted satisfactorily. The Indians expressed themselves as willing and anxious to live at peace with the settlers, and ready to wait patiently, yet longer, for the Government to take such action as will secure them in the enjoyment of their rights. They preferred many requests, most of which are implied in the recommendations which are to follow.

Leaving Rincon we rode over the mountains to Temecula, where is an Indian village, and from thence returned to Los Angeles.

On the 1st of August I set out to visit the Coahuila Indians. This tribe is divided into two sections, one under Cobezon as chief, living in

San Gorgonio Pass, and in the desert beyond; the other, under Manual Largo, located principally in the San Jacinto and Coahuila Valleys south of the San Jacinto Mountains. The existence of the first-mentioned section of this tribe has seldom, if ever, been recognized in any official report concerning the Indians of Southern California.

Proceeding by way of San Bernardino, I visited Mr. M. H. Crafts, residing near San Gorgonio Pass, whose letters to the Indian Office in regard to these Indians had been referred to me by the honorable Commissioner. I found Mr. Crafts thoroughly interested in their welfare, and well qualified, through twelve years' acquaintance and friendly intercourse with them, to render me efficient service. He accompanied me in my visit to the desert, where, in our conference with the Indians, I saw in their manifest regard for him how readily their confidence and good-will are awakened by kindly treatment and sympathy.

A messenger was dispatched to summon Cabezon and his captains to meet me at the potrero in the San Gorgonio Pass, on the following Wednesday. Proceeded through the pass as far as Warm Spring Station for the purpose of visiting a rancheria there located, and of ascertaining from actual observation the condition of the desert Indians, returning to the potrero to meet Cabezon according to appointment.

The venerable old man, supposed to be upwards of ninety years of age, arrived about noon of the day designated, as the head of a company of horsemen in single file, heralded by a marshal in uniform, who announced the approach of the chief and captains with much pomp and noise. The company seemed much exhausted from the fatigue of their hot ride through the desert, while the condition of their horses indicated great destitution in the matter of pasturage. Cabezon had the previous day sent an urgent request that meat and flour should be furnished them on their arrival, as they were not able to supply themselves with food at the conference. I could not do otherwise than comply with this request, purchasing the necessary provision of a white settler in the pass. This aged chief is in many respects a remarkable man. He is venerated by all his people, over whom he has long exercised a powerful influence and always in the interest of peace and good-will toward the whites. Even when their rights have been disregarded and their enmity excited, he has withheld them from acts of hostility, persuading them to wait until the Government should come to their aid. Through his influence, also, the tribe has been kept from allying itself with the tribes on the Colorado River for the purpose of making war upon the whites. His efforts seem from the first to have been devoted to the preservation of the peace between the two races.

The mind shudders at the contemplation of what would probably have been the results to the inhabitants of San Bernardino County had Cabezon and his tribe assumed a different attitude. More than this, the whites of that section of California have been largely dependent upon these Indians in the care of their farms, much of the labor in all departments of farm-work being performed by them. Many of the land-owners would have been subject to great inconvenience had not this Indian labor been available. In the mean time the Indians have reaped no permanent advantage from their labors; they have only become demoralized by their contact with the whites.

After resting a while and partaking of some refreshments, Cabezon announced himself ready to proceed with the conference. This took about the same direction as that at Rincon, detailed above.

The Indians dwelt at length upon the encroachments of the whites, depriving them of lands to which they asserted their sole ownership, and driving them back into the desert, where they must soon perish. They were very reluctant to proceed to the consideration of any other questions until they should be assured of the restoration of lands wrested from them, or, at least, of the peaceable retention of what they now occupy. They were very much disposed to eject by force one or two trespassers who were just then annoying them, and were induced to defer such action only on my assuring them that their grievances would be made known at Washington, and that I felt confident the Government would protect them in their rights.

