

**Amah Mutsun Tribal Band of the
Mission San Juan Bautista
Petition for Federal Recognition**

Exhibit 7

**The Mutsun of San Juan Bautista and
The Indian Signers of the 1851-1852 Treaties**

by

E. Richard Hart

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Immediately after the end of the Mexican War congress established a commission mandated to obtain a cession of aboriginal title from the tribes of California. Between 1851 and 1852 the three commissioners met with 402 Indian leaders and executed a series of eighteen treaties, which came to be known as the Barbour Treaties. Under the terms of these treaties, the Indians ceded aboriginal title to some seventy-five million acres in exchange for eighteen reservations that had a total acreage of 8,518,900 acres, and promises of implements, livestock and clothing.¹

Four of the treaties ceded Mutsun lands and created relatively large reservations to the east of their traditional territory, where Mutsun should have been allowed to settle with support from the government.² However, the California State Legislature, pressured by California miners and settlers, were vehemently opposed to the treaties. California's senators succeeded not only in preventing the

¹Bureau of Indian Affairs. *Indians of California*. Washington, D. C.: Government Printing Office, 1966, pp. 7-8.

Kenny, Robert W. (Attorney General of California) *History and Proposed Settlement: Claims of California Indians*. Sacramento: California State Printing Office, 1944 (facsimile reprint by Coyote Press, n.d.), pp. 2-11.

²Royce, Charles C. *Indian Land Cessions in the United States*. Extract from the *Eighteenth Annual Report of the Bureau of American Ethnology*. Part II. Washington: Government Printing Office, 1899, pp. 780-783 and California 1 map. Royce shows Mutsun territory being ceded under Treaties M, A, B, and N.

Heizer, Robert F. "Treaties," *Handbook of North American Indians*, Volume 8, California; Washington, D. C.: Smithsonian Institution, 1978, pp. 701-704. Heizer concluded that M was with Sierra Nevada tribes.

Kappler, Charles J., *Indian Affairs: Laws and Treaties*, Vol. IV (Laws), Washington, D. C.: Government Printing Office, 1929, pp. 1081-1096, reprints treaties M, A, and N.

Hoopes, Alban W. "The Journal of George W. Barbour, May 1, to October 4, 1851," *Southwestern Historical Quarterly*, Vol. XL, No. 2 (October, 1936), pp. 145-153; and No.3 (January, 1937), pp. 247-261.

Gibbs, George. "Journal of the Expedition of Colonel Redick M'Kee, United States Indian Agent, Through North-Western California. Performed in the Summer and Fall of 1851," in Henry R. Schoolcraft's *Information Respecting the History, Condition and Prospects of the Indian Tribes of the United States...* Philadelphia: Lippincott, Grambo & Company, 1853, pp. 99-177.

Ellison, William H. "The Federal Indian Policy in California, 1846-1860," *The Mississippi Valley Historical Review*, Volume IX, Number 1 (June, 1922), pp. 37-67.

ratification of the treaties, but in having them classified as "confidential" and sealed in the United States Senate's secret archives.³ Eventually, the United States Court of Claims determined that even though these treaties were never ratified, seventy-five million acres of Indian lands, including all of Mutsun territory, were ceded to the United States.⁴

In 1926, anthropologist C. Hart Merriam, who in the early 1900s had conducted field work with a Mutsun elder named Barbara Solórsano, was asked by a congressional committee to identify by tribe the signers of the eighteen treaties. Using his analysis, as well as additional work carried out by Robert Heizer, and secondary sources in the Smithsonian Institution's 1978 *Handbook of North American Indians* California volume, it is possible to identify which tribes were represented in the cession treaties A, B, M and N—the treaties that ceded Mutsun territory.⁵

³Bureau of Indian Affairs. *Indians of California*. Washington, D. C.: Government Printing Office, 1966, p. 9. Kenny, Robert W. (Attorney General of California) *History and Proposed Settlement: Claims of California Indians*. Sacramento: California State Printing Office, 1944 (facsimile reprint by Coyote Press, n.d.), pp. 13-17. Johnson, Kenneth M. *K-344 or the Indians of California vs. The United States*. Los Angeles: Dawson's Book Shop, 1966, pp. 46-59.

