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THE GOLD RUSH | ARTICLE

# Act for the Government and Protection of Indians

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## Laws against Native Americans

In 1850 the California legislature passed an Act for the Government and Protection of Indians that essentially forced many Native Americans into servitude. The law provided for the forced labor of loitering or orphaned Native Americans, regulated their employment, and defined a special class of Indian crimes with punishments.

### James Rawls, historian

The name of the law sounds benign, but the effect was malign in the extreme degree. Any white person under this law could declare Indians who were simply strolling about, who were not gainfully employed, to be vagrants, and take that charge before a justice of the peace, and a justice of the peace would then have those Indians seized and sold at public auction. And the person who bought them would have their labor for four months without compensation.

In the early days of the Gold Rush, from the very beginning, frustrated Anglo American miners banded together to form groups of essentially vigilante or volunteer militia groups. They were ad hoc organizations, and their stated objective was to exterminate the "red devils," to eliminate the obstacles that the native Californians had become in their minds. And their modus operandi was to attack native villages wherever they might find them in the vicinity of their mining activities, to eliminate their presence utterly, killing the men, the women, and the children. And this was considered to be a necessity.

The only way we will be able to mine in security, if all of these people are exterminated." And the language that they used at the time, "extermination," was precisely describing what they were attempting to do.

The Native Americans in California of course attempted to resist the onslaughts onto their villages. They would fight back with whatever weapons they had at hand. But they were vastly outgunned and vastly outnumbered, and were very infrequently able to mount an effective defense. Usually it was more a matter of fleeing, trying to get away. We have accounts of the white vigilantes or rangers simply firing into the creek or going into the woods and using hatchets or other weapons, guns, to kill those. We have many descriptions of those when they're attacking on a stream or a river, and the natives are being shot as they're floating down, trying to escape from this terrible onslaught.

But we should also remember that those bands of Indian hunters could receive local compensation for their actions. Many communities through Gold Rush California offered bounties for Indian heads, Indian scalps, or Indian ears. And so the Indian raiders could bring the evidence of their kill in, and receive direct local compensation. Furthermore, the state of California passed legislation authorizing more than a million dollars for the reimbursement of additional expenses that the Indian hunters may have incurred. And then that was passed on eventually to the federal Congress, where Congress passed legislation also authorizing additional federal funds for this purpose. So what we have here in California during the Gold Rush, quite clearly, was a case of genocide, mass murder that was legalized and publicly subsidized.

**Frank LaPena, professor, Native American Studies**

There was a person, up in Humboldt County, who was found with a small child, a young Indian child. And they ask him, "What are you doing with this child?" He said, "I am protecting him. He's an orphan." And they say, "Well, how do you know he's orphan?" He said, "I killed his parents."

**April Moore, Nisenan Maidu, educator**

By the time that the Gold Rush and events afterwards had occurred, so much had happened, not just Sutter enslaving and terrorizing the native peoples, but an epidemic had erupted previous to this: smallpox, chicken pox, unusual diseases that they had no defenses. So their population had been decimated.

Then it became decimated again after the Gold Rush: because of their aboriginal rights as landowners they needed to be eradicated and removed. So a process went into motion to make it legal to kill Indian people.

And at one point it was something in the neighborhood of \$25 for a male body part, whether it was a scalp, a hand, or the whole body; and then \$5 for a child or a woman. In many cases, they only had to bring in the scalp. And in other cases, the whole body was brought in to prove that they had this individual, they'd killed this person, and receive their reward.

And it was well after 1900 when the law was repealed, that bounty hunting, or whatever you may want to call it, on the California Indians was repealed. It was shortly after the discovery of Ishi that the nation, or I should say the state, became aware of the fact that it was still legal to kill Indians. So that the law had to be changed.

**Violence and Sanctuary**

The U.S. policies of removal of native people as Europeans pioneered further west was bound to the tragic cry of extermination as the settlements reached the west coast. Sanctuary of a sort was provided through reservations, which gave the natives refuge from the threats of the new invaders.

