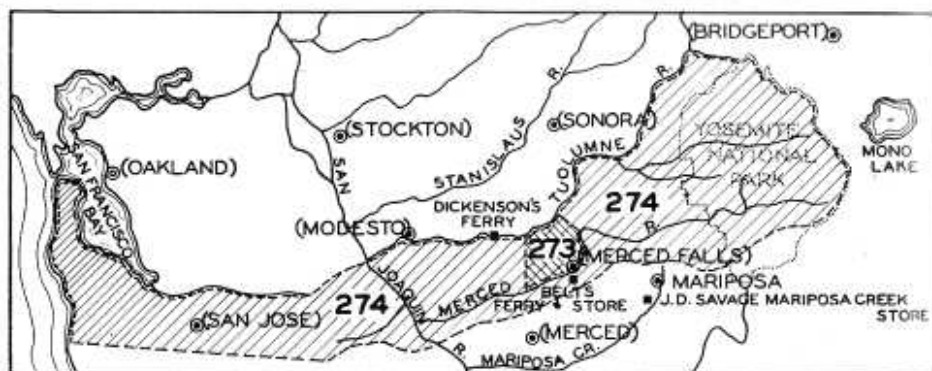


Yosemite Nature Notes



Figure 1. The Camp Fremont Treaty, Mariposa Creek. March 19, 1851 (Chart based on map, "California I," 18th Annual Report, Bureau American Ethnology, Part 2, 1899).



This treaty was signed on the same day that the Mariposa Battalion set out upon the expedition which resulted in the discovery of Yosemite Valley. By its terms six tribes gave up lands which extended from the coast eastward to the crest of the Sierra (No. 274 of chart). In the region of the present Yosemite National Park the Merced drainage basin constituted the southern limits of the ceded lands and the Tuolumne River system formed the northern boundary. A "reservation" to be occupied by these tribes was designated on lands north and northeast of the present city of Merced which included the sites of the present towns of Snelling and Merced Falls (No. 273 of chart). George Belt, as Belt and Company, obtained exclusive rights to trade with the tribes involved in this treaty. Two of the tribes or bands, the Si-yan-te and the Po-to-yan-ti, established their rancheria in the vicinity of Belt's place of business near the present-day Merced Falls. The others, the Co-co-noon, A-pang-as-se, Ap-la-che, and A-wal-a-che, set themselves up on the Tuolumne River at a locality above Dickenson's Ferry where a second Belt and Co. store was operated by William J. Howard, a partner in the company. One of the few literary treasures which stem from the brief trading post era in California history is the book, *Sam Ward in the Gold Rush*, Stanford University Press, 1949. Ward, an employee of Belt and Co., spent 2 years among the Po-to-yan-ti as storekeeper and trader. His account of his experiences on the "Mercedes Indian Reservation" provides a very wonderful link with the past.

The Camp Fremont treaty was never ratified and the "Mercedes Reservation" was of short duration. Under authority granted by the Indian agent, Belt and Co. contracted to supply the beef and flour allowed by the Camp Fremont treaty for the years 1851 and 1852. Regarding this business Sam Ward wrote: "Uncle Sam, though good for what he puts his name to, is as dilatory and scrutinizing of all bills not yet accepted as the veriest Bohemian that ever questioned the items or postponed the payment of a tailor's account. In our case, the supplies were honestly furnished, the accounts made out with scrupulous exactitude by that most prudish, squeamish, and methodical of honest book-keepers, Judge Stakes, whilom of San Antonio, Texas, and since of Stockton, California; they were all certified by Col. Adam Johnston, the Indian sub-agent referred to, and yet at this day [Ward's articles first appeared in *Porter's Spirit of the Times*, New York, 1861] all the efforts of the parties interested have only reached the threshold of that throne of mercy but not of grace, the Court of Claims." Carvel Collins, editor of the Sam Ward articles, 1949, explains that the amount due Belt and Co. with \$7,828 and that the company's claim was rejected by the Court of Claims in 1859. After 27 years of legal struggle (1879) Belt's widow collected the amount due.

