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# The Garra Uprising: Conflict Between San Diego Indians and Settlers in 1851

By WILLIAM EDWARD EVANS

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WITH THE ADVENT of the Gold Rush in 1849, California experienced striking alterations in appearance, character, and circumstance. The pastoral Californios, steeped in the feudal tradition of the hacienda, were summarily swept aside by a flood of Anglo-American adventurers. Hoards of entrepreneurs, miners, gamblers, and saloon keepers invaded the land overnight. In the ensuing social disorganization, competition became the key to survival, and homicide was common.<sup>1</sup> One example of the subsequent conflict was the Indian emeute of 1851, led by Antonio Garra in San Diego County. The Garra uprising was an integral part of a three-sided struggle for survival in a unique, prime ordeal and highly competitive environment.

In 1845 the population of the *gente de razón*, composed of Spanish-speaking Ibero-Americans and a few recently arrived Anglo-American immigrants, did not exceed four thousand. The native population is estimated at over one hundred thousand. It was typical of the Spanish colonizing technique that Ibero-American immigration was kept at a bare minimum with the intention of incorporating the indigenes into the Spanish culture. In this way the colonials were required to avail themselves of the Indian as a resource.<sup>2</sup>

When thousands of Anglo-Americans suddenly converged on California, the Indian's opportunity for employment in the new technology increased at first and later declined. Although both male and female Indians exhibited a marked aversion to regular employment and were "much addicted to intemperance,"<sup>3</sup> Americans utilized them as laborers and domestics whenever possible. Many of them had been trained as craftsmen and mechanics by the Franciscans prior to secularization of

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the missions, and, in fact, they were capable of filling many of the "laborious occupations known to civilized society."<sup>4</sup> Indian labor was used in business, farming, ranching, and in domestic service.

After 1850 the Indians of California began returning to their mountain villages. They did this, not necessarily because they were "rigidly excluded"<sup>5</sup> from the Anglo-American culture, but because of the federal policy of offering presents to the Indian through his tribal leader. This led to the abandonment of the ranchos and pueblos by the Indians, thereby depriving households, ranchers, farmers, and entrepreneurs of valuable laborers, and thus restricting amalgamation and acculturation.<sup>6</sup> As the Indians returned to their mountain villages they began to pose a threat to the settlers along the coast.

One such Indian village was situated in the mountains inland from San Diego, the whites referring to this site as Agua Caliente. For many years prior to 1852 the village was administered by Antonio Garra, a Yuman<sup>7</sup> who had been educated at the San Luis Rey Mission.<sup>8</sup> His was a transitional village, incorporating the culture of the Luiseños to the northwest, the Diegueños to the south and west, and the Yumans to the east. The Indians of Agua Caliente, who have come to be known as Cupeños, spoke a variation of the Shoshonean linguistic stock, and were a branch of the vast Cahuilla tribe to the north and east.<sup>9</sup>

The *ranchería* of Agua Caliente, located in the Valle de San José<sup>10</sup> was certainly anything but isolated. As a matter of fact the valley was a major thoroughfare to most traffic coming to California via the Southern Trail. This was the first place immigrants could refresh themselves and their animals after crossing the desert, and the last place they could take on supplies before attempting the return trip. Thousands of travelers must have passed through the valley on their way to the coast of California. It was precisely within this valley that the main road branched, one fork to San Diego, and the other to Los Angeles.

The village chief, Antonio Garra, occupied a large adobe house which had formerly belonged to the Mission of San Luis Rey. There had been several fine vineyards of which one remained in 1850. There was even a well stocked store kept by the American, William Marshall. Indians wandered in and out of camp in a steady stream. Here they congregated to play a card game known as *Monte*, and to drink much *aguardiente*. Close by were the hot springs where women washed

clothes and everyone, Indians and immigrants alike, bathed. Rocks and sand had been thrown up, damming the water so that thirty could bathe at the same time conveniently.<sup>11</sup>

By 1850 the Valle de San José had become more commonly referred to as Warner's Ranch. Juan José Warner had immigrated to California from Connecticut in 1831, becoming a naturalized Mexican citizen in 1843.<sup>12</sup> In 1844 he had petitioned for a grant of the entire Valle de San José. On November 28, 1844, Don Juan José Warner received from Governor Manuel Micheltoarena a grant of land which embraced the entire valley, including the northern portion known as San José or Agua Caliente.<sup>13</sup> Warner and his wife moved to the property immediately, where he built an adobe house in which he lived from 1845 to 1855. It was located right at the junction of the San Diego and Los Angeles roads, a convenient location for trading with immigrants, approximately five or six miles from the Indian village at the hot springs.

Warner, having moved onto the ranch, remained there until he was temporarily driven off by the Cupeños in the Indian uprising of 1851. Apparently there had been a quarrel of long standing between Warner and the Indians which was brought to a head by an attempt to impose a state tax on the Indians of Agua Caliente.<sup>14</sup> The attempt to collect this tax provoked the conflict which has come to be known as the Garra uprising.

