

REPORT

OF THE

ACTING SUPERINTENDENT OF THE YOSEMITE NATIONAL PARK

TO THE

SECRETARY OF THE INTERIOR.

1891.

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R E P O R T

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ACTING SUPERINTENDENT OF THE YOSEMITE NATIONAL PARK.

CAMP NEAR WAWONA,
Mariposa County, Cal., August 31, 1891.

The SECRETARY OF THE INTERIOR:

SIR: In accordance with your letter of July 28, I have the honor to submit the following report of the condition of affairs and of the management of the Yosemite National Park since it has been under my supervision during the fiscal year ending June 30, 1891.

Soon after the department commander had designated Troop I, Fourth Cavalry, as the guard for the Yosemite National Park, I procured an order to visit the park for the purpose of examining the ground and selecting a suitable place for a camp.

I arrived here with the troop May 17, established the camp, reported by letter to the Secretary of the Interior for orders, instructions, and suggestions, and immediately commenced examining into the situation.

These duties were entirely new to me and I had no idea of what they were. I managed to procure a copy of the regulations of the Yosemite National Park, from which I learned that trespassing of stock or persons would not be permitted. I wrote to the Department for copies of these regulations. I also wrote to the War Department for copies of maps of Wheeler's survey of this section of California. In the mean time I purchased a small township map of the Park which was printed in San Francisco. This is very defective topographically, but I was enabled by it and such information as I could get from the old mountaineers to approximately locate the boundaries of the park.

The lands within the boundaries of this park have been used as a grazing ground by the cattle and sheep owners for many years, and in order to begin what in this country is called a "square deal" with them I wrote a letter to every stock owner whose name and address I could learn in middle and southern California, notifying them that it was my duty to keep all stock off this reservation, and asking them as law-abiding citizens to use due diligence towards keeping their stock away, thereby aiding me in the execution of the will of Congress. When at a later date I received the regulations of the park, I distributed them freely and inclosed them in letters to about twenty post-offices in the four adjacent counties, requesting the postmasters to tack them up in a conspicuous place in their respective post-offices.

The cattle owners have generally tried to observe the law, but there are many small holders living in the vicinity of the park who are too

poor to hire a herder, and whose old stock will drift up the various cañons leading into the park as the feed in the foothills gets poor. This stock has given some trouble this year, but most of the owners have told me that they would dispose of such stock before the snows melt next year.

The last days of May the sheep commenced their annual migrations to the mountain grazing grounds, and by the 10th of June there were fully 60,000 of them close to the southern and at least 30,000 near the western boundaries of the park. These sheep are owned in the San Joaquin Valley and on the coast. They are organized into bands of from 2,000 to 3,000, each band having a regular outfit of from three to five herders and their dogs, with pack animals as a supply train. These herders and many of the owners are foreigners—mostly Portuguese, with a few Chilians, French, and Mexicans. They have carried things with a high hand and have "bulldozed" the poor squatters among these mountains for years. It was no unusual thing for the herder to open the fence and let his sheep into the squatter's small field, where they would eat up everything.

As these bands approached I kept patrols along the border with instructions to warn the chief herders that it was against the law to trespass upon the reservation. All of them knew just as well as we did about where the boundary lines were located, but I did not wish to take severe measures until a repeated or willful trespass was committed.

In one or two instances, where ignorance of the boundary was advanced as an excuse for trespass, the herders were directed to remove their sheep and not repeat the offense.

Townships, 4 south, 24, 25, and 26 east (see inclosed map), are so situated topographically that the sun melts the snow by the last of May, or much sooner than it melts on like elevations anywhere else in the Park. They can only be reached from the south. Even my patrols have to make a detour to the south of the Park limits to reach them. The sheep herders knew all this, but thought that I did not, so three or four bands moved into these townships and commenced grazing. This convinced me that I had to adopt some plan of action that would thoroughly frighten the owners as well as the herders, or my men and horses would be worn out by perpetually scouring these almost impassable mountains, and even then, as soon as our backs were turned the herds would be slipped in and grazed until another patrol came along.