It is understandable that the cumbersome machinery set up by the U. S. Government for the purpose of meeting the Indian problem in California should have deterred honest men from attempting to solve the problem. Even competent employees of the Government became disgusted with the prescribed procedure and attempted short cuts to favor their Indian wards. Carvel Collins observes (p. 54): "Because of the plight of the Indians on their nearly sterile reservations, Johnston supplied them with more beef and flour than the treaties stipulated. His action in thus increasing the Indians' subsistence—as well as his arranging, without authority, for the vaccination of those under his care—received the complete approval of the acting Indian commissioner in Washington. But Congress did not appropriate money to pay the debts. Johnston was discharged early in 1852."

Cover Photo: Merced Lake, Yosemite National Park. By Ansel Adams from "Yosemite and the Sierra Nevada," text by John Muir, 64 photographs by Ansel Adams. Reproduction by kind permission of Houghton Mifflin Company.

Yosemite Nature Notes

THE MONTHLY PUBLICATION OF
THE YOSEMITE NATURALIST DIVISION AND
THE YOSEMITE NATURAL HISTORY ASSOCIATION, INC.

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NO. 7

THE GEOGRAPHY OF THE MARIPOSA INDIAN WAR

(No. 4)

By Carl P. Russell, Park Superintendent

VI. Politics in Early California Indian Affairs

As was indicated in the preceding installment of the present series of articles military action was not sufficient unto itself in bringing to a close the strife between white settlers and the natives of the Sierra Nevada. The weaker or more tractable tribes were sufficiently impressed by show of military force and by the bloody punishment meted out by volunteers and the Regular Army to cause them to bow to the demands of treaty makers. Finally even the hostile and spunky Chow-chillas and Chook-chances were induced to treat as described in the paragraphs which follow. Only the Yosemite Indians held to their grim determination to avoid the desert of the white man. Inevitably it was demonstrated that only the Yosemite Indians had the right idea; practically all of the tribes and bands who rested their faith in treaties were "taken in" by politicians and schemers. The treaties were never ratified and the U. S. Government did not make good on the promises sworn to by its agents. Public opinion and the ballot swept conscientious men out of office, and murder of both Indians and white men who be-

lieved that a sane procedure had been devised by the treaty makers was a fairly usual action if the polls failed to clear opposition from the path of the states'-righters.

The first treaty to be negotiated in the Yosemite region was the document of March 19, 1851, signed at Camp Fremont near the Little Mariposa River, and already referred to in the first installment of this series (*Yosemite Nature Notes*, March 1951, p. 25). The Si-yan-te, Po-to-yan-ti, Co-co-noon, A-pang-as-se, Ap-la-che, and A-wal-a-che were unwilling signers of this instrument. By the terms of the treaty these Indians gave up lands which extended from the Pacific to the crest of the Sierra. This territory was bounded on the north by the Tuolumne River and on the south by the Merced. Yosemite Valley and the northern part of the present Yosemite National Park were included and, of course, the Yosemite Indians were affected. It was intended that the Yosemite Indians like their neighbors should "cede claim to all other country" and for ever after reside upon the designated reservation just north and northeast of the present city of Merced.

The lands involved in this transaction are shown in the accompanying chart, figure 1. Roughly, the "ceded" territory referred to is the Central Miwok home-lands recognized by Kroeber in his *Handbook of the Indians of California*, Washington, 1925, plus a strip of his Northern Valley Yokuts lands and a portion of the Costanoan south of San Francisco Bay. Of the six tribes or bands identified by the treaty makers one hundred years ago only the Co-co-noon is mentioned by Kroeber. These Indians are classed by him as Yokuts. Recent ethnologists have not attempted to reconcile the classification of the treaty makers with the findings of present-day scholars and generally the history of the early treaties in California has been avoided in published works.

On the same day (March 19, 1851) that this first treaty was signed, Maj. J. D. Savage and two companies of the Mariposa Battalion set out to find Yosemite Valley and the uncooperative Yosemite Indians. This expedition has been described in the first installment (*Yosemite Nature Notes*, March 1951, pp. 26-28), and the subsequent forays against the Yosemitees were covered in the second and third installments (*Yosemite Nature Notes*, April 1951, pp. 33-35; June 1951, pp. 53-56). It will suffice to state here that the Yosemite Indians were expected and sought for in connection with subsequent treaties, but the wily Chief Tenaya never became a party to any of the so-called agreements.

