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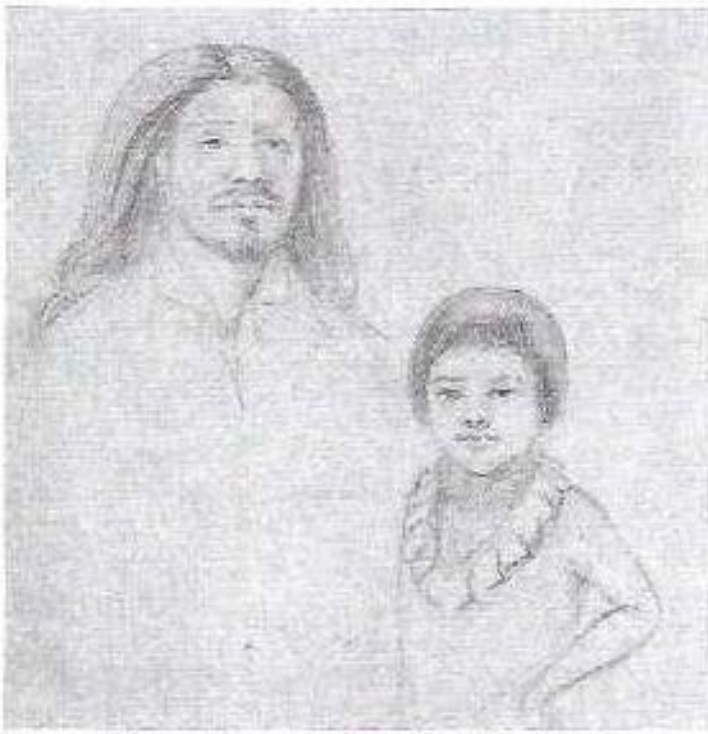
The Grand Council at Storms's Ranch in 1854

By Tanis C. Thorne

In the fall of 1854 the English traveler and writer James M. Hutchings learned that the "great men of California" planned to meet in a grand Indian council in Nevada County in early October. Those expected to attend included California's most powerful Democrats: sitting U.S. Senators William M. Gwin and John B. Weller, Secretary of State James Denver (a former Senator and future California governor), U.S. Army General John E. Wool (commander of the Department of the Pacific), and California Indian Superintendent Thomas Henley.[1] A prominent Nisenan leader, Weymeh—mockingly referred to as the "Digger King."—and an estimated 500 Indians were also to attend. The removal of Yuba and Nevada County Indians to Nome Lackee Reservation in Colusa (later Tehama) County was "contemplated." Hutchings and other journalists such as Aaron A. Sargent[2] were eager to witness and document this momentous historical event.



Weymeh & Son, by Henry B. Brown, July 1851, at the Camp Union Treaty, courtesy of the John Carter Brown Library.

Whether to remove Indians from within state boundaries or to concentrate them inside California on federally-supervised reserves— both viewed as alternatives to extinction— was a long-standing partisan debate. State Democrats endorsed the former following a precedent set by President Andrew Jackson two decades earlier when he ignored the U.S. Supreme Court decision *Worcester v. Georgia* (1832) and removed the Cherokee from Georgia. The Whigs favored the Cherokee argument that the Cherokee were a sovereign people with inviolable U.S. treaties. Many of California's Democrats were Southerners who identified with the pro-slavery (or "Chivalry") wing of the Party. They resented federal interference in state affairs and were disposed to seeing Indians as inferior beings, not sovereign peoples with aboriginal land rights with whom the U.S should make treaties. Gwin (Chivalry Democrat), a Tennessean by birth raised on the pap of Jacksonian states' rights philosophy, was the chief advocate for Indian Removal. No sooner had Gwin taken his seat in the Senate in December 1849 than he introduced "A Bill to preserve peace among the Indian Tribes in California, by providing for the extinction of their territorial claims in the gold mining districts."[3] A contemporary newspaper reported: "As to Mr. Gwin, he belongs as much to the mines as to San Francisco, and certainly spent more time in that region than among us."[4] Democratic Senators Gwin and Denver opposed negotiating treaties with California Indians in 1851-1852 and were instrumental in having these treaties rejected in the Senate once they were. By 1852, the California Indians were left in a state of legal limbo with shrinking resources on which to survive, raising fears that they would turn to violence and theft in their desperation.