However, the conditions at reservations were less than satisfactory.

**April Moore, Nisenan Maidu, educator**

There was what we called a roundup. It's a very sad story. They went along the foothill areas, especially above Sacramento and all along this ridge, gathering up all these native peoples, mostly Maidu people, and forcing them to march down through the valley, over by the Sutter Butte, but first they had to cross the Sacramento River.

And very few Indian people knew how to swim, because they had no need to swim. They didn't take those chances by crossing rivers. If they knew how, they would do it in reed boats. But they were forced to cross the river, so there was a large percentage of these Maidu people who actually drowned, including the children and the infants.

And then whoever survived the crossing of the Sacramento River were taken over to the Round Valley Reservation and forced to live there. Those that escaped, hid. And they stayed hidden for quite some time. They took on Hispanic or

Mexican surnames and melted into the community not as natives, but as Mexican Americans. They could pass. They'd just say they were, and most people didn't pay attention and believed them.

**James Rawls, historian**

I had the occasion of visiting with an elderly Pomo woman several years ago, who shared with me a story from her family history. She said her village was attacked somewhere along the Navarro River, by a group of white raiders. She thought perhaps they were trying to seize children for the Indian slave trade at the time. She wasn't sure. But she knew that they were under attack.

And so a native woman fled with her family, trying to get her children away. She left her smallest child, which was still in a cradleboard, under some brush, and got away across the river. After the whites had left, she returned, trying to find her family. And she could see that her smallest child was still apparently safely there, under this brush. But when she lifted it up, she found that the child had been pinned to the earth with a knife, that the raiders apparently had regarded that child as too small to worry with, but they managed to kill the child instead.

And as this woman told me that story, the tears came down her cheeks as if this had just happened. And that made me realize that even though these events we're talking about occurred 150 years or more ago, they still are living memories of native people in California. There are wounds that are still unhealed and are very tender and very deep

**Frank LaPena, professor, Native American Studies**

The Gold Rush forced people out of their traditional regions, and it made some of the rules and laws of the new state, the white state, and these rules and laws made the Indians change. People would say "Well, you know, what we're going to do is, we're going to give you these sanctuary areas, and we're going to give you food and that, and we're going to provide things for you that you didn't have before."

And all of that sounds good, but in fact what happened is, when people were on reservations, for instance, the food that was supposed to go to them, and the cattle that was supposed to be herded to them, and things that were supposed to be provided to them were never done.

What you can sense is that there is a sanctuary that is provided for them. Even though they might be eating out of troughs, even though they might be overworked, they have some sense of security there. And we see this taking place as we look at some of the things that happened with statehood. And we also see that in many cases where the people were given this sanctuary, they are protected from some of the kinds of killings and hunting down and herding off people to imprison them in the reservation areas. We see that they do have a protection there.

**April Moore, Nisenan Maidu, educator**

One of [my grandmother's] stories that really stuck with me, it was so emotional, the way she portrayed it. It was an event that happened to her aunt and her two great-aunts. It was some time during the early part of the morning. These aunts, two aunts and this baby and other family members were living out in this small village site, and they'd heard this noise, and it had woken them up. They weren't quite sure what it was.

And suddenly all this noise started up -- the gunfire, the screaming, the shouting -- and then they heard all these different people screaming and shouting. So they ran out to look, to see what was going on, and had seen these soldiers on horses who were taking people and killing them, slamming children against rocks and trees, and just running down men and shooting them. And they were violating the bodies by cutting them up. So these two aunts grabbed the baby because they couldn't find their sister, the mother of the baby, because she'd fled in fear, apparently.

So they grabbed this infant and ran as far as they could go, and hid.

And in order to keep the baby from crying and drawing attention to them, they would put their hand over her nose and her mouth, like that, to stop the baby from crying but not cut off her air, just long enough to keep her quiet.