On April 29, 1851, the Indian commissioners with the help of J. D. Savage and his followers succeeded in assembling chiefs and other representatives of 16 tribes or bands at Camp Barbour, on the site of which Fort Miller was built very soon after the conclave broke up. The bands

involved were: the How-ech-ee, Chook-chan-ce, Chow-chil-lee, Po-ho-nee-chee, and Nook-choo (all placed for the convenience of the treaty makers under the chief, Nai-yak-qua); Pit-cat-chee, Cas-son, Toom-na, Tallin-chee, and Pos-ke-sa (all under the chief, Tom-quit); and Wa-cha-et, Ita-chee, Cho-e-nem-nee, Cho-ki-men-a, We-mai-che, and No-to-no-to (all under the chief, Pas-qua). Some of the details of this treaty are given in the preceding installment (*Yosemite Nature Notes*, June 1951, p. 54). The lands involved are indicated in the accompanying chart, figure 2, Nos. 279 and 275.

By this time the treaty makers had decided that the Yosemite Indians were logically a unit within this assemblage of bands and they wrote into the treaty: "When the 'Yosem-ite' Tribe come in they shall in like manner, be associated with the Tribes or Bands, under the authority or control of 'Nai-yak-qua.'" In other words the Yosemitees were to be grouped with their nearest and most intimate neighbors — Po-ho-nee-chee and Nook-choo, both Miwok, and Chook-chan-ce and Chow-chil-lee, Yokuts—a grouping which seems natural enough, but the circumstance of "under the authority or control of Nai-yak-qua" probably made no strong appeal to the proud Tenaya. Nai-yak-qua however friendly to the whites had not won for himself high place among the Indians.

An impressive list of properties and supplies to be provided by the Government was stipulated in the treaty. Five hundred head of beef cattle, averaging 500 pounds each, and 260 sacks of flour were to be divided among the Indians by the agent during each of the years 1851 and 1852. After ratification of the treaty each man and boy in the

tribes was to get two pairs of strong pantaloons and two red flannel shirts. Each woman and girl was to receive one linsey gown. The promised supplies included 3,000 yards of calico and of brown sheeting, 30 pounds of Scotch thread, 6 dozen pairs of assorted scissors, 1 gross of thimbles, assorted needles, one 2½-point blanket for each man and woman over 15, 3,000 pound of iron, and 500 pounds of steel.

During the first year livestock and agricultural equipment was to consist of 75 brood mares, 3 stallions, 150 milch cows, 3 bulls, 12 yoke of work cattle with yokes and chains, 12 work mules or horses, 30 plows (10 large, 20 small), 30 sets of harness for plow horses or mules, seed of all proper kinds for planting, 100 chopping axes, 100 hatchets, 30 mattocks or picks, 300 garden or corn hoes, 100 spades, 15 grindstones, and 3 U. S. flags (one for each principal chief).

One farmer and two assistants, one carpenter, one blacksmith, and three principal school teachers with assistants were to be employed by the Government. Schoolhouses, shops, and dwellings were to be erected as needed.

