



Areas to be
ceded by the 18
unratified treaties
of 1851-52

Board of Indian Commissioners annual report,
1920

- 18 treaties with California Indians signed 1851-52
- Fairly typical, incl surrender most land and accept reservations
- Proposed reservations shown on this map - much more land than what they have today
- Senate did not ratify and placed injunction of secrecy
- Treaties not truly secret--Copies used in Senate were secret, but those in Indian Office were open, though largely forgotten

M. P. Westbrook to be postmaster at Benton, in the county of Saline and State of Arkansas.

INDIAN TERRITORY.

William T. Brooks to be postmaster at Broken Arrow, in District 7, Ind. T.

John P. Bradley to be postmaster at Wetumka, in District 13, Ind. T.

ILLINOIS.

Alpheus K. Campbell to be postmaster at Sullivan, in the county of Moultrie and State of Illinois.

MINNESOTA.

John P. Lundin to be postmaster at Stephen, Minn.

TREATIES WITH INDIANS IN CALIFORNIA.

The injunction of secrecy was removed January 18, 1905, from the eighteen treaties with Indian tribes in California, sent to the Senate by President Fillmore June 7, 1852.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 18, 1905.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 16952. An act to authorize the county of Sunflower to construct a bridge across the Sunflower River, Mississippi.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 3168. An act making an appropriation for the improvement of the grounds within the Presidio Military Reservation

very able arguments that have been made in this proceeding, and without assuming to have read the entire record I will give some impressions that I have received concerning the case. The gentleman from New York [Mr. COCKRAN] yesterday very eloquently presented to the House a noble ideal of a judge, an ideal that was as unattainable as it was sublime. If we were to impeach all judges who do not attain to it and impeach them at once, I do not think we should have a single judge upon the bench at the end of the week. I am not sure we want just that sort of judge, because I think it would give us the régime of an intellectual and moral monster, under whom mankind would be crucified, and we would soon long for a judge with some taint of the frailties of poor humanity upon him. I am unable to accept the contention of the gentleman from Pennsylvania, presented in the very full argument in which he introduced the resolution, before the holidays, as to the character of an impeachable offense. The gentleman (and I have since read his speech as reported) said in substance that we either commended Judge Swayne or we did not commend him. If we believed that what he had done was right, we should send him forth with our approbation, but if we did not so believe, then we should send him to the constitutional trier—to the Senate. I do not think, sir, that the process of impeachment is any such light affair. The Constitution gives to this House the power to impeach public officers for treason, felony, and other high crimes and misdemeanors. *Noscitur a sociis*. A crime is known by the company it keeps, and whether the other "high crimes and misdemeanors" must be indictable offenses per se or not, it is evident that the framers of the Constitution, in associating them with treason and felony, contemplated very grave offenses against society. Now, as to the specific charges.

Mr. WILLIAMS of Mississippi. Will the gentleman yield for a question?

Mr. McCALL. I have only seven minutes.

Mr. WILLIAMS of Mississippi. Then it is not reasonable to expect you to yield?

Mr. McCALL. I shall be very glad to submit to the gentleman's question.

Mr. WILLIAMS of Mississippi. No; I would rather not under those circumstances.

-In January 1905 Senate removed injunction of secrecy

-There's no explanation of how or why this was done in pub/unpub Cong records

"The missing treaties resurfaced in the course of a
BIA archival clerk's housekeeping chores in 1904."

-Allogan Slagle, 1991

"...they slumbered down the years, the mythical
'Lost Treaties' with the California Indians, until Bard
exhumed them and caused the injunction of secrecy
to be removed..."

-William Henry Hutchinson, 1965

"...gathering dust in the archives of the government until clerks
working in the secret Senate files found the slumbering treaties.
That was in 1905."

-Footnigh, 1954, quoted by California Department of Parks and Recreation on National Park Service website, 2011

"...placing them in secret files of the Senate. There they remained
until January 18, 1905, when the Senate voted to remove the
injunction of secrecy."

-Omar C. Stewart, 1978

-Secondary sources are likewise lacking--accidental discovery, Sleeping Beauty fairy tale,
most just present it as an event without context

-I'm writing a monograph on CE Kelsey, and I figured he had a hand in the process



San Jose Herald,
circa 24 June 1906

- This is the only published photo I've found; none in archives
- Kelsey advocated for northern Calif Indians in early 1900s
- There were more than 10,000 of them without any reservation or other land, many destitute
- Kelsey was hired as a federal Indian agent in 1906 to buy land for them
- Many of the small Indian rancherias you see around California were bought by him

...anthropologists Alfred Kroeber and Thomas Waterman with the University of California, began negotiations with Mr. Charles Earl Kelsey who was headquartered in San Jose...