They complained also of being overlooked in the distribution of presents, saying they had received only the merest pittance, while other Indians, who were not more deserving than they, had been liberally supplied. To this I replied by assuring them that the Government would endeavor to prevent any unjust discrimination hereafter, and that in any future distribution of goods among the Indians of Southern California they should receive their proper share.

They requested that schools might be established among them, and expressed a willingness to co-operate with the Government in any effort it should make for their benefit.

In conclusion, Cabezon said he was growing very old, and must soon die, but he wished before he passed away to see his Indians settled upon lands which they could call their own, and where they and their children could live unmolested. At a subsequent interview with Cabezon and a few of his tribe at the residence of Mr. Crafts, the same topics were still further discussed, with the additional request that the Government regard his wish concerning his son, then present, whom he had appointed his successor as chief of the Coahuilas.

The aggregate number of this section of the tribe, as reported by the several captains, is one thousand and eighty, distributed in about twelve rancherias. Most of these rancherias are located in the desert or among the mountains bordering the same, where but limited opportunities for procuring a livelihood are afforded.

At the potrero, however, where the conference was held, there are, I should judge, eight hundred acres of irrigable land. This land has been occupied from time immemorial by these Indians, and has, I was told, been regarded as a kind of retreat for the squaws and the aged of the tribe, whenever they had been driven back from the now more settled portions of San Bernardino County. The potrero has been supposed to be well fortified against American settlers by the situation of their village at its entrance; but within a few months an adventurous white man, coming over the mountain, has taken up his abode in the upper part of their domain, where he constructed a rude dwelling before his presence was known to the villagers. They demanded that he be made to give up to them again their former pasture-grounds, and said they

would have expelled him by force, had they not heard of my coming. They, however, reluctantly consented to wait still longer to enable me to present the facts in the case to the Government at Washington.

We proceeded thence by way of San Bernardino and Riverside, the nearest available route, to visit that portion of the tribe which recognizes Manual Largo as chief, residing principally in the San Jacinto and Coahuila Valleys. I found the Indians of San Jacinto involved in the usual difficulties with the whites. This rancheria is located partly upon a grant, and in close proximity to the principal spring of water in the valley. Bitter disputes have sprung up between the two races, which threatened at one time to result in acts of violence. The whites accuse the Indians of running off and killing their stock. This, I have no doubt, is sometimes done, though by no means to the extent alleged.

The Indians on the other hand accuse the whites of driving them from their lands and of wresting from them their homes, in violation of every principle of justice, protesting their unwillingness to submit longer to such treatment, and their purpose to take matters into their own hands unless the whites desist from their encroachments or the Government protects them in their rights.

Those living in the Coahuila Valley are more isolated and so less subject to annoyance from settlers. They have, however, driven off one or two whites who have attempted to squat upon their lands, and declare their intention to pursue the same course in the future if like attempts are made.

This section of the Coahuila tribe is less peaceably disposed -- more inclined to resort to force in the maintenance of what they believe to be their rights -- than any other Mission Indians. They have, during the past summer, been very much excited by the presence among them of the United States marshal, who came for the purpose of arresting certain parties accused of stealing stock. The state of feeling is such that I deem it very important that adequate measures be taken to preserve the peace and to secure the rights of both parties at the earliest practicable moment.

A conference was held with Manual Largo and his principal captains, in the Coahuila Valley. This conference, in its main features, so clearly resembled those already held, that I deem it unnecessary to give a detailed account of it.

The Indians under Manuel Largo, who was appointed chief by the late Superintendent Whiting, number, as reported by their captains, eight hundred and fifty-seven. They own more stock and are less given to agriculture than their fellow Indians; this is owing, in part, to the fact that much of their land is situated at such an elevation that grain or vegetables cannot be grown because of frost.