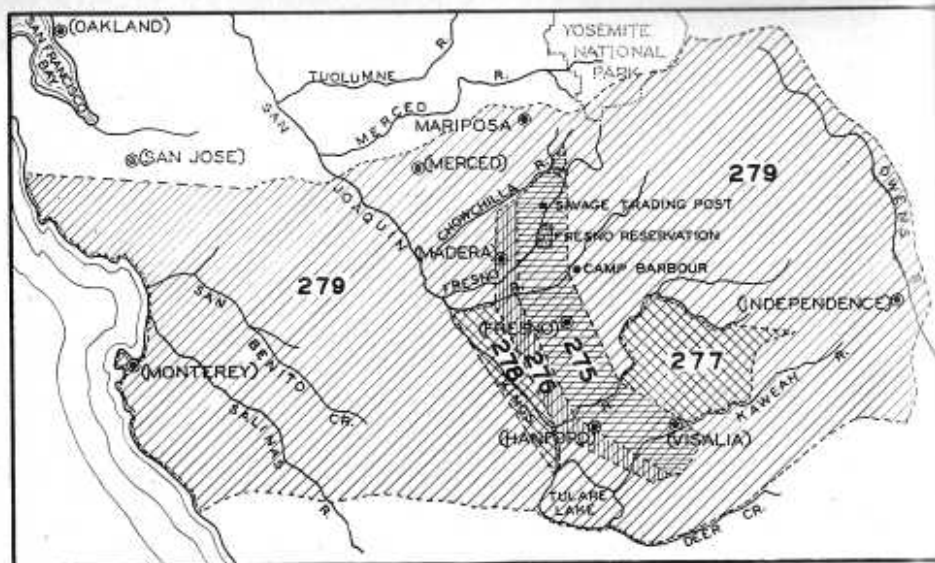
In return for this promised introduction into the ways of the white man, 56 Indian leaders bound themselves to refrain from hostilities and agreed to take no private revenge upon Indian or white man; the white agent was to adjust all personal difficulties. "If there be violence civil authorities will try cases." The tribes jointly and severally quitclaimed all rights to land or soil, other than the designated reservation.

To this agreement Redick McKee, G. W. Barbour, and O. M. Wozencraft affixed their signatures as representing the U. S. Government. The document was "Signed, Sealed and delivered" in the presence of nine white witnesses who also signed: John McKee, secretary; John Hamilton, interpreter; Adam Johnston, agent; E. D. Keyes, captain, 3rd Artillery, commanding escort; W. S. King, assistant surgeon, U. S. Army; I. H. Lindrum and H. G. J. Gibson, second lieutenants, 3rd Artillery; N. H. McLean, second lieutenant, 2nd Infantry; and T. H. A. Mars. The signature of J. D. Savage does not appear, but it is well known that in the negotiating of this treaty he functioned in important way as adviser to the commissioners, mediator between the chiefs, interpreter and shaper of policy, as well as military chief in command of the State forces then actively engaged in policing the region.

A third great council was organized at Camp Belt¹ on the Kings River on May 13, 1851. The Indians involved—the Ta-che, Cah-wia, Yokol, Ta-lum-ne, Wic-chum-ne, Hol-cuma, To-e-ne-che, Tu-huc-ma-che, Intim-pe-a-che, and Choi-nuck—claimed parts of the territory already surrendered to the United States under the terms of the Camp Barbour treaty of April 29, area No. 279, described above and shown on the chart, figure 2; however, a separate "reservation," No. 276, was designated as depicted on the same chart. For reasons not explained in known records the We-mal-che and No-to-no-to who participated in and were provided for in the Camp Bar-

¹ Carvel Collins, editor of *Sam Ward in the Gold Rush*, Stanford University Press, 1949, states: "When three United States commissioners arrived to treat with the Indians [on Mariposa Creek, March 19, 1851], George Belt visited them and made such a good impression that they named their next camp after him." Actually, their next camp was Camp Barbour; it was their third camp which received the name, Belt. Its exact location on the Kings River is not revealed in the documents known to the present writer.

Figure 2. The Camp Barbour Treaty, San Joaquin River, April 29, 1851 (Chart based on map "California I," 18th Annual Report, Bureau American Ethnology, Part 2, 1899).



The 16 tribes affected by the Camp Barbour treaty were natives of the territory indicated as No. 279, above. Within this area were the tribes or bands with which the student of Yosemite history is best acquainted: the Chook-chan-ee, Chow-chil-lee, Po-ho-nee-che, and Nook-choo. These Indians, like the Yosemitees, regularly occupied lands in or near the southern portion of the present Yosemite National Park. They are the peoples first thought of when mention is made of the Mariposa Indian War; the Chook-chan-ee and Chow-chil-lee, like the Yosemitees, were doughty fighters and quite determined to keep their independence. Unlike the Yosemitees, however, they capitulated in the matter of agreeing to the terms of this treaty. The treaty in full appears in the first edition (1931) of C. P. Russell's *One Hundred Years in Yosemite*, pp. 176-182.