-Richard Burrill, 2006

63:345-349, Kelly, Luther S. (Luther Sage), 1849-1928 1900

63:350-361, Kelsey, Clarence Earle, 1882- 1905-1912

63:362-365, Kelsey, Francis Willey, 1858-1927 1912-1913

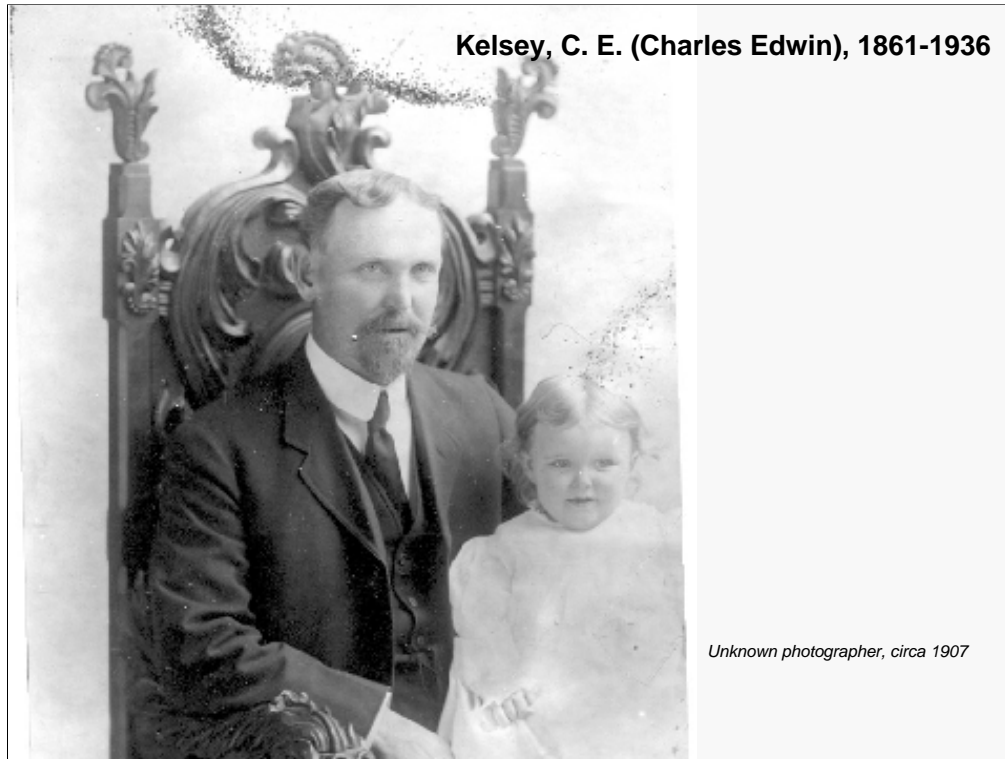
-Online Archive of California, 2011

In September 1911 the Bureau of Indian Affairs sent Special Agent Charles Earl Kelsey to visit Ishi at the Anthropological Museum in San Francisco to make it clear to Ishi that he was free to return to his native country or to remove to a reservation if he so desired. Ishi rejected both options, saying, "I want to stay where I now am. I will grow old here, and die in this house." And, indeed, the remainder of Ishi's life was spent in San Francisco with the Museum as his home. The

-Karl and Clifton Kroeber, 2003

-Kelsey is also largely unknown

-He usually used his initials, so authors and archivists have divined names for him, all of which are wrong



- His real name is Charles Edwin Kelsey
- This is how I'd structure his name for the LC name authorities
- This is the first good quality photo of him to be publicly displayed in more than a century
- This and several other photos are from his granddaughter in NC



Mission at San Fernando

C. E. Kelsey, 1888

- Born in Wisconsin 1861
- Was a telegrapher
- Photographer on one of the California mission tours of artist Henry Chapman Ford



- Chief clerk at the Green Bay Indian Agency in Wisconsin, early 1890s
- Studied law at UWisconsin, late 90s
- Married the daughter of a missionary at the Green Bay Agency