Returning to Los Angeles we proceeded thence to San Diego for the purpose of examining into the condition of Indians residing in the southern part of San Diego County. Having heard that there were quite a number in the vicinity of Julian, a mining town situated some seventy miles in the interior, we visited that locality. Julian is a resort to which many Indians flock for

the purpose of procuring liquor, or for purposes still more reprehensible. No Indian village, however, is located there, nor could I learn of more than two or three rancherias along the southern border of the county. It was impracticable to hold any conference with them from their being so much scattered. Their condition very closely resembles that of the other Diegenes above referred to in Mr. Sleigh's report. Quite a number of this tribe are always to be found in the neighborhood of San Diego, and always in a demoralized state. The facilities which towns afford for vicious and debasing indulgences prove to no class more disastrous than to the Indians.

My tour of investigation among the Mission Indians has made me more hopeful than I had anticipated in regard to their future, provided the Government is ready to do what ought to be done for their relief.

In connection with many characteristics which belong to them in common with the rest of their race, they exhibit others more closely allying them to whites, of which efficient use may be made in efforts which the Government shall undertake in their behalf. Their contact with the whites, while in many respects it has wrought harm, has in others operated to their advantage, especially as it will facilitate their future acquisition of the arts of civilized life. While they complain of the manner in which they have been treated by the whites, I discovered very little of the spirit of revenge among them. So far from this, I think no other race would have borne so patiently and with so little effort at retaliation the indignities and wrongs to which they have been subject. They are generally indolent, which, under the circumstances, is not a matter of surprise. I believe, however, they can be persuaded to labor if those inducements are presented to them that are most influential with other men. They are thriftless and wasteful, but there have been, in their case, small encouragements toward the cultivation of better habits. They take little thought of the morrow, satisfied if their present necessities are supplied. This fault, however, can be gradually remedied by establishing among them that individual relation to property which subsists among the whites, and by fostering a desire for its acquisition.

The sanctity of the marital relation is sometimes disregarded by them, but the law of chastity is most frequently violated through the persuasions of corrupt white men, who look upon the Indian as the defenseless victim of their lusts. The evils resulting from this are so serious as to demand the enactment of the most stringent laws tending to the suppression of this vice. Guilty white men should be made to feel severely the consequences of their acts. The infliction of punishment will operate more efficiently than any effort to keep the two races separate.

The worst habit on the whole, in its results, to which they are addicted is intemperance. This works fearful demoralization among them. The law forbidding the sale of liquor to Indians is violated with impunity. Notice has seldom been taken of such violation by those charged with the execution of the laws, partly because there has been no agent to interest himself in the matter, and partly because public sentiment has too often regarded the Indian as lawful prey even for whisky-sellers. Very unsatisfactory results have for the most part followed attempts to secure conviction under the law. The attention of the Government is earnestly called to this subject.

It is probable that some change in the law itself, or in the provisions for its execution, may be made by which it shall be rendered more efficient in the suppression of this evil.

As for other evils incident to their situation, and other faults of character, these, I think, can, in large measure, be gradually remedied by the judicious management and good example of the agent who shall be put in charge of them, and of his subordinates, and especially by bringing them under the wholesome influence of law -- both State and national -- whose protection and restraint will serve to promote order and peace, to check individual license and self-will, and to foster a spirit of subordination and a just regard for each other's rights. I deem it of great importance that these Indians should be treated as standing in the same relation to the laws of the land as white men, and should be taught that violations of law would subject them to punishment by the civil authorities.

