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THE PURCHASE OF KASHAYA RESERVATION

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Kashaya Pomo Language in Culture Project
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The Kashaya, or Southwestern Pomo, a tribal group, are one of seven groups of Pomo Indians of Central California. Kashaya native territory extends some thirty miles along the Sonoma County Coastline, from Black Point (eight miles south of the Gualala River) to south of Salmon Creek (six miles south of the Russian River) and inland eight miles east of Fort Ross (Oswalt, 1964).

Kashaya climate is typical of Northern California with cool summers and rainy winters. Aboriginal population figures vary according to source, 550 to 800. (Kniffen, 1939; Stewart, 1943) The U.S. Census gives the Kashaya population as 109 in 1929, as 117 in 1940 and 160 in 1962. According to the 1970 census the basic group membership under the membership criteria set forth in Article 11 of the Kashia Band's Constitution and Bylaws was 120.¹ (This refers to voting members. Presently the rolls are under revision, pending the slating of the new tribal council)

In anthropological texts, the Kashaya are identified as Kashaya, Southwestern or Gualala Pomo. In governmental documents the community is termed the Stewart Point Band,² or Ross Band. Presently it is the trend among community members to identify themselves as Kashaya or both because it more approximates the native term *Kahšá·ya* and emphasizes the individuality of the language and its speakers. (After seating the present tribal Council intends to take measures to make official the spelling Kashaya.)

¹Census, Bureau of Indian Affairs (Sacramento, 2970).

²Named on the Rancheria schoolhouse as Kashia.

Linguistically the Kashaya language belongs to the Pomo language family which consists of seven distinctly different languages.³

The first white contact the Kashaya experienced was with Russians who settled Fort Ross for the Russian-American company in March, 1812.

The original inhabitants of the Fort Ross area greeted the Russians on their arrival were a group of Kashia (or Southwestern) Pomo Indians. These Indians inhabited the immediate area before, during, and after the three decades of Russian occupation (Watrous, 1974).

As early as 1790 Russian interest in the California sea otter and the possibility of California grain stuffs was manifest. In 1806 Nikolai P. Rezanov, correspondent of the Russian-American Company, failing to obtain needed food stuffs from Japan to support the Sitka colony, set sail for California with the hope of purchasing supplies from the Spanish. Trade with the Spanish in California was not negotiated because the Spanish were categorically forbidden to enter into commercial relations with any except their mother country (Okun, 1951, pp. 118-20). Failing to contract the needed supplies, the Russian-American Company chose to establish a colony in the Fort Ross area. The coastal strip between Fort Ross and Bodega Bay - Latitude 38° N and Longitude 123° E - was chosen as the most likely place of production just north of the Spanish Mission of San Raphael.

The Russians came, then, to hunt sea otter pelts and grow what food they could for their Alaskan Colonis. Realizing they needed legal sanction for colonizing what the Spanish claimed as their property, the

³The seven languages are identified geographically as Southeastern, Eastern, Northeastern, Norther, Central, Southern, and Southwestern (Kashaya). The Pomo language family belongs to the Hokan language Phylum, the constituents of which extend from southern Oregon into Meso-America.

Russians maintained that the territory occupied belonged to no one but the natives. Hence, the Russian drawing of the treaty of Hagemeister in 1817:

In 1817, Hagemeister drew up a paper which was signed by the Indian chiefs Chu-gu-an, Amat-tim, Hen-le-le, and others, stating that they are very much pleased with the occupation of the place by the Russians, that they can now live in security from the other Indians who use to attack them, that this state of security came only with the establishment of the settlement (Okun, 1951. pp. 128).

The pretext that the treaty protected the Kashaya from "other Indians" is highly suspect since the Miwok to the south and the Pomo groups to the southeast, north and east were the recipients of Kashaya trade and hospitality. It is maintained, however, that the treaty served to stay the Spanish. Hence, to the treaty is attributed the protection of the Kashaya from the early devastation many of the other Central and Southern California groups suffered at the hands of the Spanish Mission system.

Presumably, then, the Russians came to hunt the sea otter and grow foods, not to conquer or Christianize the natives. The Company policy of fair treatment and non-hostile relations saved the Indians from forced labor and Mission-like conditions. This friendly Russian policy allowed the Kashaya to slowly, of their own free will, integrate into the Russian community. This was an important factor in the maintenance of Kashaya identity after the occupation of the Russians.