"The Wigwam"

Library, Kelsey home,
Eau Claire, Wisconsin

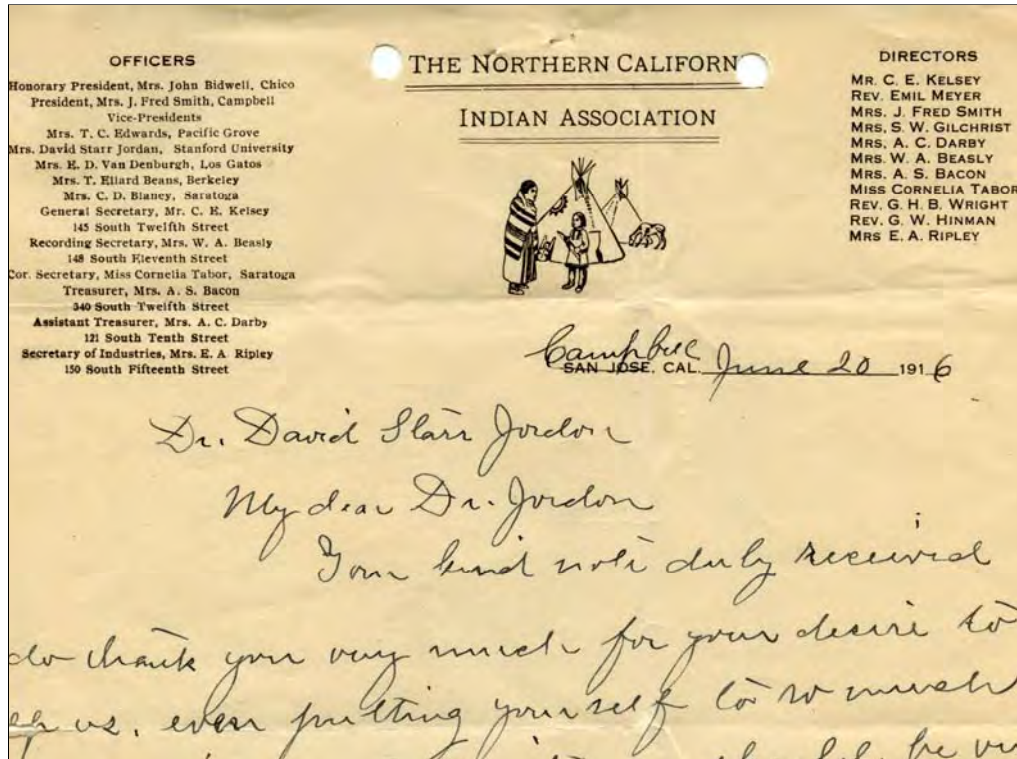
C. E. Kelsey, 1897

- Practiced law in Eau Claire for a few years
- Collected Indian artifacts
- Moved to San Jose in 1901
- Set up law office in Auzerais Bldg on Santa Clara St, attended Trinity Church on No. 2nd St.
- Got involved with the Northern California Indian Association



Cornelia Taber, California and Her Indian Children (San Jose: Northern California Indian Association, 1911)

- The Association wanted to civilize and educate NoCal Indians
- Supported missionaries working with Indians, sold baskets for the basket makers, educated whites about the condition of the Indians thru publications and speakers
- This is a photo from a book they wrote and published



- Nondenominational religious organization founded by middle and upper class women of the San Jose area, 1894
- Members mostly women, also some Protestant ministers
- A way to be politically active when women could not vote
- Founder was from east coast, as was much of the Assoc's funding

CALIFORNIANS NEED AWAKENING ON INDIAN QUESTION
 Conditions Far Worse Today Than Before the Coming of the White Man—Appalling Decrease in Numbers—Sympathy of Christian People Is Withheld.



GROUP OF CALIFORNIA INDIANS AND WORKERS.

SAN JOSE, Cal., Jan. 31.—The Northern California Indian Association is gratified to be able to say that the present efforts for the relief and uplifting of the California Indians are achieving excellent results. The movement is now extending to the entire State; it deals with the Indian case as a whole; it has in it good promise of solving the Indian problem of this commonwealth.

Because of this progress and the opportunity it affords for the stimulation and enlargement of

"two-thirds of these allotments are barren and unfit to live on—land no white man would take. I visited a number of these and am free to say I would not take them as a gift. They are fragments of Government land upon which no man could live."