And eventually the sun rose. And they stayed hidden until it was mid-morning and they couldn't hear anything. And they went back and found just all this carnage. So they gathered what they could find, which wasn't much because they basically burned this whole village site down, and walked to the nearest village that they knew of, and informed this group of people, who were actually their relatives also, that this had happened, to beware.

And from that point on, they had runners in this community. And these runners would go from village to village, and inform all these other villages that people were coming and they were going to get killed. So they more or less kind of had a little telegraph system, but it was a physical one, by running. And they spread the word so a lot of the Maidu people had to get up and move and get out of the way. And they had sentries posted all along the main routes. And whenever they saw dust coming up the path or a trail, they knew that it wasn't other Indian people; it had to be these people on horses. So they'd send someone down to the village site and warn everybody, and they'd just take off and hide.

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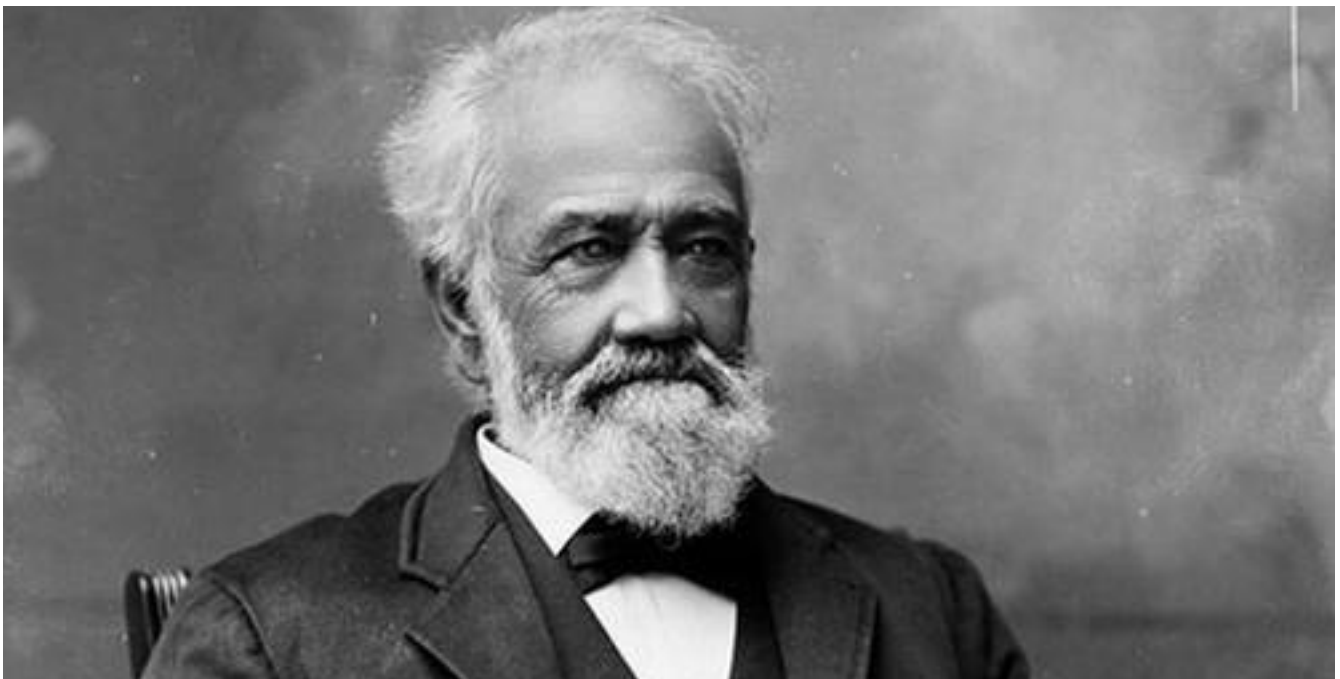
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