THE RELATION OF THE MISSION INDIANS TO THE UNITED STATES GOVERNMENT

The Mission Indians became subject to the jurisdiction of the United States Government in virtue of the treaty of Guadalupe Hidalgo. By its stipulations they were to occupy a relation to this Government analogous to that sustained by them to the government of Mexico, and were to be protected in the enjoyment of the rights appertaining to this relation. I shall not here enter upon the discussion of the question of their citizenship under the Mexican Republic. This question has been recently discussed in a report of the late superintendent, Mr. Whiting, bearing date May 19, 1873, to which attention is herewith called. In this report Mr. Whiting asserts the fact that they were recognized as citizens by the government of Mexico and as entitled to the privilege of voting. In accordance with this view it has been decided by the United States court for the Territory of New Mexico, that the Indians within the territory acquired by the United States from Mexico are, by virtue of the provisions of the eighth article of the treaty of Guadalupe Hidalgo of 1848, citizens of the United States. If this position is well taken it would seem that, on their becoming subject to the jurisdiction of the United States, they could not justly be denied all the special rights of citizenship, or be treated as the Government has been accustomed to treat the wild and uncivilized tribes with whom it has had principally to deal. As a matter of fact, however, they have never been recognized as citizens by our Government, nor as entitled to any rights which a citizen is bound to respect.

They occupy an anomalous position. No treaty has ever been made with them by which they could be recognized as imperium in imperio. They have never assumed a hostile attitude toward the Government or the settlers, requiring the employment of force for their control. They never urged their claims upon the attention of the Government until recently, when it has become evident to them that they will soon be deprived of everything they had thought their own unless the Government interfere to prevent it.

They maintain their tribal relationship and self-government only in a modified form, holding themselves amenable to the laws of the United States and of the State of California. Tribal bonds are becoming gradually weaker, and no distant day it is probably they may be readily persuaded to dissolve this relationship altogether. It would not, in my view, be wise to attempt this dissolution at present. Nor would it be wise to admit them as a whole

to the privileges of the franchise, unless justice requires this -- unless it can be clearly shown that this right was guaranteed by the treaty of Guadalupe Hidalgo. It is very desirable, however, that they should be admitted to all the rights of citizenship as soon as practicable, and that they should as far as possible be encouraged and helped to fit themselves for the intelligent exercise of these rights. There are a few who are already well qualified and ready to become citizens, and who are willing, if necessary to this end, to renounce all tribal jurisdiction.

Three Indians at least have recently made application to be registered as citizens in Los Angeles County. Their petition was refused by the clerk of the county court, acting under the advice of the district attorney, on the sole ground of their being Indians. They then referred the matter, through their attorney, C. N. Wilson, esq., to the United States commissioner at Los Angeles, asking him to take such action in the premises as would fully test their rights in this regard under the Constitution. He refused to have anything to do with the case, further than to transmit the affidavits of the Indians to the district attorney at San Francisco. Here the matter rests for the present, with little prospect that anything in their interest will be done by the officers of justice, to whom they have made appeal. Should this claim continue to be disregarded, the attention of the Government will again be called to their case, in the hope that some provision will be made, if not already existing, by which they, and such as they, can readily secure their recognition as citizens of the United States.

I deem it important that whatever hinders this should, so far as possible, be removed, and that in the management of these Indians the Government should always keep in view their incorporation with the body-politic at the earliest practicable moment.

THE RELATION OF THE MISSION INDIANS TO THE LANDS

It will be observed one claim which these Indians urge with much feeling is their right and title to the lands upon which they and their fathers have lived from time immemorial. They assert their former ownership of all this country, and say that no purchase of any portion of it by white men has ever been made. Much of it, however, has been forcibly taken from them without their consent. They ask that this be no longer permitted, and that the Government secure them in the possession of the few acres now occupied by them.

However valid this claim might have been under the Spanish government, and with whatever show of justice it may now be urged, it has, I take it, no real validity in law as applied to lands in general. Since the acquisition of this territory the United States have never acknowledged any Indian title to the land. With other tribes treaties have been entered into, with a view to the extinguishment of their title, involving often large expenditures of the public money. As regards these Indians, however, a committee of the United States Senate, to whom the matter was referred, reported that no such treaty was necessary; "that the United States, acquiring possession of the territory from Mexico, succeeded to its rights in the soil; and as that government regarded itself as the absolute and unqualified owner of it, and held that the Indian had no usufructuary or other rights therein which were to be in any

manner respected, they, the United States, were under no obligations to treat with the Indians occupying the same for the extinguishment of their title."