"The condition of the Indians is far worse today than before the coming of the white man. Then they had plenty of game and acorns on which to live. The white man's hogs are now eating the Indian's bread—the acorn from which he makes mush, bread and other food."

"The appalling decrease in numbers is clearly traceable to their landless condition and the processes of eviction they have been subjected to."

their children; fourth, physicians; fifth, religious instruction."

Dr. Hyning preached on several occasions for these Indians and was told by old men: "We never heard that story before; we wish some one would come and tell us more about it."

"The problem of getting religious instruction to them is a difficult one. They are in such small bands and so widely separated. No one church can solve it. The Northern California Indian Association has evolved what seems to me to be the only feasible plan. Through its efforts the Government has recently made an appropriation of \$100,000 to buy small tracts of land near agricultural districts for them where

San Jose Daily Mercury, 3 February 1908

- Kelsey was the Assoc's general secretary - he probably kept the Assoc's records, and neither its records nor Kelsey's personal papers survived
- So published sources like newspapers are important for research

Wisconsin Alumni Magazine, March 1905

Benjamin Ide Wheeler, LL. D., president
U. C.

San Jose.

E. A. Hayes, '82, Auzerais Bldg., editor
and capitalist and M. C.

J. O. Hayes, law '80, Auzerais Bldg., ed-
itor and capitalist.

C. E. Kelsey, law '06, Auzerais Bdg., law-
yer.

— Rattan, professor Normal School.

W. H. Rogers, '75, Auzerais Bldg., lawyer.

Eden Vale.

Mrs. August Flosbach (Elizabeth S. Spen-
cer). '60.

NEW-YORK DAILY TRIBUNE. F

D. KELSEY, CONTROLLER.

*Appointed Day After His Fifty-first
Birthday to Succeed Miller.*

Albany, Nov. 12.—Governor Odell this evening
appointed Deputy Controller Otto Kelsey State
Controller in place of Nathan L. Miller, who
was recently appointed Justice of the Supreme
Court. The appointment is for the balance of



OTTO KELSEY.

Who has been appointed State Controller to suc-
ceed Nathan L. Miller.

the term ending December 31, 1904. The salary
of the office is \$5,000.

New York Daily Tribune, 13 November 1903

- Kelsey brought a new skill set to the Assoc--firsthand experience with Indians, legal skills, and political connections
- Knew the Hayes brothers (who published SJ newspaper) -- they all had offices in the Auzerais Bldg and were all in the local Badger alumni club
- Kelsey's brother Otto was a politician in NY who knew President TR, who was from NY

Wanted.

1. Men and Women to work in Indian Missions and as Field Matrons.
2. Missions { \$800 would pay a Missionary's salary.
 \$1000 would build a chapel.
 \$600 would build a mission cottage.
3. Sunday schools to be organized by local churches for neighboring Indians.
4. Cooking and sewing classes for Indian women and girls.
5. Supplies for Field Matrons—including medicines, sewing materials, bright pictures, and household decorations.
6. Christmas boxes which will carry in a concrete form a message of peace and good will.

What is your **CHURCH** doing for **California Indians**?

What is your **CLUB** doing for **California Indians**?

What are **YOU** doing for **California Indians**?

For information, literature, etc., address

NORTHERN CALIFORNIA INDIAN ASSOCIATION

Mrs. S. W. Gilchrist, President, 460 North Third St., San Jose, Cal.

Mr. C. E. Kelsey, General Secretary, 145 South Whitney St., San Jose, Cal.

Miss Cornelia Taber, Corresponding Secretary, Saratoga, Cal.

Mrs. A. S. Bacon, Treasurer, 99 South Priest St., San Jose, Cal.

Cornelia Taber, California and Her Indian Children (San Jose: Northern California Indian Association, 1911)

-Assoc's big effort was to start missions among Indians, support them for a few years, then spin off to a religious denomination

-Founded a mission at Hoopa Reservation and then gave it to Presbyterians

-But then had trouble -- most Indians had no fixed land base, were squatters risking eviction

-The Assoc couldn't afford to set up shop in a community and risk it coming undone whenever the Indians might be evicted.