Once occupied, the Ross settlement quickly integrated the local

Kashaya community and the Kashaya became an incorporated labor force which was used to hoe, plow, cut wood and build fort fortifications. This labor force was a major factor in the success the Russians had in growing foodstuffs.

The Russian colony was a commercial venture which supplied wage labor to the Indians of Stewarts Point. With wages and year-round settlement came a modification of the traditional Kashaya seasonal round (hunting and gathering cycle). By the end of the occupation (1842) the only known remnants of the seasonal round which remained were the annual collection of acorns and supplemental hunting and fishing. What remained of the seasonal round was, then, nothing as elaborate as the traditional round upon which the entire traditional Kashaya economy was based. Gradually the Kashaya underwent a change of economy. Their subsistence pattern changed from a hunting and gathering society to one whose economic base was wage-earning and incidentally supplemented by some hunting and gathering. The impact of such a change can not be overstated as it led to subsequent events which conditioned how the community developed as it did and survived the incursion of land-based powers. This change in basic subsistence patterns is also important to the understanding of the events which led to the purchase of the Rancheria which the Kashaya now call home.

Because the Russian colony never reached Company expectations and posed an ever-increasing financial burden as well, the Russian-American

Company liquidated its holdings under the pressure of the chief directors of the Company in 1842.

The chief directors of the Company reported to the Finance Minister in Russia with a complete statement of the yearly loss...The Company asked permission in 1838 to abandon the settlement; this permission was granted in 1839, and finally acted upon in 1842 (Kashevaroff, 1927).

In 1842, the holdings of the Fort were liquidated in the name of John A. Sutter who purchased its equipment and holdings for removal to Sacramento; and after the Russians abandoned the Fort, Mexican and American Ranchers began to move in. A disagreement arose between Sutter who felt he had purchased the Ross site and the Mexican Government who felt it held title to the land because the Spanish had claimed it in their conquest of Alta California. Finally the Mexican Government granted the site to Manuel Torteiz who then sold the site to William Benitz, around 1843. Benitz and Sutter are reputed to have had heated feelings over this problem until their deaths. As settlement took place, more and more Kashaya territory was occupied by non-Indian residents. Since their old food gathering territory was rapidly being occupied by hostile ranchers, the Kashaya had no alternative but to resort to their recently learned wage work. Since they were left landless, they provided local ranchers with a cheap labor force. In addition to low wages they were given incidental protection from hostile land holders, and gathering priveleges on occupied Rancherias by the new occupants of the land.

With the coming of the Gold Rush and the subsequent hostility of

the intruders for the California Indians, the Kashaya were left to the mercy of the ranch owners who were better armed and who held the authority of hiring and firing.

After his purchase, Benitz kept the local Kashaya community on as a labor force as is noted in a letter:

Our work is all done by Indians of which we have about 100 families. The place where I'm living for 9 years already is called Fort Ross, it has been an old wooden Russian fortress and lies near the sea. Now we have transformed this place into a farm (Benitz, 1852).

In the years to follow a combination of circumstances necessitated the community's moving to the Haupt Rancheria approximately 10 miles inland from Fort Ross. Those circumstances included rough treatment at the hands of the Benitz Mexican cowboys who raped Indian women and pillaged the Indian villages when Benitz was absent from his ranch, and unwillingness of the owners after Benitz to employ the Indians, and the marriage of a Kashaya woman to Charles Haupt and a resulting invitation from Haupt to the community to settle on his Rancheria.

Two villages of notable size were the chief settlements on the Haupt Rancheria, Potol and Abaloneville.

They remained the more or less permanently occupied places for over forty years, although even in them the population was constantly in flux as the people followed various types of (new) seasonal employment, moving to the Russian River Valley to pick crops as they ripened, moving back to work in Lumber camps (Oswalt, 1964, pp. 4).