In accordance with this view, the assumed Indian title has always been disregarded by the land-officers of the Government in this district and by settlers. As expressed by the present register of the land-office, the location of an Indian family or families on land upon which a white man desires to settle is, in law, no more a bar to such settlement than would be the presence of a stray sheep or cow. And so, like sheep or cattle, they have been too often driven from their homes and their cultivated fields, the Government, through its officers, refusing to hear their protests, as though in equity as well as in law they had no rights in the least deserving consideration. Such, however, having been, and still being, the theory and practice of the Government, I cannot think it possible that it will now turn a deaf ear to the complaints and to the petitions of these Indians. Every consideration of justice and humanity, and a regard for their continued peace and good will, unite to urge the Government to make immediate provision for the few that remain of these once populous tribes, to secure them in the enjoyment of their rights and in the possession of homes which they can truly call their own.

The question of the equitable title of the Mission Indians to lands in California is discussed in the report of Superintendent Whiting, above alluded to, to which attention is again called.

The policy of the Spanish, and subsequently of the Mexican government, was to intrust the care of the Indians to the priests of the Catholic Church. These priests were authorized to establish missions wherever required, and to gather the Indians of the vicinity into communities about the missions. Lands to the amount of from four to eleven leagues were assigned for the use of each mission. The success which attended the efforts of these missionaries is attested by the interesting, and in some cases remarkable, ruins of the mission buildings erected by the Indians under their supervision, by the degree of civilization to which the Indians were raised through their influence and instruction, by the fact that at some of these missions as many as five thousand Indians were gathered; that upon the lands of the mission as many as seventy-five thousand head of cattle were kept, besides large flocks of sheep and other stock, while corn and other articles of food were grown sufficient for their support.

I am led to believe that it was the design of the Spanish government to erect these missions into pueblos, and to distribute the lands among the Indians, giving to each family a certain number of acres as soon as they were sufficiently civilized to warrant such a step. This distribution of lands, however, was never made under the Spanish rule, and, so far as I am informed, in only one instance under the Mexican rule. I refer to the mission lands of San Juan Capistrano, which, according to documents now in the archives at San Francisco, were so distributed by order of the Mexican government. Upon some of these lands Indian families are still living, claiming possession, and justly, I think, in virtue of this action.

A large portion of these mission lands is now included in grants claimed to have been made previous to the cession of this country to the United States. Nearly all the rest has been taken up under the pre-emption and homestead laws, so that of the many leagues once set apart for the special benefit of these Indians, and designed as their perpetual possession, not one now remains to them.

Many Indians are at present living upon grants which have been confirmed by the United States. Whether they are entitled to remain there and to enjoy the use of the land, or are to be regarded as trespassers, is a question which must soon be decided.

I have been frequently told that whenever grants were made under the Mexican government the right of any Indians then located upon the grant to a continual residence thereon was reserved, and the grantee was forbidden to eject or disturb them. I have not been able to verify this assertion. The Indians have assumed its correctness, and many of the grant owners have hitherto seemed to acquiesce; at least they have suffered the Indians to remain and enjoy the use often of the best portion of the grant, that, namely, whose proximity to streams or springs of water makes it available for agricultural purposes. The time will soon come, however, when they will demand, and, I think on general principles, with justice, the removal of these Indians. But, irrespective of such demand, the interest of the Indians will, in my view, be best promoted by removing them from grant-lands at the earliest practicable moment, and settling them upon lands to which the Government can give them title, and where all improvements shall redound to their own and their children's benefit.