-To deal with that, it bought land in Mendocino County for one band of Indians in 1902, but it couldn't afford to buy land for all the needy Indians



INDIANS AT THE THIRD ZAYANTE CONFERENCE, AUGUST 4-6, 1908.
(First Christian Indian Council)

Robert Parrish	Edward Connor	James Kash Kash
Santa Wilson	Capt'n John Bowston	Wm. Benson
Eph Cummings	James Hayes	Capt'n Task
	Mrs. Lockhart	Capt'n Sherwood
		Joseph Miguel

Cornelia Taber, California and Her Indian Children (San Jose: Northern California Indian Association, 1911)

- Assoc decided to petition Congress to buy land for the NoCalifornia Indians
- They based petition on two facts: "first, that the national government had taken the Indian lands without payment; and, second, that the laws had barred Indians from acquiring lands until all land was gone."



Thomas Robert Bard

Republican senator from California,
1900-1905

Member, Senate Committee on Indian
Affairs

Congressional Biographical Directory,
<http://bioguide.congress.gov/biosearch/biosearch.asp>

-So they planned their campaign:

-In San Jose, the Assoc would appeal to people of Calif and other states, and get petitions signed

-Kelsey wrote to Indian Rights Association (Philadelphia) for help; the IRA lobbyist in WDC agreed to lobby for their petition

-Kelsey thought Senator Thomas Bard of California, who was a member of the Senate Indian Committee, should sponsor the bill

-Bard agreed, but didn't think funding could be secured right away, so he proposed a bill to investigate conditions



San Francisco Call,
12 May 1903

- Launched campaign May 1903 with TR visit to SJ
- Assoc gave him their petition with a cover letter signed by Kelsey

MEMORIAL OF THE NORTHERN CALIFORNIA INDIAN
ASSOCIATION.

Mr. BARD presented the following

MEMORIAL OF THE NORTHERN CALIFORNIA INDIAN ASSOCIATION, PRAYING THAT LANDS BE ALLOTTED TO THE LANDLESS INDIANS OF THE NORTHERN PART OF THE STATE OF CALIFORNIA.

JANUARY 27, 1904.—Referred to the Committee on Indian Affairs.

JANUARY 28, 1904.—Ordered to be printed, on motion by Mr. BARD, from Committee on Indian Affairs.

To the honorable the Congress of the United States:

The undersigned, the Northern California Indian Association, hereby respectfully petitions and prays your honorable body for the relief of the landless Indians of northern California.

The petitioner is a body corporate under the laws of the State of California, having its principal place of business in the city of San Jose, Cal., and is organized for "benevolent, charitable, and missionary purposes for the benefit of the Indians of California," among which purposes are the following:

To aid the Government and people of the United States in preserving all enjoyment of Indians and securing to each and every Indian the same rights, protection, and privileges under the laws, whether national or State, as are secured to all citizens and inhabitants of the United States of whatever race or color.

To engage in and aid in educational, missionary, and other work among the Indians of California, for their benefit and advancement, in the same manner, as far as may be, as that pursued by the National Indian Association of the United States.

During the last nine years the petitioner has had occasion to investigate carefully the conditions surrounding the northern California Indians and the causes of their present state.

We find that, outside of California, it has been the universal practice of the National Government to pay Indians for their lands. We believe we are correct in saying that in every other State and Territory the Indian title to the soil has been recognized by the Government of the United States and has been extinguished only by payment therefor. In northern California the Indians have never received a single dollar for their ownership of more than 100,000 square miles of the most beautiful and valuable country in the world.

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Had the treaties been ratified and the landless Indians of California been given the same treatment as other tribes, they would now, if we may judge from the condition of the Hupa, Lower Klamath, and Round Valley Indians, not, notwithstanding the evil of the reservation system, be in a very different position. They would, in the first place, be probably free from starvation. They would have facilities for a generation past, they would have been under some mission or religious instruction, and certainly they would have been spared their present moral degradation, which is more deplorable than their physical misery. As we look at it, the National Government is legally and morally convicted of its responsibility for their present miserable state and is legally and morally bound to use reasonable means to remedy the wrong. We have ventured to suggest means which seem to be calculated to do this in the best and surest way. We certainly can not accuse for an instant to the suggestion of Commissioner Linn to continue the present state of affairs, which are a disgrace to the Indians and so degrading to the American people.

We shall be pleased to furnish further information whenever needed.

Very truly, yours,

CL. H. BAKER,
Recording Secretary, Northern California Indian Association.
HON. THOMAS B. BAKER,
President of the United States.