During the first years of the Haupt Rancheria occupation, a California Indian revivalistic movement surged in response to the decimation of

Indian cultures and the loss of Indian identities. Like many Northern California groups the Kashaya responded to the appeal of its messenger and journeyed from the Rancheria north, to participate in the 1870 Ghost Dance. The 1870 movement preached the peaceful disappearance of the white man and the return of the Indian dead. With the failure of the prophecy the Kashaya returned home, to the Haupt Rancheria many dying of starvation on the way. In response to the failure of the Ghost Dance, the Kashaya "stuck close to home" and had little to do with the dominant culture which surrounded them. This era is marked by the resurgence of the Maru Cult - a local cult signified as the "Dreamer Cult" - having traits of the Earth Lodge Cult (a merging of the Ghost Dance and the Maru Cult). Kashaya culture is marked, at this time, by the ruling of the group by the Dreamer who served as both a political and religious leader.⁴

The turn of the century found the Kashaya still residents of the Haupt Rancheria. They remained there until 1915 when the Haupt family began correspondence with the federal government in hopes of removing the community from its premises. As stated in a letter in 1915 from Carrie A. Conover, the local school teacher to William Kent, U.S. House of Representatives:

Six miles from Stewarts Point - in Sonoma County there are about one hundred Indians that have tribal relations. These Indians since the white man came have been permitted to live on the Haupt-ranch which was the inheritance of one of the Indians from his white grandfather... Now a new generation of

⁴The most notable of these Leaders was the recent Annie Jarvis, who is mentioned below. She lived from 1882-1943.

the Haupt family does not wish them here any longer (Central Agency File, 1915).

Subsequently the Kashaya situation was discussed in an agency letter from William Kent, in 1815, to Cato Sells, the Commissioner of Indian Affairs:

Mr. Curry believes that Mr. Haupt, a full blooded Indian, who owns the ranch, desires the purchase or to assist in the purchase of land for the Indians so as to remove them from his land which they have been using for years. It occurs to me that perhaps these Indians are entitled to land without the necessity of purchasing it (Central Agency File, 1915).

Since the Kashaya were entitled to land without the necessity of purchasing it under the benefit of the general allotment act February 8, 1887 (24 Stat. L., 388) or under the Indian Homestead Act of July 4, 1884 (23 Stat. L., 96) (Letter from C.F. Hank Second Assistant Commissioner to William Kent; Central Agency File, April 19, 1915) the Bureau of Indian Affairs refered the problem to J.J. Terrell - Special Indian Agent:

...who is now in that locality for the purpose of purchasing lands for the homeless Indians in California out of the \$10,000 fund appropriated by the last Indian appropriation act. (letter from C.F. Hanke to Mrs. Conover, Central Agency File, April 19, 1915. The last Indian Appropriation Act was passed in 1914.)

As it was highly unlikely that the Kashaya community could prove settlement or that it had made the improvements necessary to homestead under the Indian Homestaed Act, because they had resided on the Haupt Rancheria for so long and were unwilling to leave their native territory to homestead, the Bureau undertook an investigation to determine

if the Kashaya were eligible for a land grant under article 24 of Stat. L., 388:

The two acts mentioned are essentially settlement acts and any Indian applicant thereunder would be required to show by substantial evidence that he had settled upon, cultivated or otherwise improved the land before the application would be approved.

If an investigation discloses that the Indians who are reported to be trespassers on the Haupt ranch need assistance, appropriate action will be taken so far as is consistent with the available appropriation for this purpose (Letter from C.F. Hanke to William Kent, Central Agency File, April 19, 1915).

Upon federal investigation it was found that the Kashaya community held no properties of its own. There was found to be some four scattered settlements of Kashaya - one at Stewarts Point, one halfway between Stewarts Point and the Haupt Rancheria, and two on the Rancheria property.

On the Haupt Place and very near his residence only about 100 hundred yards away, is located the larger village, 4 cabins, and the Indian "Sweat-House". The other cabins on this place are located about $3/4$ mile to the N.W. from the Haupt Place (Letter from J.J. Terrell, Special Indian Agent to Cato Sells Commissioner of Indian Affairs, Central Agency File, May 11, 1915).

After preliminary investigation indicated above several tracts were made available by:

- 1) Mr. Ohlson - 40 acres adjoining the Haupt Rancheria for \$2,000, and Mr. McClanahan - 40 acres for \$800 (Letter from Terrell to Sells, Central Agency File, May 11, 1915).
- 2) Annie A. Connolly - 600 acres more or less, well wooded and plenty of water for \$25,000 (Letter from Annie A. Connolly to Department of the Interior, Central Agency File, June 5, 1915).
- 3) Mr. Curry - 160 acres adjoining the Haupt Rancheria (Letter from Curry to Sells, Central Agency File, December 28, 1915).