I knew that any measures which I might adopt that would rid the mountains of these vandals would be popular, for they are hated by the inhabitants of these regions with a hatred that surpasses belief.

I knew that there was no penalty attached to a trespass upon this Park, but I also knew that the sheep men were not aware of this, or if they had any ideas upon the subject at all they were very vague and undefined and that decided action upon my part would settle the question in a very few days, and before they could recover from their surprise I would be master of the situation.

I sent Second Lieutenant Davis, Fourth Cavalry, with a large detail, into the townships above mentioned, with orders to warn all herders whom he might find trespassing to leave the limits of the Park, and if, after the lapse of sufficient time, he found any herds in the Park he had warned off to arrest the herders and dogs and bring them and their pack outfits to my camp, near Wawona. Lieutenant Davis complied with these orders, and brought into my camp four herders and their outfit. As good fortune would have it, a friend of some of these herders happened to be here and he telegraphed to one of the sheep-owners

what had occurred. I telegraphed for a deputy United States marshal and got this news into circulation. I knew that a deputy marshal would not be sent here, nor did I want him, as this was all for effect, and I did not want this thing to go beyond my control, which would have been the case if I had turned the prisoners over to a marshal. The owner of the sheep came, and I succeeded in having him propose to me to furnish bonds for the appearance of the men when needed. I accepted this proposition, and he secured the officials of the Fresno bank as sureties. The bond was written out after some sort of fashion and the men were informed that they were released and would probably not be required to go to San Francisco for trial, unless the sheep men gave more trouble, in which case I was determined to make a severe example of some one, and I had selected them as the victims.

In the meantime I had sent Lieutenant Davis back to the same country, and he arrested and brought in a Scotch owner and his outfit. The Scotchman had, what I was pleased to consider, a reasonable excuse, and I released him after taking the names and post-office address of his party, all of whom, except one, were well-to-do property-owners in San Joaquin Valley.

The United States district attorney for the northern district of California wrote and sent me a long opinion on the subject of trespass, in which, of course, he declared that no criminal action could lie under the law. This was all right and commendable in him, provided he had let matters rest at this point, but he had the substance of his opinion published in the San Francisco daily papers. This was a betrayal of official confidence for which there was no excuse whatever. It tended to weaken my influence among these mountains and damage the interests of the Government to that extent.

I had not asked him for an opinion, and had to go to a great deal of trouble to counteract the evil influence of its publication.

By the 25th of June the sheep question was pretty thoroughly settled, and the vast herds were headed for the valley.

There is a herd of sheep and one herd of cattle grazing on patented land on the south side of the Merced River, under the conditions prescribed by letter of the Secretary dated July 2, 1891.

Up to the 30th of June I had received no instructions whatever from the Department. Many questions affecting the varied interests invested in this Park were presented every day many of them had to be decided immediately. Some were referred to the Department, and others have to await a fixed policy.

In deciding those questions requiring immediate solution, I have been guided by my ideas of equity in each case, but I have it always understood that the present policy is only temporary and will probably be changed when the Secretary becomes familiar with the situation and has the time to prescribe a permanent rule of action upon general cases.

Among these general cases which have been presented to me and upon which I respectfully request a ruling by the Secretary are:

(1) A man has a patent for a timber claim of 160 acres and wishes to fall timber for the purpose of making boards and shingles; this patented claim is several miles within the boundaries of the Park. Question: Will he be permitted to cut down the trees on his patented claim for any purpose?

(2) Several years ago a man located and had duly recorded a claim on a mineral lead, or lode, and has worked the yearly assessments as required by United States statute law ever since. This claim is within the boundaries of the Park. In order that he may hold the claim the

law requires \$100 worth of labor expended upon it every year. Question: Can he expend the \$100 worth of labor upon such a claim as usual? And, also, can he use the timber growing upon such claim for the purpose of securing his shafts and tunnels?