Senate Document 131 (58th Congress, 2nd session),
21 January 1904

- Months later, Bard presented the Assoc's petition to Congress and got it printed
- Petition did not just ask for support
- It contained the results of extensive field work by Assoc to count landless Indians

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would be but a small part of the sums received by the Government from the sale of the Indian lands, and far less than would the Indians under the treaties which the Government has accepted on the one hand and repudiated on the other.

The nonreservation Indians of northern California are further subjected to certain legal disabilities. As these Indians did not become citizens under the treaty of Guadalupe Hidalgo, and as there has since been no legislation making them citizens, the State of California has regarded them as subject to the protection of the National Government, the affairs of these Indians; while since the failure of the treaties the Federal Government has repudiated all responsibility for them as wards of the United States. This has left these nonreservation Indians without any recognized legal status, a fact which has, in those parts of California where racial prejudice against Indians is still strong, subjected them to much oppression and abuse.

We attach herewith a schedule showing the location and population of each Indian settlement of which we have been able to learn and certain correspondence respecting the matters touched upon in this petition.

[SEAL.] THE NORTHERN CALIFORNIA INDIAN ASSOCIATION.
MRS. T. C. EDWARDS, President.
O. E. KELLEY, Secretary.

Schedule showing the location and numbers of the various bands of nonreservation Indians of northern California.

County.	Place or name of settlement.	Language stock.	Number.	Remarks.
Alameda	White	Shoshone	2	
	Grassman	do	2	
	San Joaquin	do	2	
	San Joaquin	do	2	
	San Joaquin	do	2	
	San Joaquin	do	2	
	San Joaquin	do	2	
	San Joaquin	do	2	
	San Joaquin	do	2	
	San Joaquin	do	2	
Alameda	San Joaquin	do	2	
	San Joaquin	do	2	
	San Joaquin	do	2	
	San Joaquin	do	2	
	San Joaquin	do	2	
	San Joaquin	do	2	
	San Joaquin	do	2	
	San Joaquin	do	2	
	San Joaquin	do	2	
	San Joaquin	do	2	
Alameda	San Joaquin	do	2	
	San Joaquin	do	2	
	San Joaquin	do	2	
	San Joaquin	do	2	
	San Joaquin	do	2	
	San Joaquin	do	2	
	San Joaquin	do	2	
	San Joaquin	do	2	
	San Joaquin	do	2	
	San Joaquin	do	2	
Alameda	San Joaquin	do	2	
	San Joaquin	do	2	
	San Joaquin	do	2	
	San Joaquin	do	2	
	San Joaquin	do	2	
	San Joaquin	do	2	
	San Joaquin	do	2	
	San Joaquin	do	2	
	San Joaquin	do	2	
	San Joaquin	do	2	

MEMORIAL OF NORTHERN CALIFORNIA INDIAN ASSOCIATION. 9

Schedule showing the location and numbers of the various bands of nonreservation Indians of northern California. Continued.

County.	Place or name of settlement.	Language stock.	Number.	Remarks.
Alameda	San Joaquin	do	2	
	San Joaquin	do	2	
	San Joaquin	do	2	
	San Joaquin	do	2	
	San Joaquin	do	2	
	San Joaquin	do	2	
	San Joaquin	do	2	
	San Joaquin	do	2	
	San Joaquin	do	2	
	San Joaquin	do	2	
Alameda	San Joaquin	do	2	
	San Joaquin	do	2	
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	San Joaquin	do	2	
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	San Joaquin	do	2	
	San Joaquin	do	2	
Alameda	San Joaquin	do	2	
	San Joaquin	do	2	
	San Joaquin	do	2	
	San Joaquin	do	2	
	San Joaquin	do	2	
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	San Joaquin	do	2	
	San Joaquin	do	2	
	San Joaquin	do	2	
	San Joaquin	do	2	
	San Joaquin	do	2	
	San Joaquin	do	2	

Senate Document 131 (58th Congress, 2nd session),
21 January 1904

- On 6 pages it reported 13,733 Indians in 418 settlements in 47 northern California counties
- Far more than anyone realized
- They campaigned for months
- Articles published in newspapers, pamphlets issued, Assoc women talked at women's clubs, clergymen talked at men's clubs, SF Chronicle supported it, Stanford and Cal professors worked for it, many petitions were sent to members of Congress, and the governor's wife became vice president of the Assoc
- But the bill failed in conference committee, Spring 1904
- The conferees feared it "opened the way to a big appropriation later on for a reservation"
- Assoc regrouped and decided to try again
- Bard agreed to present a 2nd petition
- Another round of pamphleteering, publicizing, petitioning