Ironically, the Democrats insisted the state maintain jurisdiction over Indian affairs, but the federal government shoulder the costs, a position tenable only in the polarized political climate of the pre-civil war years. Senator Weller, a pro-slavery Democrat, hinted at secession if the federal government did not pay the state's Indian war debt.[5] California's gold filled the U.S. treasury and fueled American industrialization. This gave California a powerful voice in national affairs. In 1852, Congress created California Superintendency and

appropriated $100,000 for preserving peace with the dispossessed Indians of California until a permanent solution could be devised. Edward Beale, appointed by Whig President Millard Fillmore as California's first Indian Superintendent, found a solution both the federal and state governments could accept. Five "movable" military reservations, modeled on the California mission system (without the religion) would be established. Congress appropriated $250,000.[6]

The autumn of 1854 was a propitious moment for Gwin and other Democrats to realize the long-sought goal of extinguishing Indians' legal titles in the mining counties. The Whig Party collapsed and Democrats were in the ascendancy when Democrat Franklin Pierce was elected president. He replaced many Whig administration appointees, including Beale, with loyal Democrats as was customary under the prevailing patronage system. Thomas Henley, a Party stalwart, became Superintendent; he soon endorsed Beale's plan of concentrating Indians on temporary reserves where they would be taught to be self-supporting farmers as the only feasible political solution. Indians were starving from Trinity to San Joaquin County, and concerned citizens demanded federal action.

Henley received the $350,000 appropriation he requested. His budget was amply padded by $10,000 to pay travel expenses for his entourage and for "incidental presents to Indians and visitors". By September, he set up Nome Lackee Reservation and toured the mining districts looking for Indians to populate it. He reported to his superior in Washington that the Indians were starving, but were willing to labor and to relocate. "Indeed nothing but speedy removal will save them from entire annihilation."[7] Thus, Henley's and Gwin's agendas conveniently converged. Historian William Secrest says Nome Lackee was "Henley's model reserve as well as the means to gain larger appropriations, more patronage, higher political office and apparently any personal financial advantage possible." Not surprisingly, Samuel Norris who had profiteered on government beef contracts for Indians during the treaty-making debacle of 1851-52, was in attendance at the council.[8]

At a meeting with Henley in Sacramento on September 28, the state's leading Chivalry Democrats decided to hold the portentous Indian council — a mere five

EXTRAORDINARY
Attraction!
ONE THOUSAND
INDIANS
With their War Implements, Squaws, Papooses, &c.
At Storms' Rancho,
Celebrating their Annual Feasts and Fancy Dances.
To those who have never witnessed any thing of the kind,
IT IS WELL WORTH
The Ride.
CAPT. WEYMEH.

Storms's Rancho Gathering, July 19, 1852, courtesy Peter Shearer family collection.

days later! Nevada County was an ideal place for advancing the removal agenda. Simmon Peña Storms's public house, the Hermitage, offered fine food and accommodations, comforts to which these "great" men were accustomed. It had a large amphitheater, where Indians and miners regularly met in entertainments such as competitive foot races. Weymeh was a "peaceable" chief, open to negotiation. Storms (hired in September as Indian agent for Nevada, Placer, Yuba, and Sierra Counties) was an able intermediary and a Democrat. Most critically, the Nisenan land rights were the most valuable in the state, and these were the very ones targeted by Gwin and his Democrat allies in 1854. In his September 29 report, Henley justified borrowing $20,000 at this meeting — which later he admitted was $40,000—to make unauthorized expenditures to expedite removal; $15,000 had been borrowed from Gwin, who encouraged Henley to incur this debt. An accompanying letter — signed by Democrats Gwin and Weller, J. W. Denver, M.S. Latham, and P.T. Herbert[9]— made the case for "immediate action" to remove Indians "by force."[10]

Simmon Peña Storms, courtesy Peter Shearer family collection.

Grand Indian Council, October 2, 1854[11]

After a wagon ride from Nevada City, James Hutchings arrived at noon "at the imposing scene" with his "Daguerran apparatus" to take pictures of the Indians. Many horses and carriages were nestled among the oaks and lofty pines at the Hermitage. "Where is the council ground?" he asked Storms, and was told they hadn't begun yet. "Well, where are the Indians?" He received his answers shortly after the excellent noon meal. The hundred curious citizens, journalists, politicians, and lawyers in attendance rushed to find seats in the amphitheater. Hutchings remarked in his diary: in the center of the bull ring, "they found the immense number of *seven* Indians. You can see a greater number at almost any street door, picking up watermelon rinds and eating them closer." The 'Digger King' Weymeh was present along with four or five other 'captains' (who looked more like Weymeh's bodyguards than diplomats), a Yuba River chief named 'Diable,' another "with one eye and a badly scarred face [and] another nearly all scars and a crafty lookout for 'beef an' *beeskit.*"[12]

Aaron A. Sargent, editor of the Whig paper, the *Nevada Journal*, reported on October 6, 1854: "California's officials "assembled at Storms's ranch to talk to a large collection of Indians, that did not come, on the subject of removing them (the Indians) to a military reservation…The trifling circumstances of many Indians not being present was overlooked, and about a dozen, for whom was claimed sovereign authority among the tribes were called together." The *Nevada Democrat* of Oct. 4, 1854 maintained "nearly all the tribes within fifty miles …were represented by their leading men." (Another Democratic newspaper exaggerated, saying 20 chiefs were in attendance.)