The "reservation" specified is indicated as No. 275 on the chart above. It has been described in a preceding installment (*Yosemite Nature Notes*, June 1951, pp. 53-56), and it is only necessary to repeat here that the best known portion of it was the comparatively small area on the Fresno River to which the commissioners and the Mariposa Battalion took the more tractable bands in the early spring of 1851. It was commonly referred to as the "Fresno Reservation" and on the "Official Map, the State of California, By an Act of the Legislature, passed March 25, 1853" it appears as the only remnant of the larger reservation. Even this small piece of river-bottom lands was snatched from Indian ownership before many more months passed. Many years afterward these lands became the property of Mr. J. G. Stitt. The area was named the "Adobe Ranch," a designation which is still in use on the name plate over the entrance to the ranch. It is but a few miles downstream from the J. D. Savage trading post site on the Fresno River, a place of business which by Savage's own testimony was established on October 5, 1850 (Russell, 1931, p. 183). Because of the significance of the trading post site in Yosemite history it has received a good deal of attention in connection with the current observance of the Yosemite Centennial. Some enlightening statements regarding geographic relationships and the physical character of the "store" appear in the June 1951 number of the *Historical Bulletin*, Tulare County Historical Society. The plan to make this site more accessible to visitors and to give it status as a county or State park is laudable; there rest the bones of J. D. Savage interred upon the spot where transpired a number of the events which led to the Mariposa Indian War, and there also the postwar business focused in large degree as honest men attempted to thwart the moves of designing individuals who could not tolerate the thought of any bequest to Indians. A further argument for park status is found in the fact that the site and the country which surrounds it are free from ranch developments or other improvements. It is truly a delightful relic of the foothill country as it was when Indians were its claimants. It is possessed of natural beauty, biological interest, and great historical significance.

The Camp Belt Treaty, Kings River, May 13, 1851

The 12 tribes or bands affected by this, the third treaty negotiated in the general vicinity of Yosemite, claimed parts of the large territory, No. 279 above—lands which had already been surrendered by the natives who signed the Camp Barbour treaty. In order that these peoples

four treaty were also included in this Kings River treaty.

Further attention was given to the Indians of the Tuolumne-Stanislous region on May 28, 1851, when the Tou-ol-um-ne, We-chil-la, Su-ca-ah, Co-to-pla-ne-mi, Chap-pah-sim, and A-ge-wom-ne sent delegates to a great council called by the commissioners at Dent's and Vantine's Crossing (Knights Ferry) on the Stanislaus River. The lands taken by the Government on this occasion are shown in the accompanying chart, figure 3, No. 281. The designated "reservation" for these tribes also appears as No. 280. The treaty was duly signed and there is evidence that some of the Indians involved were escorted to the confines of their prescribed new home, but the reservation dropped out of reckoning at a very early date and there is no known history of authorized orders and physical developments, if any.

On May 30, 1851, a treaty of particular significance and interest was negotiated at Camp Keyes on the Kaweah River. The Indians involved

in this cession of lands were the Ko-ya-te, Wo-la-si, Nu-chow-we, Wack-sa-che, Pal-wish-a, Po-ken-welle, and Ya-wil-chi-ne. The lands taken from them are shown on the accompanying chart, figure 2, No. 279, as are the two reservations Nos. 277 and 278, set up to accommodate these seven tribes. It was in connection with the settlement of Indians upon these reservations that the bitter resentment of white settlers came to a head.

Only a very few bona fide white residents were in the Kings River region in 1851, but the superlative agricultural qualities of the locality were known to many of the miners of Mariposa and vicinity. It was the intention of these informed pioneers to establish a new county in the southern part of Mariposa County. In April 1852 the State legislature authorized the creation of the new county — "The southern portion of Mariposa County so cut off, shall be called Tulare County." The same act named James D. Savage, John Boling, M. B. Lewis, and W. W. McMillen as a board of commissioners

might be regularly assigned to a designated home, the elongated reservation No. 276 extending from the Chowchilla River to the Kaweah was set up.