It is true, as the association says, that no compensation has ever been made the California Indians for their lands, as the Government seems to have followed the policy of Mexico, from whom it got its title to California, in not recognizing the Indians' right of occupancy. Sporadic attempts were made to treat with the Indians, and at one time, in the fifties, treaties were made with 80 or 90 bands, none of which were ever ratified. Reservations were established and discontinued at different times. There are now two in northern California—Hoopa Valley and Round Valley. Upon these about 1,575 Indians are located. The seven or eight thousand who are the subject of this memorial are scattered among the different counties comprising the northern and north central parts of the State.

W. A. Jones, commissioner of Indian affairs, to Theodore Roosevelt, 22 July 1903, in response to memorial of the Northern California Indian Association, reprinted in Senate Document 131 (58th Congress, 2nd session), 21 January 1904

- The Assoc hadn't been able to find the unratified treaties, so they weren't a big part of the first campaign
- But now the treaties seemed critical to success
- Their only official information about them was in a letter from the Indian commissioner to Roosevelt after Roosevelt received the Assoc's petition and made inquiries, which was included in their petition to the Senate
- How to find them?

Hello,

I am looking for the unratified treaties made with California Indians in the 1850s. When you find them, please send me copies.

Thank you,
C. E. Kelsey
22 Clay Street
San Jose, Cal.

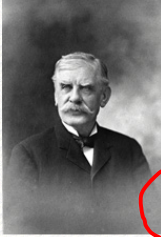
- Basically, they had a reference request
- But the treaties were somewhere in WDC 3,000 miles away, and it was 30 years before NARA created.
- Kelsey couldn't write an archivist, so he did the next best thing -- wrote his senator

Kelsey to Bard, 10 June 1904:

"I hope we may be able to have a short talk with you and explain some features of the Indian situation that have not yet been made prominent."

- Kelsey asked to meet with Bard to talk about some new aspects of their efforts
- I think the treaties was the main feature of this meeting

BARD, Thomas Robert, 1841-1915



Guide to Research Collections

California State University
Library, Special Collections
Chico, CA
Papers: Material on Bard in the Sacramento Valley Sugar Company records, 1905-1963. Finding aid.

Henry E. Huntington Library
San Marino, CA
Papers: 1866-1958. Ca. 50,000 items. Letters, including 9 bound volumes and 33 letterbooks, and documents, including 114 accounts pertaining to the Union Oil Company, its subsidiaries, and other enterprises; local and national politics from 1870 to 1915; the development of Ventura County, and business papers (1909-1958) of the Quimichis Colony, an American financed agricultural company in Nayarit, Mexico, of which Richard Thomas was president. Finding aid.

Library of Congress
Special Collections
Washington, DC
Papers: 1866-1958. Ca. 50,000 items. Letters, including 9 bound volumes and 33 letterbooks, and documents, including 114 accounts pertaining to the Union Oil Company, its subsidiaries, and other enterprises; local and national politics from 1870 to 1915; the development of Ventura County, and business papers (1909-1958) of the Quimichis Colony, an American financed agricultural company in Nayarit, Mexico, of which Richard Thomas was president. Finding aid.

Stanford University Libraries
Special Collections
Stanford, CA
Papers: Correspondence in the Horace Davis papers, 1865-1915; James Carson Needham papers, 1893-1936; and the Alice M. Rose collection (1900-1915). Correspondence and reports of personal interviews relating to the origins of the Lincoln-Roosevelt Republican League.

University of California, Berkeley
Bancroft Library
Berkeley, CA
Papers: Ca. 1871-1905. Ca. 20 items. Letters and miscellaneous papers, including material on the Republican League of California, and biographical information in several other collections.

-Congressional Biographical Directory, <http://bioguide.congress.gov/biosearch/biosearch.asp>

- Few papers survive from most members of Calif's congressional delegation of this period
- Bard papers at Huntington an exception
- That's where I found the story
- Luckily the treaty search happened over the summer, when few people in WDC
- Bard papers have a nice 3-way correspondence between Kelsey in SJ, Bard in so Cal, and Bard's private secretary R. Woodland Gates who was stuck in DC for the summer
- Here's what I found

Bard to Gates, 20 July 1904:

"I desire to obtain the following information: Where are the treaties that are referred to in a report to the President from the Indian Office on the Indians in California some many years ago. Mr Kelsey, of San Jose, makes this rather indefinite inquiry, and says that they have been unable to find these treaties anywhere in the Interior Department and no one there could tell him where they could be found.... Ascertain whether they are not in the archives of the Senate Committee on Indian Affairs, and if not, inquire with view to locating them."