In conformity with the newspaper accounts of the action of the Department in the Kawea Colony case, I have answered the above questions in the affirmative; but a ruling from the Department is requested, as that alone can give a permanent basis of action.

In order that the Secretary may become sufficiently informed of the situation here to enable him to make an intelligent report and recommendations to the Congress, I will describe the topography of the Yosemite National Park somewhat in detail, the roads and trails leading into and over it, the Indians and game living upon it, and the white settlements, claims, mineral and timber lands within its boundaries.

The meridian and parallel of latitude through Mount Diablo are taken as the lines of reference, the latter of which passes through the Park. Of the 42 townships which constitute the Park, 12 of them lie north of this line, the remaining 30 south of it.

The general trend of the summit of the Sierra Nevada Mountains is from the northwest to the southeast. The highest point within the park is Mount Lyell, 13,016 feet. Westward, and to a distance of from 15 to 20 miles from the summit, the country is rough, interspersed with bare peaks, intersected by deep and immense cañons, presenting to the eye a wild and savage appearance.

The principal water courses within the park are the Tuolumne, the Merced, and the South Fork of the Merced Rivers, with their numerous tributaries. The cañon of the Tuolumne, beginning in township 1 north, range 23 east, is impassable for about 30 miles. The cañon of the Merced, beginning in township 2 south, range 22 east—the well-known Yosemite Valley—surpasses description. The cañon of the South Fork of the Merced is deep, exceedingly rugged, but is passable at many points. The country between these streams is heavily wooded generally, and after getting out of the cañons has many features of the plateau and is passable. The tributaries of these streams have their sources well up toward the top of these plateaus, where the water percolates through the soil and gradually collects in comparatively level places, which are covered with luxuriant grass. These levels vary in extent from a few square feet to 100 acres, forming beautiful meadows set in the most magnificent forests in America.

The wagon roads which enter this park are three in number. They are all toll roads, and are owned by incorporated companies.

The only road entering from the south is the best and by far is of the greatest importance. Nearly all of the travel to the Yosemite Valley passes over this road. Stages pass over it every day during the season of travel, and it is kept in excellent repair. It leads from Raymond, a railroad station, to the Yosemite Valley, and traverses the park for 26 miles. It is owned by the Yosemite Stage and Turnpike Company.

There are two roads which enter the park from the west, the most southerly being the road from Coulterville to the Yosemite Valley. It is in very good repair and traverses about 25 miles of the park. It is known as the Coulterville and Yosemite Turnpike, and is principally owned by Dr. J. T. McLean, of Alameda, Cal.

The remaining road enters the park in township 1 south, range 19 east, and leads from Milton, a railroad station to the Yosemite Valley. It is kept in fair repair. It is known as the Big Oak Flat road.

A road of great importance to the troops guarding this park leaves the Big Oak Flat road about 5 miles after the latter enters the park, and traverses the entire park from west to east south of the Tuolumne River, finally crossing this river at Tuolumne Meadows, and leaving the park near the southern line of township 1 north, 24 east. It was built 8 or 10 years ago, by a Boston Mining Company, to enable them to bring machinery to their mines in the vicinity of Tioga, and also to haul ore to the railroad. The mines have not been worked for the past 2 or 3 years, and the road has not been repaired during that time. A number of trees have fallen across it, and in places it is badly washed, but it makes a good mounted trail, and as such is of much importance. This is known as the Big Oak Flat and Tioga road. Recently I passed over this road from the crossing of the Tuolumne to its western terminus.

The most important trail through this park is known as the Mono trail, and commences at Wawona, and after winding up the side of the cañon of the South Fork of the Merced takes a northeasterly course, crossing the Merced River just above the Nevada Falls; thence, after heading many tributaries of this latter river, drops over the divide between it and the Tuolumne, crossing the latter at Tuolumne Meadows, and taking an easterly course, passes the summit through the Mono Pass or what is locally known as Bloody Cañon.