MEASURES OF RELIEF DISCUSSED

In view of these facts to which attention has now been called; in view especially of the peaceable and friendly attitude which they have always maintained toward the Government; of the general indifference with which their interests have been hitherto regarded by the Government; of the supposed injustice and wrong of which they believe themselves to be the subjects; of their helplessness in the presence of an increasing immigration, which, with the sanction of the law, is driving them from their homes, and seizing, without remuneration, upon possessions which they claim as their own; of the extremity to which they are reduced, now that nearly all the land available for their use has been taken up, an appeal is made to the Government that it will at length interpose its offices in their behalf, and take such action as will secure them in the undisturbed enjoyment of their rights and in the possession of homes which settlers shall not be permitted to take from them. When this appeal is made to an administration which has signalized itself by the just and humane policy it has adopted toward the Indians, I cannot think that it will be in vain. If other arguments or voices are needed to induce action on the part of the Government in this matter, I would refer to the reports of former agents who have had to do with the Mission Indians, nearly all of whom have earnestly recommended that provision should be made for them without needless delay.

What can be done?

Many suggestions have been made looking to a solution of this perplexing question. Some urge the policy of declaring them citizens, and then letting them take their chances with white men in securing lands under the homestead act. To say nothing, however, of their general want of qualification for citizenship, nor of the improbability of their soon attempting to avail themselves of the provisions of this act, there is little or no land in Southern California from which they could gain a livelihood upon to them. Almost all the land fit for agricultural purposes has been taken up by settlers, or is claimed under Mexican grants. The case would probably be very idfferent were all spurious grant-claims disallowed, and the boundaries of all genuine claims accurately defined, and the owners compelled to observe these limits. The Government would undoubtedly then find itself to be the possessor of many thousands of acres now claimed by private parties. There might then be good land enough for the Indians and to spare. There is not now. And to adopt the policy suggested would be only prejudicial to the Indians' true interests.

Some advise that they be let alone, and left as heretofore to take care of themselves, a policy which has already borne poisonous fruit, and which would result in the still greater demoralization of both Indians and whites, to say nothing of the bitter and hostile feelings which such a course would engender among the former. It is not improbable that even the Mission Indians might then be provoked to acts of hostility, insane as such conduct might appear to us.

Others recommend that they be removed to a distance from their present location, and be established on a reservation to be set apart for them either in Arizona or in some part of California remote from white settlements, where there will be least liability of trouble between them and settlers. This course is advised by the press of San Diego, and would without doubt be satisfactory to a large portion of the white population of San Diego County. The arguments advanced in its support are chiefly to the effect that the area of agricultural lands in San Diego County is so limited that it ought all to be reserved for white men; that the presence of the Indian operates, and will continue to operate, as a hinderance to the development of the resources of the country, and that only increasing demoralization can be expected from the continued contact of the Indians with the whites.

This would certainly be a simple solution of the problem if it were practicable and just, neither of which can I think it to be.

The recommendation does not contemplate, except in a most indirect way, the welfare of the Indian. It ignores all rights he may be supposed to have in the land he now occupies, and disregards any preference he may cherish in regard to his future location. It is suggested simply by a desire that that section of country may be rid of a population regarded by many as an obstacle in the way of their own prosperity, requiring for their support some portion of the good land whose possession is coveted for white settlers. It would, if undertaken, be a purely arbitrary measure, and could only be executed by force, as the Indians would not voluntarily relinquish their present homes to be transferred to some distant and unknown region.

Nor am I disposed to think that their being permitted to remain in the country and to occupy arable lands will retard agricultural development. On the contrary, I believe that if subject to judicious oversight and direction, and made secure in the possession of lands, such lands would soon yield under their management as large returns as would result if they were in the hands of white men. I see no reason to doubt but that in a few years many of them would become skillful farmers, whose peaceful labors would tend to increase from year to year the aggregate wealth of the community. But even if this were altogether doubtful, I think the dictates of justice and wisdom would forbid the approval of the plan above suggested on the part of the Government.

MEASURES OF RELIEF RECOMMENDED

It remains for me to indicate the measures that commend themselves to my judgment as most judicious in the premises.