-In July Bard told Gates to look for the treaties, starting with the archives of the Senate Indian committee -- I'm guessing this is after Kelsey talked to Bard

Kelsey to Gates, 23 July 1904:

"Senator Bard has kindly agreed to try and secure copies of certain treaties made years ago with certain California Indians and has asked me to give you reference to the report. The treaties are mentioned in a report made to the President by Commissioner W. A. Jones under date of July 22, 1903, and found in Senate document No. 131, of which I enclose a copy with the statement marked."

-Days later, Kelsey shared with Gates his official information about the treaties

Gates to Kelsey, 29 July 1904:

"The letter of the Commissioner of Indian Affairs....was prepared by a clerk named Slater, who is now out of the city. Mr Slater will return here about the 15th prox, and I will then interview him.... A search of the Indian Office fails to locate these treaties. I have also interviewed...the Clerk of the Committee on Indian Affairs...[who] knows nothing of the California treaties."

- Gates got back to Kelsey fast
- The clerk of the Senate Indian Committee knew nothing
- The Indian Office couldn't find the treaties
- The clerk who drafted the letter to Roosevelt mentioning the treaties was out of town

Kelsey to Gates, 3 August 1904:

"I think it likely the treaties are to be found either among the archives of the Senate or of the State Department. The matter has been lost sight of for so long that there is probably no one in Washington who knows anything about it. All that Mr Slater is likely to know is from what book he obtained the information."

- Kelsey didn't think the Indian Office clerk would be of any help
- He suggested searching the Senate or State Dept
- Doubted anyone would know about records that were 50 years old

Gates to Kelsey, 16 August 1904:

"Yesterday I interviewed Mr. Slater concerning California Indian treaties, but could not obtain from him very much information....I shall now search the files of the Secretary of the Senate, and also the Departments....I have no doubt but that the treaties were sent to the Senate, and that sooner or later I shall find them in the Secretary's office, although just where to get at them after such a lapse of time I do not know."

- Kelsey was right--the clerk at the Indian Office knew nothing
- Gates was looking all over
- Yet after such a lapse of time, he had no idea where to look

Gates to Kelsey, 27 September 1904:

"After a most thorough search I have located the Indian treaties....On June 27, 1852, the treaties were referred to the Senate Committee on Indian Affairs, and ordered printed in confidence for the use of the Senate....July 2, 1852, the Senate rejected the treaties. I am unable to find that the order of secrecy has been rescinded, and they are on file among the executive papers of the Senate. Under the circumstances it is impossible to obtain copies of these treaties."

- Finally, after two months of hunting, Gates found them in Senate
- But still secret, so Kelsey couldn't have copies

Kelsey to Bard, 5 December 1904:

"Mr R. Woodland Gates informed me...that the Indian treaties...were duly rejected by the Senate in 1852 and that the injunction of secrecy had never been removed by the Senate. Hence he could not get copies of the treaties. I presume you will be able to get them from the executive archives [and] have copies sent to us."

- Another two months passed, and Kelsey was still waiting for copies
- As we know, in January Bard got the order of secrecy removed and had the treaties printed for the senators

Kelsey to Bard, 3 February 1905:

"I have received...a copy of the...
treaties...they substantiate our
statements and considerably more. These
treaties cover more of the State than we
were aware...The reservations proposed in
the treaties are much more extensive than
we knew and also the prices agreed to be
paid by the Government....the information
gained from the treaties will be of great
value."

- Kelsey finally got copies and thought the treaties would really help the cause
- At about the time Kelsey wrote this, Bard introduced the bill again, and this time it passed.
- Timing suggests that the treaties played role in passage



-Bard's legislation called for an investigation of noCal Indians, Kelsey was hired to carry it out, his report and census of 1906 led to appropriations of \$150,000 to buy land, and Kelsey selected to purchase the land.

-Decades later the treaties became basis for lawsuit in the Court of Claims, which awarded millions of dollars to the Calif Indians for the lands they lost