With the assurance that Mr. Haupt would not evict the Kashaya until

Terrell had or sent his purchase proposal and recommendation to the Attorney General, a tentative proposition was made for the sale of a forty (40) acre plot.⁵ The forty acres was deeded to the then Mrs. Louisa Marshal,⁶ the granddaughter to Charles Haupt Senior for the remittance of \$1,100. This forty acres was located about halfway between Stewarts Point and the Haupt Rancheria near the top of the first range of mountains along the coast, at an elevation of about 500 to 600 feet. On the property was a five room house and about 200 fruit trees, the majority of which were varieties of apple. At the time there were about three or four acres of cleared ground acceptable for planting. It is noted here that the Kashaya had insufficient surface water to farm the site, or even during the summer and fall months to maintain a population of 118 persons. Nevertheless, preliminary papers were drawn in the name of the Federal Government of the United States and Mrs. Louisa Harmon Nobles and her husband Mr. Harmon Nobles.

The controversy over the Kashaya centered around the fact that if no land were available locally the group would not move at all. The refusal of Mr. Haupt to sell to the government sufficient land for the entire community caused a very considerable friction in the Kashaya community as to the location of the most favorable for them (Preston West to Secretary of the Interior, Central Agency File, December 19, 1915).

It is interesting to note, at this point, in the transactions,

⁵Plot site was the S.W. $\frac{1}{4}$ of the N.W. $\frac{1}{4}$ of Sec., 5, T. 9, N.R. 13.W. Sonoma County.

⁶In 1915, the time of the sale, her name was Louisa Nobles.

the dilemma in which the community found itself. Originally the Kashaya had been invited to the Haupt Rancheria by the elder Charles Haupt, about 1870 and the community received protection and labor from the Haupt family in return for services (labor) rendered. Through time, and in accordance with the pattern set in the Russian and post-Russian eras a mutual bond was formed between the land owner and the Kashaya.

Upon returning to the Rancheria after the 1870 Ghost Dance, the community entered into a system of self-imposed isolationism, which was reinforced by Kashaya hostility toward non-Indian settlers.

Subsequently the Rancheria system changed sufficiently to render the Rancher-Indian relationship non-viable. Thus Haupt felt a need to be released from his responsibility toward the group for personal as well as economic reasons. (One suspects the problem of Haupt's Indian identity entered the picture in some manner.)

While it was in fact the case that final decisions for removing the community would come from Haupt, other factors complicated this decision. If he elected to evict the community he would have had the sanction of local authorities which forbade Indian squatting as a matter of principle. At the same time, he would alienate the Kashaya community, many members of which were friends and relations. Hence, Haupt put in abeyance his desire to immediately rid himself of the responsibility of the community.

In order to resolve the problem, the Kashaya had to have a place

to remove to. In the final analysis, if the government provided, because of the prompting of Charles Haupt, a place for the community to remove to the "Dreamer" would have to sanction the move. In Kashaya terms, in order for the move to be sanctioned it could not be to someplace outside native territory. It is highly likely that because the purchased site was within the traditional territory the Kashaya it was more readily accepted than if it had not been. There is good evidence for this statement when one considers the government's attempt to remove the community once again in 1934-37 to land south of the Russian River. This proposed move, although to far more attractive ground, was refused because it was outside the territory the Kashaya considered sacred to them.

Both the government and the Kashaya were pleased with the choice of the purchase site (letter from Mrs. Conover to Terrell, Central Agency File, June 8, 1915). There was some delay, however, in the final recording of the sale, which did not take place until May 6, 1916. A problem in transferring the title arose when the Secretary of the Interior was notified that the record of title was clear except in one respect. The problem centered around a note of mortgage made on February 14, 1878. Since this note was never discharged, a minor legal problem concerning the title of the forty acres ensued.⁷ In an attempt to solve the problem it was recommended that a quitclaim deed be processed by the heirs of the person in whose name the mortgage had been written.