The Virginia trail comes down through townships 2 and 1 north, range 24 east, to the Tuolumne River at the lower end of the meadows. There is also a trail from Mount Conness to the Tuolumne Meadows.

The last trail worth noting enters the park from the head waters of Bull Creek, and reaches the Merced River just about where the western boundary of the park crosses it. It then passes up the river until it joins the Coulterville and Yosemite Valley road where the latter enters the foot of Yosemite Valley. There is a very indifferent road running from Mariposa to Hite's Cove, which is situated in township 3 south, range 19 east. The road runs diagonally through township 4 south, 19 east, to the southwest. The grade is exceedingly heavy and difficult. It is of no importance to this park.

There are several other trails of less importance that I am searching out and blazing to preserve them. They facilitate communication between different points, and their preservation is necessary to aid more rapid policing of the park. Since the stock will not be permitted to graze in the park hereafter, they will soon become obliterated and lost, unless measures are immediately taken to preserve them. If once lost they can only be recovered again by infinite toil.

There are about 35 Indians living within the boundaries of this park. They are the remnants of the Yosemite tribe, and have inhabited the Yosemite Valley and neighboring country longer than their traditions go back. They dress similarly to the whites, and some of them are quite intelligent. In summer they gain a livelihood by fishing, chopping wood, putting up hay, washing, and laboring about the hotels. In winter they hunt and do placer mining and such odd jobs as they can get.

Like all of their kind, they, with but few exceptions, will get drunk whenever they can get the liquor, but they are more steadfast than the white man, in that they will never betray the man who gets the liquor for them.

They have petitioned the Congress for an appropriation of \$1,000,000. But if left to themselves I can not see how this money would make them happier or improve their condition. A few designing whites

would have the most of it in a short time, and it would beget homicide and crime among the Indians themselves.

The principal game in the park consists of bear, deer, grouse, and quail. Neither variety is very plentiful. The sheep have been the curse of these mountains. As they graze in masses, they trample the nests of the quail and grouse to pieces, destroy the eggs, or crush the young before they are able to fly. They separate the young deer from the mother and cause its death from lack of nourishment. As the autumn approaches, the herds retire from the high mountains towards their winter grazing grounds, and the herders set fire to and burn over the forests in their rear so the rays of the sun can penetrate to and melt the snows, thus giving an early and abundant crop of grass the next season. I have effectually stopped such vandalism within this park, and now the possibilities are that it will be alive with game in a few years.

This report would be incomplete did I not note the kinds and varieties of timbers growing upon this park. But as my time is very limited I can but note the principal ones and the approximate elevations of their indigenous growth.

If I have the honor of being the superintendent of the park next year I hope to be able to make a more extended report upon this subject. I am devoting some time to the study of that wonderful tree the *Sequoia gigantea*, and have selected numerous places where I intend to plant the young sprout next spring.

Of the pines there are about nine varieties, and they grow at all elevations from 2,500 to 11,000 feet above sea level; the tamarack growing at the highest altitude of any other of the forest trees.

The cedar grows to great dimensions at from 4,000 to 7,000 feet.

There are about two varieties of spruce, and they grow at from 5,500 to 8,000 altitude.

There are about three varieties of the fir, growing at altitudes from 7,000 to 9,000 feet.

I have seen but few specimens of the juniper, which grows at an altitude of about 8,000 feet.

The black and live oak grow at 4,000 feet in the valley only. There are a few cottonwood and Balm of Gilead at 4,000 feet.

A few dwarfed quaking aspen grow at an altitude of about 5,000 to 6,000 feet.

The most wonderful natural growth upon this earth is the *Sequoia gigantea*, of which there are two small groves within this park. Their indigenous growth seems to be in this latitude at elevations between 5,500 and 7,000 feet.