The Ta-che were a Tulare Lake tribe and were once one of the larger Yokuts peoples. The tribal name of the treaty makers are the Kawia or Kaweah of the ethnologists. They gave their tribal name to the Kaweah River and to the foothill town, Kaweah, near Sequoia National Park. The Yo-kol had their principal village on the south side of the Kaweah River near the present town of Exeter. The Hol-cu-ma of the treaty makers were the Holkoma of present-day ethnologists. They were western Monos who resided on the upper reaches of the Kings River system. The A-ta-pe-a-che were in all likelihood a Yokuts band called by Kroeber Indimbich, residents of the present-day Dunlap locality. The Choi-nack or Choinok lived south of the present town of Tulare and below Farmersville. The We-mal-che or Wimalchi lived on the lower Kings River and are remembered because Jedediah Smith encountered them in 1827 and in his journals named one of the rivers of the Sierra the "Wimmelche." The No-to-no-to of the treaty are called by Kroeber the Nutanutu. The present Hanford and Kingsburg localities were their home territory. Other tribes listed in the treaty are not identifiable with tribes or bands under recent nomenclature. History does not record the procedure of the commissioners (if any) in settling these Indians upon their "reservation."

The Camp Keyes Treaty, Kaweah River, May 30, 1851

Seven additional tribes of the southern San Joaquin Valley were affected by the cession of the lands, No. 279 above. They were brought to terms on May 30, 1851, and provided with two reservations, Nos. 277 and 278. Hot resentment of the white settlers on the Kings resulted from this further allotment of lands to Indians and there followed murderous attacks upon some of the Indians who believed in the word of the treaty makers. It was J. D. Savage's renunciation of the bloodthirsty and unprincipled politicians involved in these murders which brought about the fight in which Savage was killed.

to conduct an election for county officers. On July 10, 1852, the election was held and Walter H. Harvey was elected county judge, a position which automatically made him president of a new board of commissioners. Harvey reflected the feeling of many of his neighbors in the matter of lands for Indians. "The government of the United States has no right to select the territory of a sovereign State to establish reservations for the Indians, nor for any other purpose, without the consent of the State." The State legislature of 1851-52 instructed the California Senators and Representatives in the U. S. Congress to use their influence to have the Indians removed beyond the limits of the State.² The influence of the California delegation in Washington was at least sufficient to frustrate the plans of the Indian commissioners and the 1851 treaties made in such earnestness in California were "thrown out the window" in Washington.³

By July 1852 J. D. Savage had no official status in either State or Federal government other than his authority to trade with Indians and a quasi title as subagent for the commissioners. In this business he was active on the Fresno and he had plans for a store on the Kings, where his influence with the natives was quite as potent as it was to the north. Because he had been a party to most of the treaty making described in the preceding pages he seemingly felt constrained to uphold the rights of the Indians as pre-

scribed by the formal agreements signed by the Indian commissioners. To some of his friends among the Indian chiefs he gave written testimonials regarding his knowledge of promises made. To Watoka, chief of the Cho-e-nem-ne, who had treated at Camp Barbour, he had given the following written notice:

GREETINGS: Know all men by these presents, that the holder of this, Watoka, is the chief of the Chonemne tribe, and has treated with the Commissioners for the lands which he now occupies, which said land, he, the said Watoka, is resolved to hold and occupy with his people, apart and alone, entirely free from white men and their settlements. He, the said Watoka, desires me to say that no molestation or hindrance will be given to white men traveling through this country, but that he is determined to prevent all encroachments on his people's land. James D. Savage, Fresno River, June 17, 1852.