I recommend --

In regard to the San Luis Rey Indians -- That, wherever they are now found located upon Government lands, such lands be set aside for their use, to the amount of not exceeding forty acres to every head of a family and to every unmarried adult male Indian; that for such of the tribe as are now settled upon land owned by private parties, the unappropriated land in Pala and the adjacent township 9 south, ranges 1 and 2 west, San Bernardino meridian, be reserved to be distributed in portions not to exceed forty acres to each head of a family and to each unmarried adult male Indian. The undivided portion to be held in common for purposes of pasturage. These townships formed a part of the reservation set apart for the Mission Indians in A.D. 1870, but subsequently restored to the public domain.

Pala is the site of one of the old Catholic mission churches, and a place to which many of the Indians are still attached. Some of the best lands of these townships have been taken by settlers, but there remains enough, I think, to provide adequately for such of the tribe as are not otherwise provided for. There is water in the San Luis Rey River, which flows through the valley, sufficient for purposes of irrigation if the Indians be properly located and the water equitably distributed. Considerable expense will attend such distribution, as the water must be conducted long distances in ditches in order to be available for any large extent of territory. The land, however, cannot otherwise be made productive, and I think the result will justify all necessary expenditure.

The Indians who own lands in their own rights should be strongly urged to retain them in their position and to transmit them to posterity.

Concerning the question of the chieftainship of this tribe above referred to, I recommend that a new election be allowed, as the large majority desire, to be held at such time as the agent deems best, with the distinct understanding that if any portion of the tribe should object to being put under the chief then elected, they would be held as exempt from his jurisdiction on the condition of their renouncing their tribal relation and registering themselves as citizens of the United States.

I advise this course the more readily from a persuasion that if any avail themselves of this provision it will be a few of the more intelligent of the tribe.

In regard to the Diegenes -- I recommend that townships 12 south, range 1 north and 1 east, and 13 south, range 1 north and 1 east, San Bernardino meridan, be set aside as a reservation for their use. This will involve an expenditure of several thousand dollars in the purchase of improvements made by settlers, which improvements, however, would then redound to the benefit of the Indians.

These townships constituted a part of the reservation above alluded to, and include lands by far the most available in San Diego County for the purposes in view. I regard it as most unfortunate that the order designating Pala and San Pasqual as an Indian reservation was ever revoked, and am convinced that this steep would never have been taken had not utterly false representations been made to the authorities in Washington.

The expense and difficulty of satisfactorily settling this Mission Indian question have, in my judgment, been very much increased by such action.

If it be deemed inexpedient by the Department to purchase the improvements referred to above, I then suggest that the lands of these townships, not already taken up, be withdrawn from sale and reserved for these Indians.

The only alternative provision that presents itself to my mind is the purchase of some private grant. This would be attended with large expense, and in my view no grant-lands can be found which will meet the requirements of the case as fully as the San Pasqual Valley, included in the townships above mentioned. For further testimony concerning Pala and San Pasqual, I would respectfully refer to reports as follows, viz: Special report of B. C. Whiting, superintendent for California, under date of December 6, 1867, and special report of General J. B. McIntosh, superintendent for California, under date of August 25, 1869.

For the Coahuila Indians -- I recommend the purchase of from five thousand to ten thousand acres of land in San Bernardino County, upon which the now scattered members of the tribe shall be located. Available land can, I think, be found near the base of the San Bernardino Mountains, which can be secured at a not unreasonable rate. Should this be regarded as impracticable, I then recommend that the Government lands upon which these Indians are now living be reserved for their use, viz, the Coahuila Valley, in San Diego County; the potrero, near San Gorgonio Pass, San Bernardino County, and such other smaller portions of land as they now occupy and cultivate, and that such of the tribe as are now settled upon lands owned by private parties be removed to said reserved lands. If this course be adopted all white settlers upon these lands should at once be required to vacate them.