The private landed interests within the boundaries of this park are probably much greater than the Congress knew of when so much area was included within its limits. I have succeeded by various means in getting data for an approximate statement upon this subject. It is questions growing out of these interests that are constantly arising and demand a great deal of thought and no little firmness on the part of the superintendent of this Yosemite National Park.

I will describe these interests by townships, beginning with the southern township of the western tier:

Township 4 south, 19 east: There are some mining claims in the northern portion, the number not known. A very little timber in the southeast corner, but the township is essentially an agricultural country. There are farms upon this township that have been under cultivation for nearly 30 years. The assessor's rolls in Mariposa show that 5,440 acres have been taken up. The Stockton land office shows that about 3,040 acres have been homesteaded, patented, or paid out.

Township 3 south, range 19 east: This is essentially a mining district. There is no timber upon it and no natural curiosities to preserve. There are several patented

mines and many other mining claims in this township. The assessor's rolls show that taxes are paid on 520 acres. The Stockton land office shows one homesteaded, paid out, or patented claim—160 acres.

Township 2 south, range 19 east: The southern third of this township has no timber, but is a rough mineral district; the rest of the township is heavily timbered, with very little agricultural land. There are about 81 claims, consisting of nearly 12,960 acres homesteaded, patented, or paid out. A little agricultural land.

Township 1 south, range 19 east: This township is heavily timbered. There are about 32 claims, or 5,120 acres, homesteaded, patented, or paid out.

Township 1 north, range 19 east: A rough, heavily timbered township. About 20 claims, or 3,200 acres, homesteaded, patented, or paid out.

Township 2 north, range 19 east: Same as above; about 21 claims, or 3,360 acres, have been homesteaded, patented, or paid out. Lake Eleanor is situated in the southern part of this township. This lake has already been set aside as a Government reservation under the irrigating act.

Township 4 south, range 20 east: The eastern half well timbered, the rest is rough; no agricultural land. Assessor's rolls show about 1,100 acres taken up. Stockton land office shows 1 claim, 160 acres, homesteaded, patented, or paid out.

Township 3 south, 20 east: Heavily timbered. A little agricultural land. There are about 20 claims, or 3,200 acres, homesteaded, patented, or paid out. The well-improved Hennessy ranch, now belonging to A. H. Ward, is in this township.

Township 2 south, 20 east: Heavily timbered; but little agricultural land. There are about forty-eight claims, or 7,680 acres, homesteaded, patented, or paid out.

Township 1 south, 20 east: Heavily timbered; no agricultural land. There are about thirty-five claims, or 5,600 acres, homesteaded, patented, or paid out.

Township 1 north, 20 east: Very mountainous and rough; well timbered. There are about eighteen claims, or 2,280 acres, homesteaded, patented, or paid out.

Township 2 north, 20 east: Western half timbered; eastern half rough and rocky. Only one claim of about 40 acres homesteaded, patented, or paid out.

Township 4 south, 21 east: Heavily timbered; a very little agricultural land. There are about 5,120 acres taken up on the assessor's rolls. Stockton land office notes about 22 claims, or 3,440 acres, either homesteaded, patented, or paid out.

Township 3 south, 21 east: Heavily timbered; but little agricultural land. Assessor's rolls show 4,440 acres taken up. Stockton land office shows about eighteen claims, or 2,880 acres, homesteaded, patented, or paid out. Part of this township is in the State grant of the Yosemite Valley.

Township 2 south, 21 east: Most of this township is in the State grant of the Yosemite Valley. There is one claim, 160 acres, homesteaded, patented, or paid out. The portion in the park is heavily timbered.

Township 1 south, 21 east: Heavily timbered. There are about two claims of 280 acres homesteaded, patented, or paid out.

Township 1 north, 21 east: South of the Tuolumne River the timber is heavy, but the part lying north of this river is barren, rocky, and mountainous. There is one homestead of about 80 acres. All the country north of the Tuolumne River, including range 21 east and as far east as the summit of the Sierra Nevada Mountains, may be described as very barren, exceedingly rough and mountainous, with no agricultural land except in the Tuolumne Meadows, and no timber except in the lower course of the cañons running into the river, where nothing but tamarack grows. The country is about impassable.