Storms introduced the Indians; a total of 20-30, including women, were present. Then Superintendent Henley delivered a speech, saying the Nisenan should go to Nome Lackee immediately to put in crops before winter. There they would never be molested and would be fed and clothed until they were self-supporting, he promised. The Indians listened patiently while Storms translated, and then Weymeh and another chief, stated their objections.

"They had been lied to for three years by government agents—Wozencraft had lied to them, Beale had lied to them—so had McKee, and so had all the officials, and they did not believe Henley more than the others —They were contented as they were, and did not wish to leave."[13] Henley "endeavored to satisfy them that there would be no deception *this time*. [my italics]." Weymeh then made a speech, recorded by Hutchings that was admired by many in attendance as intelligent and "sensible": "American man come—Indian here first—'Bijune by' [By and by] Chinaman come? You no send Chinaman away, but you want send Indian away—Indian no go. You send Chinaman first. White man no keep promise—no good—white man no good." As the *Nevada Democrat* of October 4, 1854 reported Weymeh's speech: "The Indians are better than the Chinese…. Remove the Chinese first—then we will go."

Undeterred by Weymeh's firm rejection, Henley said: "he should obey public sentiment, and requested an expression of it." William Shipley of the *Grass Valley Telegraph* read long lists of names, prepared in advance by the Democratic organizers. Scrupulous attention was paid to proper democratic procedures. A motion for removal was put and voted upon. District Judge William T. Barbour[14] was then appointed to preside over a committee of seven to draft a resolution

expressive of "the wishes of the citizens of the county." While the committee was out deliberating, Gwin, Weller and General Wool made speeches that endorsed removal.

Two-thirds of the audience had left by the time the committee returned with a majority and a minority report, four in favor of removal, and three for letting the Indians alone. The minority report expressed confidence in the harmless and peaceable Indians of the county and enjoined the government to spend the money appropriated for removal locally, that is, to feed and protect the Nisenan and aid them towards self-support within their own homeland. Matters were unresolved due to procedural issues when the meeting was adjourned. One Democratic paper pronounced the council "a grand 'fizzle.'" Sargent wrote: "Thus ended for the present this grand scheme to find an outlet for the government appropriation. There is considerable division in public sentiment with reference to the matter; the majority however are indifferent as to the result." Sargent correctly assessed the situation, as the Crenshaw report affirmed in December 1854.[15] Many in Nevada County's settler population were ambivalent about removal as the local Indians were law-abiding and provided a cheap source of labor for ranchers and farmers. In a September 3, 1852 *Nevada Journal* editorial, Sargent observed "There has been less trouble in this county with the Indian tribes than in any other in the state where they are so numerous." Henley admitted his surprise at finding: "At this place … what I have not encountered anywhere else, some opposition to the removal of the Indians," but claimed it was strictly partisan.[16]

Northern California Indian Reservations, courtesy David Comstock.

While having the appearance of grass roots democracy in action, the Council was a mockery of it, for a determined cadre of Democrats, whose motives were self-serving, had determined the outcome in advance. The "great men" who attended hoped to play stellar roles in a glorious historic event resolving the Indian "problem" in California, but were undoubtedly disappointed or embarrassed by the miserable showing of Indians, which cast the legitimacy of the proceedings in doubt. Nonetheless, the intended goals were achieved. Henley reported to Washington a week later that the council resulted in an agreement reached with the chiefs present to go to Nome Lackee. Three persons from each of the ten divisions would go to stay the winter and plant crops "preparatory to the removal" of all the rest of the Indians. The leaders of the ten divisions had not been in attendance and no longer looked to Weymeh for leadership. This agreement must have been made behind closed doors with ample bribes to Weymeh and others. Presumably, the representative Nisenan who went to Nome Lackee that winter were induced by the distribution of much-needed foodstuffs to their kindred. Henley "uniformly refused" the numerous applications "to furnish temporary subsistence to the Indians in their present locations."[17] Only those who removed to Nome Lackee would be fed. And only those who worked hard as farm laborers on the reservations were fed government-issue beef. For the others, Henley said it would be a test to see if they can subsist without beef.