Meanwhile the deed and abstract filed June 14, 1915 were in lieu

⁷Cf. Letter from Preston West to the Department of the Interior (Central Agency File, December 29, 1915). On February 14, 1878, a man named Ogden, who owned the land in question at the time, mortgaged it, and other land to Ann R. Rien, to secure a note for \$250 payable nine months after the date. This note was not discharged on the record; but the note, if unpaid, was long ago outlawed.

process because the mortgagee had died in July, 1900 leaving a number of heirs. Noting these circumstances the Department of the Interior recommended the processing of a quitclaim on the illegal mortgage.

Departmental approval for the purchase was sanctioned on September 23, 1915. January of 1916 still found the sale unofficial. At this time the Kashaya were advised that as soon as the title was made absolutely clear the Deed would be recorded (letter from W.H. Pool to Mrs. Conover, Central Agency File, February 8, 1916). Thus community apprehension at the long delay was eased.

It was not until May 6, 1916 that the Secretary of the Interior, after much correspondence with the mortgagee's heirs, who refused to process the quitclaim, took action (letter from Terrell to the Commissioner of Indian Affairs, Central Agency File, April 21, 1916).

As the Government's Solicitor had indicated, the note had long before been outlawed (cf. fn. 7) and since compensation to the heirs in the name of the Nobles would be unjust, it was recommended by the acting Chief Clerk to accept as the final word the recommendation of the Government's Solicitor (letter from J.H. Donch, Acting Chief Clerk to the Secretary of the Interior, Central Agency File, May 6, 1916). The case was then resubmitted for the opinion of the Government's Solicitor. The Solicitor's Office advised that upon payment of all taxes, the Deed offered by Mrs. Marshall Harmon Nobles and her husband would be acceptable. The case was resolved with the recommendation of the Federal Solicitor.⁸

⁸ Cf. Letter from C.F. Hauke to Mr. DeHart Office of the Secretary (Central Agency File, May 25, 1916). "...that he is of the opinion that the title may safely be accepted by the United States. And in order that this sale be consummated in accordance with Departmental approval of September 23, 1915, which is also herewith, this authority may be approved at this time."

The Solicitor's recommendation was based on the fact that the mortgage had long been outlawed under California statutes and court decisions (letter from Terrell to the Commissioner of Indian Affairs, Central Agency File, April 20, 1916).

Being concerned with the delay in process Terrell corresponded with the Commissioner of Indian Affairs in order to "hurry" final approval, as the Kashaya were anxious to take possession of the site and start building their new homes. Shortly after, Terrell was notified that the matter was drawing to a conclusion.⁹

The authority of purchase in the amount of \$1,110 was drafted and transmitted to the Department of the Interior subject to the incumbrances of 1915-16.¹⁰ The incumbrances noted were taxes which were perpetuated by the required certifications of deposit at the local bank - in this case the Wells Fargo & Co., Express in Sacramento, California (letter from Pool to Terrel, Central Agency File, August 10, 1916).

It is noted that the draft was approved with this note:

The Office is satisfied from the report of Mr. Terrell that this purchase should be made and accordingly recommends that the transaction be approved, and that all papers be referred to the Interior Department...(letter from E.B. Merrill, Assistant Commissioner to Secretary of the Interior, Central Agency File, September 22, 1915).

Payment was made in the form of a treasury warrant #1006, issued August 9, 1916 (letter from Hauke to Terrell, Central Agency File, August 17, 1916).

⁹Cf. C.F. Hauke to Terrell, Central Agency File, July 27, 1915. "... the Office now has this purchase under consideration and you will be advised further at the action taken at a later date."

¹⁰Cf., letter from Terrell to Pool, Central Agency File, August 10, 1916. The encumbrances noted are taxes for the years 1915 and 1916 which were not paid during the suing of litigation.

The Deed was, then, properly recorded and evidenced the proper revenue stamps and due cancellation on January 3, 1916, witnessed and certified by William H. Pool, Notary Public in and for the County of Sonoma, State of California (letter from Terrell to the Commissioner of Indian Affairs, Central Agency File, July 13, 1916). The Deed was recorded at the request of W.H. Pool on June 9, 1916 in Book 341 of Deeds, Page 352 of Sonoma County Records.

The Kashaya moved onto the Rancheria after final payment and recording of the Deed. Sometime in late 1916 the Rancheria was officially declared the home of the Kashaya community with the raising and dedication of the Center Pole - the sacred pole of the Roundhouse by the "Dreamer".