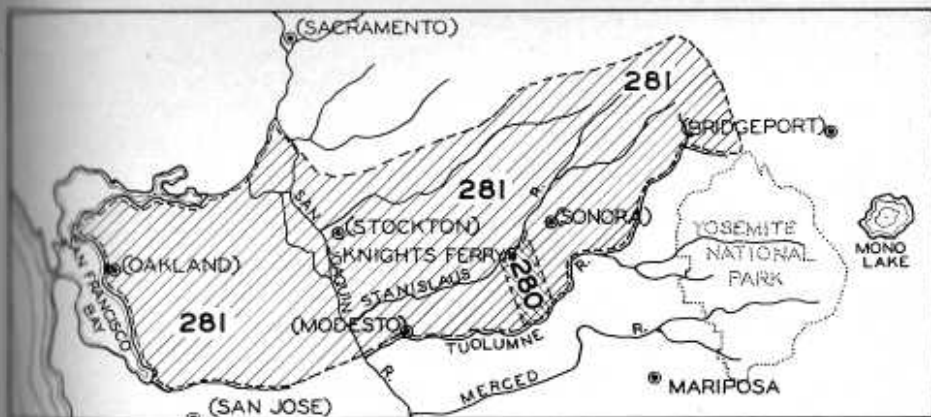
Watoka's band lived on the Kings River within the authorized reservation, No. 275, figure 2. Campbell, Poole, and Co. established ranch headquarters and a ferry a few miles below the Cho-e-nem-ne village, but within the limits of the designated reservation. On July 1, 1852, Watoka and a party of his followers accosted Mr. Edmunds, one of the owners of Campbell, Poole, and Co., at the ferry. Watoka ordered Edmunds to get out of the Indian reservation and handed him a copy of the "greetings" signed by Savage.

Edmunds and Campbell immediately spread the word regarding threats made by the Indians. By July 3 a party of about 20 men headed by Walter H. Harvey was organized for the purpose of proving to Watoka that the Indian com-

2. "There was also a legal barrier to successful treaty-making in California. Neither Spain nor Mexico had recognized the usufructuary right of the Indians to the land. Therefore, it was held that when Mexico ceded the land to the United States, the government obtained an absolute title. There was thus no legal necessity for treaties with the Indians for their land." (*The Role of the Indian in National Expansion*, by John C. Ewers, National Park Service, Washington, D. C., 1938, p. 115.)

3. On March 3, 1853, the Indian Appropriation Bill authorized the President to establish not more than five reservations in California, not to exceed 25,000 acres each.

Figure 3. The Stanislaus River Treaty, Knights Ferry, May 28, 1851 (Chart based on map, "California I," 18th Annual Report, Bureau American Ethnology, Part 2, 1899).



The six tribes affected by this treaty occupied lands which are classified by ethnologists as belonging to Northern and Central Miwok, Northern Valley Yokuts, and Costanoan. However, the tribal names as given by the treaty makers are not to be found in Kroeber's *Handbook of the Indians of California*. Even the Tou-ol-um-ne, one of the six tribes listed—a group which gave its name to prominent California places—receives no treatment.

The place of meeting for treaty purposes was "Dent and Vantine's Crossing" of the Stanislaus River, a settlement which very soon after the conclave became known as Knights Ferry, a place name which persists today. The lands given up by the Indians on this occasion spread from San Francisco Bay to the mountaintops west of Bridgeport Valley and include the rich delta lands of the San Joaquin and Sacramento Rivers—No. 281 on the chart above.

The designated reservation extended from the Stanislaus River on the north to the Tuolumne which formed its southern boundary—No. 280 above. No record has been found regarding developments which may have taken place on the reservation after the commissioners ordered the Indians to occupy their new and restricted range.

Commissioners' promises meant nothing. They traveled to the Cho-e-nem-ne camp and bearded Watoka in his den. It was Harvey's declared intention to escort Watoka and two other "offending" Indians as prisoners back to Campbell, Poole, and Co.'s ranch. The Indians refused to march before their captors and a general fight was precipitated. The Indians in the village had no arms other than bows and arrows, but into the crowd of bucks, squaws, and children the white men poured their fire. White men who participated in the fray stated "there were nine killed and as many more badly wounded. . . . Under any and all circumstances, we hold ourselves in readiness to defend our country and our friends from any foe of whatever kind they may be." (*San Joaquin Republican*, July 24, 1852).