At Nome Lackee, Weymeh and the contingent of 70 Nisenan Indians (forty having come from Grass Valley voluntarily during the winter of 1854-1855) were given better food and treatment, as they were semi-skilled laborers who worked cheerfully. Under Storms's protection, they lived separately from the reservation employees, who drank and gambled, and from the other Indian groups. Storms made two trips in 1855, rounding up another 210 Nevada and Yuba County Indians. Some hid and others actively resisted as escapees from Nome Lackee returned with negative reports. In early 1856 Weymeh was quoted as saying, "his countrymen were made very comfortable, but he wanted to know when the China Indians were going to be colonized, for they needed the care of the pale faces more than the red man."[18] Later that year, Henley put Storms in charge of Nome Cult Farm in Mendocino County (later Round Valley

Reservation), and Weymeh and other Nisenan transferred there as well. After Henley was removed from office in 1859, Storms resigned. Weymeh and the Nisenan over whom he held sway left also. When the new agent ordered Storms to return these valuable workers back to the reservation, Storms claimed he had only "his ***own*** Indians," most of whom had lived with him at his ranch in Nevada County, a revealing statement for a pro-slavery Democrat.[19]

Aaron A. Sargent, c. 1859, courtesy of the Searls Historical Library.

Henley's removal from office followed on the heels of scandalous reports of mismanagement, abuse, and rapidly accelerating violence at Nome Lackee and Nome Cult. In the mid-1850s, Henley continued to receive large Congressional appropriations for the California reservations and to exaggerate their prosperity and success. The "powerful Democratic majority" silenced criticisms. By 1858, investigations were underway, and the California reservations were being called "lamentable" failures. In 1860, whistle-blower J. Ross Browne described California reservations in *Coast Rangers* as places where "A very large amount of money was annually expended in feeding white men and starving Indians." Among his findings, Browne charged Nome Lackee's sub-agent Vincent Geiger (who had attended the 1854 council) with transferring reservation property to private parties and indenturing Indians. In 1861 the Knights of the Golden Circle, a secret southern secessionist society that frequented the reservation with the knowledge of Geiger, attacked Nome Lackee and left it in ruins.[20] Violence against Indians became epidemic at Nome Cult in the late 1850s and early 1860s. An unknown number of Nisenan remained at Nome Cult; many—though not all—may have filtered back to Nevada County. Possibly a majority, 500 or more Nisenan, had escaped the net of removal.

The promise of protection was illusory. The historical record suggests that at best, the reservations were a well-intended experiment that failed; at worst, the reservations increased Indian misery, vulnerability, and victimization. If the Indian appropriations in the 1850s were expended within Nevada County to feed Indians, one wonders, would the course of history have changed? Indians continued to have a strong presence in Nevada County during the 1850s and 1860s, living resiliently on a landscape transformed by mining activity. Many resided in scattered camps, called rancherias or "campoodies." They survived by collecting gold, doing wage labor and gathering and sharing native foods. The size and number of the identifiably Indian communities steadily declined from starvation and other causes. By 1900, only a handful of Nisenan Indian groups remained. In the 20th century, the Colfax and Nevada City Indians received land bases and federal recognition, if only for a half century. Since 1999, the descendants of Nevada County's Nisenan survivors, organized as the revived Nevada City Rancheria, have been advocating for restoration of their legal standing as a federally-recognized entity.[21]

Endnotes

1 Others in attendance were Sacramento's mayor James R. Hardenberg, Sam Brannan (Mormon merchant, and the state's richest citizen), Sam Norris (wealthy landowner and trader), Vincent Geiger and Benjamin Washington (former editors of the *Democratic State Journal* and active Chivalry Democrats. Weymeh was a Grass Valley Nisenan leader, who signed the Bear River Treaty (1850) and the Camp Union Treaty (July 1851).) There are many spellings of this regional chief's name, including "Weimer".) Denver (Dem.) was later also a Congressman and Commissioner of Indian Affairs; Weller (Dem.) was California's governor in the late 1850s. Henley (Dem.) served several terms in Congress representing Indiana before coming to California and narrowly missed election as U.S. Senator. The host for the council was Simmon Peña Storms: a trader, hotelier, a gifted linguist, and important liaison to the local Nisenan community and later an Indian service agent. His ranch/hotel was 6 1/2 miles from Nevada City along the Illinoistown Road (later Chicago Park along Highway 174). Pat Jones, "The Forgotten Pioneer: Simmon Peña Storms, *NCHS Bulletin*, 37:4 (Oct. 1983), p. 29.