The chief objections to this policy are, first, that it will leave the tribe very much scattered, and greatly hinder the cultivation of such knowledge and habits as will tend to render them intelligent and useful citizens of the republic; and, secondly, the fact that the Coahuila Valley is not

available for agricultural purposes, being subject to frost every month of the year, and that the lands bordering the desert beyond the San Gorgonio Pass afford but an insufficient and precarious subsistence.

In regard to the settlement of Indians upon reserved lands, I think it very important that, while the grazing lands may be held in common, the agricultural lands should be distributed in clearly-defined portions among the individual families of the tribe, and that each family should be held responsible for the cultivation of its assigned portions. I suggest furthermore that each family be assured of the possession of all the proceeds of the lands thus cultivated, and the ultimate possession in fee-simple of the land itself, provided they continue to reside upon and to improve it for the space of twelve years.

It is for many reasons very desirable to break up the communistic customs which have prevailed among them, and to cultivate, as far as possible, a sense and pride of ownership and an ambition for the accumulation of property.

The Government should give the Indians clearly to understand that they must support themselves after such provision shall have been made for them as their present necessities require. I see no reason for thinking that they will not do this if they shall be made secure in the possession of land, and shall be put under judicious supervision. I should decidedly oppose the issuing of rations, or any other action which would lead them to suppose that they would be taken care of without effort on their part, but should encourage the idea that they would fare best who were most industrious. The Indians assert their willingness to labor, and say they neither intend nor wish to be a burden to the Government.

I feel confident that, if the opportunities above suggested are afforded them, they will themselves soon defray all the expenses of the agency charged with their care. More than this, I cherish the hope that they will at no distant day become prosperous and independent agricultural communities.

Some may think it would be better to locate all the Mission Indians on a single reservation, and for many reasons this would be preferable. The great difficulty, however, in finding a sufficiently large tract of land suited for the purposes of a reservation is a very serious obstacle to such a course. This difficulty arises not from any lack of unoccupied land, of which there are large areas in Southern California, but from lack of well-watered land. Water is an absolutely indispensable requisite for an Indian settlement, large or small. It would be worse than folly to attempt to locate them on land destitute of water, and that in sufficient quantity for the purposes of irrigation, if crops cannot be grown without irrigation. Moreover, I think their progress toward civilization and citizenship will be best promoted by the tribes being separately located, while the expense incurred will not be largely increased thereby.

In the plan above suggested another difficulty is obviated, viz, that of persuading the Indians to remove to a distance from the places they now occupy. They prefer, as is natural, to be left where they are, and will doubtless object in some instances to moving to any reservation. I think, however, there will, for the most part, be a readiness to comply with the wishes of the Government, if it shall be seen that the Government is disposed to regard their wishes in locating them as near as possible to the places to which from association they are attached, and also in keeping the tribes distinct from each other.

Should it be found practicable thus to locate these Indians, I would earnestly recommend that schools be established among them as soon as possible, regarding it as very much to be desired that the children should learn to speak the English language, and be taught at least the rudiments of education. It was one of their special requests that this should be done, showing some appreciation of the advantages which education gives, and of the changed circumstances under which their children are to live.

I further recommend that for the supply of their present wants there be provided --

For the San Luis Rey Indians:

150 blankets	1,000 yards of calico	10 plows
100 suits of clothes	1,000 yards of muslin	10 sets of plow-
100 hats	500 yrads of jean	harnesses
100 pairs of shoes	250 yards of flannel	50 hoes
100 pairs of socks	250 handerchiefs	10 spades
		20 shovels

For the Digenes:

150 blankets	1,000 yards of calico	10 plows
100 suits of clothes	1,000 yards of muslin	10 sets of plow-
100 hats	500 yards of jean	harnesses
100 pairs of shoes	250 yards of flannel	10 spades
100 pairs of socks	250 handkerchiefs	50 hoes
		20 shovels