To the writer it seems understandable enough that J. D. Savage should have assumed obligation to uphold the Indian in his defined rights. Savage had become acquainted with the Indians of the Kings-Tulare region while serving with them in Fremont's battalion in 1846-47, and his contacts with them in succeeding years had been constant, albeit sometimes as military foe. Yet, evidences now available would indicate that there was always a sincerity of purpose in what was done by Savage, and that although he had a business interest in Indian affairs he was honest in his endeavor to bring about an understanding between white men and Indians which would make for good of country. His reaction to the news of the murderous attack upon Watoka's village was quick and sharp. He de-

nounced the action taken by Harvey and his followers and spearheaded the opposition to the Indian-hating faction in the two counties, Mariposa and Tulare. The outcome of the election already mentioned would indicate that Harvey had a greater following among the settlers than did Savage, yet it is a matter of record that Savage went about among the Indian villages and used his best offices in quieting the uprising which threatened because of the attack upon the Cho-e-nem-nes.

In August 1852 Savage was requested by the U. S. Indian commissioners to attend the grand council which had been scheduled for the tribes of the Kings-Kaweah region. En route from his Fresno store Savage crossed the Kings at the Campbell, Poole, and Co. ferry on August 16. He stopped at the public house for breakfast and encountered Harvey. In the fight which ensued Savage dropped his revolver but with his fists knocked Harvey to the floor, twice. "They were again separated by gentlemen present. As Harvey straightened himself onto his feet, he presented a six-shooter and shot Major Savage through the heart. Savage fell without saying anything. It was supposed that Harvey shot him twice after he was dead, every ball taking effect in his heart." (C. P. Russell, *One Hundred Years in Yosemite*, first edition, 1931, p. 42).

It is hardly to be expected that this deed by Judge Harvey brought any punishment upon the killer-magistrate. Harvey appointed one Joel H. Brooks justice of the peace for the sole purpose of investigating his case. "Of course Harvey was acquitted by Brooks—was not even held to answer before the Grand Jury." (W. W. Elliott, *History of Fresno County*, San Francisco, 1881). The trend toward repudiation of the In-

dian treaties progressed and within a few years no Indian of the Yosemite region dared to claim any rights whatever. In 1859 Judge Harvey married Miss Helen Downey, daughter of John Downey who became Governor of California in 1860. On January 25, 1861, Governor Downey appointed Harvey to the position of superintendent of immigration, Port of San Francisco—a position he held until his death in August 1861 (Annie R. Mitchell, *King of the Tulares*, Visalia, 1941, p. 226).

The commissioner of Indian affairs, Washington, D.C., stated in his annual report of 1861: "If ever the secret history of the late disturbances [in California] is written, we have no doubt but nineteen out of every twenty will be found to have had their origin in direct aggression on the part of unprincipled white men, or failure on their part to supply the Indians with beef and flour as the promised reward for their labors." (Mitchell, p. 226). To this the commissioner might have added—"and refusal on the part of the Congress to recognize obligations incurred by the agents of U. S. Government."

The "secret treaties" referred to above have not been secret since the appearance in 1899 of the work, "Indian Land Cessions in the United States," compiled by Charles C. Royce and published in two parts by the Bureau of American Ethnology in its *Eighteenth Annual Report*, 1896-97. The treaties themselves are now readily obtained from the National Archives where the originals are preserved. Microfilm copies of the interesting documents may be examined in the library of the Yosemite Museum. Nevertheless, it is a fact that the sordid story which hovers about these works of the treaty makers has been hushed quite

becomingly. At first it must have demanded determination and the greatest spirit of hard-heartedness on the parts of some of the thoughtful early Californians to ignore this plaint of Pasqual's, top man of the Cho-e-nem-ne and signer of the Camp Barbour treaty (*San Joaquin Republican*, July 21, 1852, quoted by Mitchell, p. 211): "What shall we do? We try to live on the land the Commissioners gave us in friendly relation with the whites, but they kill our women and children, and if we flee to the mountains, then they hunt us and kill us, and we have no peace

on the lands the Commissioners give us, or in the mountains. Where shall we go and what shall we do? When the Commissioners gave us the United States Flag and our papers, they told us that it would protect us, but now the Flag is all stained with our blood, and our papers are all bloody, the whites are rich and strong, and we pray for mercy. Our mountain home has been taken from us, and we live on the lands the Great Father gave us, but how can we live here, and be innocently killed? . . . Intercede and protect us that we may live."



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