Ellison, W. H. "Rejection of California Indian Treaties: A Study in Local Influence on National Policy," *The Grizzly Bear*, May, 1927, pp. 4-5 and 86; June, 1925, pp. 4-5; and July, 1925, pp. 6-7.

⁴Court of Claims of the United States. "No. K-344," Decided October 5, 1942. Records of the United States Court of Claims, General Jurisdiction Files, Box 4116, File K-344, National Archives.

"Indians of California," K344 Claim, map, 1928, RG 123, Box 4115, National Archives. The cession and reservation lines drawn on the court's map are the same as those found in Royce.

Attorney General of the State of California. "Petition." *The Indians of California vs. The United States*. No. K-344. Records of the United States Court of Claims, General Jurisdiction Files, , RG 123, Box 1117, National Archives.

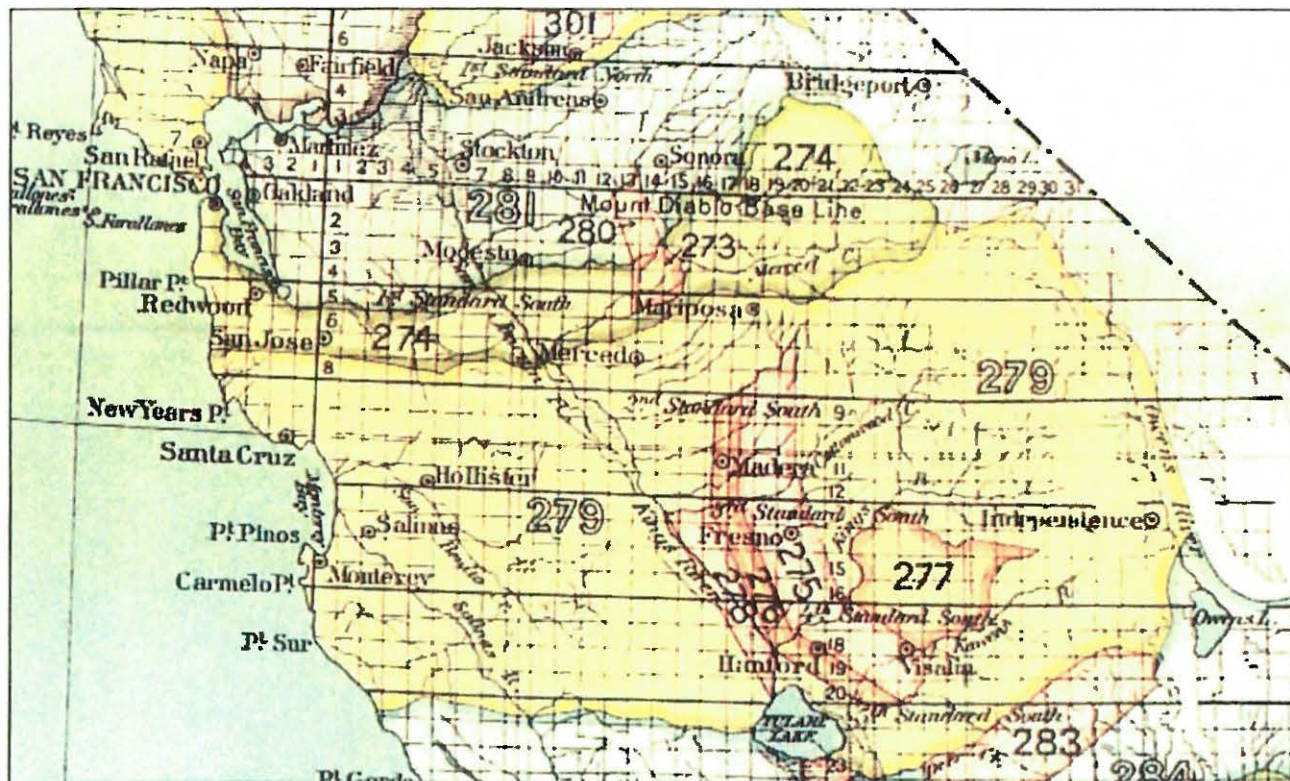
Assistant Secretary of the Interior Chapman to the Attorney General, "No. K-344, The Indians of California vs. The United States. Report of the Interior Department," Records of the United States Court of Claims, General Jurisdiction Files, RG 123, Box 1117, National Archives.