While in residence (sometime in the 20's) the "Dreamer", Annie Jarvis, declared a more intense isolation for the community. This stage of isolation was so severe that no community member was allowed to speak of the whites on the Rancheria.

Since the majority of employed worked in the lumbering industry there was that contact between White culture and Kashaya culture. Contact was limited, however, for all other community members by the constant reminder that the Kashaya should stay to themselves. The only intermarriage that took place outside Kashaya at this time was with the Point Arena Pomo group. Any other marriage outside the group was strictly forbidden in the local religion. The overall effect of this policy is fascinating in view of the fact that the Kashaya are credited with being the most intact of all Indian

cultures in California. It is highly probable that the choice of the Rancheria site aided the community in its struggle for isolation.¹¹ The Rancheria site, then, aided Annie Jarvis in her efforts to preserve Kashaya culture, maintain the Kashaya as a distinct group of Pomo and, served to regenerate religion in everyday life. Needless to say, a rejuvenation of local culture and religion took place - marked by a ban on gambling, drinking, intermarriage, a refusal to send children away to government boarding schools and limited contact with White culture.

In considering the ultimate choice of the present-day Kashaya reservation, there is no direct evidence that the group in some way took a hand in the choosing of the site; however, such an inference can be made considering the fact that some dispute did occur within the group as to the best site location. As there was little contact with the dominant culture, the data available does not show that the Kashaya were consulted at any time in the investigation as their preference or recommendations. It is not known if, or if so, in what manner, the group or group leader aided in the choosing of the Rancheria site.

For Kashaya purposes the site was well-chosen. It is unlikely that a group well-maintained in the dominant society by local wage labor would have agreed to relocate en masse to a place not to their liking. Hence; the choosing of this particular site appears to have served to dispel any unpleasantness that may have arisen.

To recapitulate, the Kashaya community has been located on the Pacific

¹¹The site is located atop the first coastal ridge, and is known to the Kashaya as Tsununu Shinal, "Huckleberry Ridge".

coast of Sonoma County since aboriginal times. In 1812 they were contacted by the Russian-American Company who in time established a colony at Fort Ross. Quickly the community was incorporated into the colony. From the Russians the Kashaya learned wage labor, year-round settlement and the expectation of fair treatment at the hands of White culture. After the Russians left the California colony, the Kashaya were left only the alternative of wage labor, as their traditional hunting and gathering grounds were occupied by a new order of ranchers and farmers.

As a result of local rancher hostility toward the Kashaya, the community moved to the Haupt Rancheria at the invitation of Charles Haupt. During the occupation of the Haupt Rancheria, the Kashaya experienced the failure of the 1870 Ghost Dance after which they removed psychologically and socially into a state of self-imposed isolation.

By 1915 the land-owner/Indian relationship had changed dramatically. It was no longer possible for the Haupt Rancheria to support by wage-labor the Kashaya community. The community thus became an economic burden to the Ranch. Hence the request for the Federal Government to remove the Kashaya from the Haupt Rancheria was initiated.

A search ensued for an acceptable place to which the community could be removed. An acceptable site was found. After much delay and litigation the final sale and recording of the deed was made on January 6, 1915 - a year after the initial purchase.

With some initial apprehension the community moved onto the Rancheria

late in 1916 and dedicated the Center Pole - an action which officially marked to the Kashaya their intent to accept the Rancheria as their new home.

The motivations for removal were many and complex. This is reflected in the fact that removal served to restore, enhance and otherwise strengthen Kashaya culture in an environment which was highly hostile to Indians.

After removal the community entered a more vigorous state of isolation. This intensified state of isolation served to further enhance the community's culture and perpetuate the awareness of Kashayaness.

It can be speculated that this awareness was more than a factor of geographic isolation. Perhaps, fear of further dispersal and removal served to reunite and strengthen the community's bonds. The strength and charismatic powers of the group's leader at this time, (Annie Jarvis) leads one to suppose that her political awareness was a crucial factor in the unification of her people.

It is noteworthy that while the group depended on the wage labor of the dominant society it did not allow itself to be assimilated. Instead, under the direction of Annie Jarvis, the Kashaya asserted their uniqueness and sense of community. It is plausible to think that although the Kashaya were removed, the elements on which the group bases "Kashayaness" were enhanced and substantially fortified by the act of removal. In this sense removal was a positive and sought-after experience.

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