Township 4 south, 22 east: Heavily timbered; south half very rough and mountainous. There is one claim, 160 acres, patented or paid out.

Township 3 south, 22 east: Heavily timbered. There are three claims, or 480 acres, homesteaded, patented, or paid out.

Townships 1 and 2 south, 22 east: Most of the latter is in the State Yosemite Valley grant. The remainder and township 1 south are heavily timbered. No entries in either.

Township 4 south, 23 east: Heavily timbered. There are four claims, or 640 acres, homesteaded, patented, or paid out.

Townships 3, 2, and 1 south, 23 east: All very mountainous, rough, and barren. The timber growth is tamarack. There is one claim of 160 acres in township 2 south, and two claims, or 320 acres, in township 1 south.

Township 4 south, 24 east: Heavily timbered in south half; the rest is rough and mountainous; tamarack grows in the cañons. No entries.

Townships 3, 2, and 1 south, 24 east: Very rough and mountainous. But little timber, except in the cañons. Two claims in township 1 south, 320 acres, homesteaded, patented, or paid out.

Townships 4, 3, 2, and 1 south, range 25 east: Townships 4 and 3 well timbered; all four townships are essentially mining districts. I have not been able to learn how many claims have been located or patented.

Townships 4 and 3, range 26 east, are well timbered, but they are full of mining claims.

By following the above description of the park by townships it will be seen that the heavy timber, as a rule, lies from 15 to 20 miles west of the summit and runs parallel to it with a width of from 15 to 20 miles. About 3 years ago, when the railroad was being built in this direction, the people plastered these mountains with timber claims, and the result is that within the limits of this Yosemite National Park about 55,000 acres have been homesteaded, patented, or paid out.

RECOMMENDATIONS.

The boundary lines are not well marked. They are simply neighborhood traditions. Thus far I have not had time to hunt the township corners or in any manner mark the boundaries, even if I could find them.

An appropriation for the purpose of establishing these boundaries is respectfully recommended.

I have devoted much time and thought to the subject of the boundaries of this national park, and after a careful examination of the ground I find that there are natural boundaries for the most of it. I hope I will not be considered over-officious if I state and recommend what, in my judgment, are the best boundaries.

The Tuolumne River forms a natural northern boundary following the Mount Lyell Fork to its source, and thence to the summit of Mount Lyell; thence along the dividing line between Mariposa and Fresno Counties to its intersection of the dividing line between townships 4 south, ranges 23 and 24 east; thence west until this western line intersects the south fork of the Merced River; thence down the south fork of the Merced River to its junction with the Merced River; thence down the Merced River to its intersection of the western boundary line of township 3 south, range 19 east; thence north along this western boundary line of township 3 south, range 19 east, until said north line intersects the Tuolumne River.

Such a boundary line will include all the natural wonders, excluding none whatever. It excludes about all the mining country on the east and nearly all in the southwest. It takes in all the immense forests worth mentioning that is now within the park. It excludes all the old agricultural districts in township 4 south, range 19 east, and it excludes a barren, rocky waste north of the Tuolumne River. It excludes no timber, the shade of which would keep the snows from melting until late in the season, and it includes the only portion of country that furnishes a reason for a national park.

I would also recommend that the Congress pass a law making it a misdemeanor for the violation of Rules 3, 4, 5, 6, and 7 of the Yosemite National Park, with the maximum fine fixed at \$1,000 and the maximum imprisonment fixed at 6 months, or both, at the will of the court of competent jurisdiction.

The limited time in which I have to write this report necessarily excludes smaller details, which I will forward in a supplemental report at the end of the season. I have mentioned only those subjects which I conceived would be of aid to the Secretary in his annual report.

Very respectfully, your obedient servant,

A. E. WOOD,
Captain Fourth Cavalry,
Acting Superintendent Yosemite National Park.