⁵Heizer, Robert F. (ed.) *Handbook of North American Indians*, Volume 8, California; Washington, D. C.: Smithsonian Institution, 1978.

Merriam, C. Hart. Testimony. Indian Tribes of California. Hearing Before a Subcommittee of the committee on Indian Affairs on HR 8063 and HR 9497, May 5, 1926. U.S. Congress. House. 69th Congress, 1st Session, Washington, GPO, 1926.

Merriam, C. Hart. "Analysis of the 'tribal' names appearing in the 18 unratified California treaties of 1851-1852," C. Hart Merriam Papers, Microfilm reel 80, Bancroft Library MSS 80/18 c.

Heizer, Robert. "The Eighteen Unratified Treaties of 1851-1852 between the California Indians and the United States Government," Archaeological Research Facility, Dept. of Anthro., Berkeley, 1972, Manuscript, Bancroft Library.



Royce, Charles C. *Indian Land Cessions in the United States*. Extract from the *Eighteenth Annual Report of the Bureau of American Ethnology*. Part II. Washington: Government Printing Office, 1899. California 1 map. Cession area 279 covered Mutsun territory. Royce said Treaties N, A, and B ceded the land in area 279 and created reservations 275-278. Treaty M ceded area 274, which may have contained a small amount of Mutsun territory and created reservation 273.

Treaty	Tribe(s)	Place
A. May 13, 1851	Taches (Yokuts) Cah-wia (Yokuts) Yo-kol (Yokuts) Ta-lum-ne (Yokuts) Wic-chum-ne (Yokuts) Hol-cu-ma (Monache) To-e-neche (probably Yokuts or Monache) To-huc-mach (probably Yokuts or Monache) In-tim-peach (Monache) Choi-nuck (Yokuts) We-mil-ches (Yokuts) Mo-ton-toes (Yokuts)	Camp Belt
B. May 30, 1851	Ko-ya-tes (Yakuts) Wo-la-si (Yakuts) Nu-chow-we (Western Monache) Wash-sa-che (Monache) Pal-wisha (Monache) Po-ken-welle (Yokuts) Ya-wil-chine (Yokuts)	Camp Keyes
M. March 19, 1851	Si-yan-te (Miwok) Po-to-yun-te (Miwok) Co-co-noon (Yokuts) Apang-as-se (Miwok) Aplache (Yokuts or Miwok) A-wal-a-che (Mewan or Miwok)	Camp Frémont
N. April 29, 1851	How-ech-ees (Yokut) Chook-chances (Yokut) Chow-chil-lies (Yokut) Po-ho-nu-chus (Mewah) Nook-choos (Mewah) Pit-cat-chees (Yokut) Cas-sons (Ko-sho'-o) Toom-nas (Toom-nah, no side of San Juaquin River) Tallin-chees (Yokuts) Pos-kesas (Monache) Tom-quit (by inference Yokuts) Wa-cha-et (Yokuts) Itachees (Yokuts) Cho-e-mem-nees (Yokuts) Cho-ki-men-as (Yokuts) We-mal-ches (Yokuts) No-to-no-tos (Yokuts) Pas-qual (by inference Yokuts)	Camp Barbour on San Joaquin River

Conclusions

It has been determined that none of the signers of the four treaties that ceded Mutsun land were Mutsun Indians. There were at least twenty-eight Yokuts (including Foothill Yokuts), six Miwok, and six Monache signers. There were three others that were either Yokuts, Miwok or Monache. All of these tribes were to the east of the Mutsun.

No Mutsun signed treaties intending to cede their land. There is no evidence to suggest that any Mutsun ever took any action to showing intent to cede Mutsun aboriginal territory.