2 James Hutchings, a California argonaut gained fame as the author of "Miner's Ten Commandments" (1853) and later *Hutchings Illustrated Magazine*. A Whig and editor of the *Nevada Journal*, Sargent was later a U.S. Senator and an ambassador.

3 Gwin Memoirs, 1878. Bancroft C-D California Biographical Mss 92-100 microfilm, Reel 14, p. 41. Bancroft Library, Berkeley, CA.

4 Unnamed newspaper, Jan. 14, 1852. Hayes Scrapbook, F 851 H4 R130 item #61, Bancroft Library.

5 William Ellison, *California and the Nation, 1850-1869*. New York: Da Capo Press, 1969, pp. 95-98.

6 Sources include Albert Hurtado: *Indian Survival on the California Frontier.* Yale, 1990; William Ellison, "The Federal Indian Policy in California, 1846-1860," *The Mississippi Valley Historical Review,* Vol. 9, No. 1 (June, 1922), pp. 37-67; George Harwood Phillips, *Bringing Them Under Subjection: California's Tejon Indian Reservation and Beyond, 1852-1864.* Lincoln: University of Nebraska Press, 2004,

7 Henley to Commissioner of Indian Affairs G.W. Manypenny, Sept. 13 and 14, 1854, Letters Received by the Office of Indian Affairs, 1824-1881, California Superintendency, Reel 33; Hurtado, p. 144.

8 William B. Secrest, "The Old War Horse of the Democracy: The Rise and Fall of Thomas J. Henley in California." *The Californians* (Nov./Dec.): pp. 25-28; Jones, p. 28.

9 Born in Pine Apple, Alabama, Herbert was a member of the California State Assembly, who died fighting for the Confederacy. Latham, California governor in the early 1860s, was an Alabama lawyer in before moving to California.

10 Henley to Manypenny, Sept. 29, Oct. 14 and 16, 1854, Letters Rec'd, R 33.

11 First hand accounts, consulted for this synthesis, include newspaper articles from the *Grass Valley Telegraph* Sept. 29, 1854; *Alta California,* Oct. 2, 1854: p. 2, col. 6 and Oct. 4; *Nevada Democrat,* October 4, 1854: 2, col. 1-2. "By Alta Telegraph Line," Oct. 2, 1854; the *Nevada Journal* Oct. 6, 1854 [by A.A. Sargent]; the *Weekly Placer Time and Transcript,* Sept. 29, 1854; and the Hutchings Diary, BANC MSS 69/80c, p. 137-8.

12 James Hutchings Diary, BANC MSS 69/80c, 1848-1855, pp. 137-8. The journal entry date, Monday Oct. 1, 1854 is an error. Diary photocopied for the Bancroft Library, UC Berkeley courtesy of National Parks, Yosemite. Original in Library of Congress

13 O.M. Wozencraft and Redick McKee were federal commissioners who negotiated the 18 unratified California treaties, including the treaty of Camp Union. McKee was in Nevada County in 1852, following the rejection of the treaties, to access Indian response. *Nevada Journal,* Oct. 6, 1854.

14 In 1853, Barbour presided over a famous case in which George Hall killed a Chinese man, Ling Sing, making a famous speech saying persons of all races are equal under the law. On appeal (*People v. Hall,* 1854), Hall was released as the court found Chinese being "Indians" and inferiors had no right to testify against white men and no right to U.S. citizenship. John Wunder, *Gold Mountain Turned to Dust: Essays on the Legal History of the Chinese in the Nineteenth-Century American West. University of New Mexico Press,* 2018, pp. 59-62.

15 Special Agent W.P. Crenshaw to Henley, Letters Rec'd, Dec. 16, 1864, R34. Reprinted by Tanis Thorne, "Indians of Nevada City in 1854." Nevada City, Sansoucci Pub., 1993.

16 Henley to Manypenny, Oct. 14, 1854, R33.

17 Ibid.

18 *Daily Alta CA* Jan. 26, 1856; Peterson, *A Case Study of a Northern California Indian Tribe: Cultural Change to 1860.* San Francisco, R. & E. Research Associates,1977, pp. 41-45.

19 Ellison,"The Federal Indian Policy in California," pp. 65-66; Jones, p. 30.

20 "Nome Lackee Indian Reservation, Five Views: An Ethnic Historic Site Survey for California"; Nome Lackee California State Parks, 2004.

21 For more information see the Rancheria website at https://www.nevadacityrancheria.org.

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