In reprisal to the tax measure the Cupeños joined forces with a Yuma raiding party, and subsequently stole a large herd of sheep west of the Colorado River. Five of the six Americans herding the sheep were killed. Their mutilated bodies were found later. The Cupeños lost ten men. Quarreling over the division of the sheep, the two tribes parted company in the desert. The Cupeño chief, Antonio Garra, had hoped for their continued joint co-operation in the uprising, but such was not to be the case.<sup>15</sup>

Returning to Agua Caliente, Garra ordered his men to murder the Americans in the camp. About midnight, November 21, 1851, Juan Bautista or Cotón, an Indian of Agua Caliente, with Antonino, the son of Antonio Garra, went to the house of José No-ca. They were accompanied by Luis E. Alcalde who asked permission of No-ca to take an American by the name of Joseph Manning from the house. Manning was then killed with a lance by an Indian named Carlos while

“Mariano and Cosme struck on his head with clubs.”<sup>16</sup> After some argument, the Indians divided Manning’s possessions. William Marshall, an American who operated the store, and who had married into the Cupeño tribe,<sup>17</sup> joined in the slaying of three additional Americans.<sup>18</sup> The next morning, Saturday, November 22, 1851, the Indians sacked Warner’s house. Warner was successful in his escape, probably to the nearby Diegueño village of San José. All of his possessions, however, and livestock were stolen.

Shortly thereafter José Antonio Estudillo of San Diego received a letter from Antonio Garra dated November 21, 1851, implying that some exchange of ideas had taken place previously between the two men regarding the tax problem. With the help of the creative editorializing of J. Judson Ames, then editor of the *San Diego Herald*, word spread among the new Anglo-American element that the Indian uprising had been sponsored by the Ibero-Americans. Apparently duels were fought in Old Town, San Diego, as a consequence.<sup>19</sup> No explanation has ever been made as to how such an inflammatory document became public property. Estudillo would not appear to have stood to profit from publicizing the letter. Possibly it was intercepted before he received it. George M. Davis made a translation which he and Edward F. Fitzgerald signed. It reads as follows:

Mr. Jose Antonio Estudillo

I salute you. Some time past I told you what I thought, and now the moment has arrived to strike the blow. If I have life I will go and help you because all the Indians invited in all parts to go to San Bernardino may have risen, and here a man called Juan Berno, tells me that the white people waited for me, for that reason I gave these my words and will be ready by Tuesday to leave this for the Pueblo and you will arrange with the white people and Indians and send me your word, nothing more.

Agua Caliente 21st of November 1851.

Another translation signed by Davis and Fitzgerald exists, but it has been altered slightly. Someone has crossed out parts of the original translation and written “the blow has been struck,” implying that Estudillo might have been cognizant of Garra’s plans prior to their actual inauguration. The *San Diego Herald* printed the altered version on November 27, 1851. A third, but unsigned translation is similar to the initial version.<sup>20</sup>

After Antonio Garra was captured, he made a public confession in which he implicated José Estudillo and Joaquín Ortega in the uprising.<sup>21</sup> Estudillo never offered a public explanation. Joaquín Ortega, however, felt obliged to do so, and as a consequence submitted a public denial of the accusations to the *San Diego Herald*, which appeared in the edition of January 10, 1852.<sup>22</sup>

Garra was captured and brought to San Diego January 8, 1852, where he was arraigned on charges of treason, murder, and robbery. A "Military Court Martial," consisting of "Maj. Gen. Bean, Maj. M. Norton, Maj. Santiago E. Arguello, Lt. Hooper, and Lt. Tilghman, with Cave J. Coutts as Judge Advocate," found Garra guilty of murder and theft, and sentenced him to be shot. He was executed at 4:30 P.M., Saturday, January 10, 1852, in Old Town, San Diego, having been sentenced at 3:00 P.M. of the same day.<sup>23</sup>

The "Court Martial" could not refrain from expressing an opinion about the accusations made by Antonio Garra against Don José Antonio Estudillo and Don Joaquín Ortega. The following opinion was published in the *San Diego Herald* on January 17, 1852:<sup>24</sup>

Everything that has come before the Court shows conclusively, that Antonio Garra is himself the author of this slander; that no papers were found in the Coyotes confirmatory of the connection of any Californians with the Indians; (as published in the *San Diego Herald*;) and that these gentlemen now stand in our community as they have always, in our highest estimation; and that this opinion be published in the "Alto [*sic*] California," the "Los Angeles Star," and "San Diego Herald."

In the interim, William Marshall had been caught, tried in San Diego, and hanged on December 13, 1851, denying his guilt to the end. He admitted knowing that the four Americans were to be murdered at Agua Caliente, and that he had made no effort to warn them.<sup>25</sup>

At Los Coyotes, an Indian mountain camp inland from San Diego, four of Garra's accomplices had been captured and tried. Juan Bautista or Cotón, Jacobo or Qui-sil, and Luis E. Alcalde, all of Agua Caliente, and Francisco Mocate, chief of the *ranchería* San Ysidro were convicted of murder, arson, and robbery by a "War Council" which convened on December 23, 1851.<sup>26</sup> They were executed at Los Coyotes immediately. Garra's uprising ended in the death of all involved Indian leaders.

That the Cupeños rose against unjust taxation there seems little doubt, but it is not clear how the decision to tax the Indians was reached for such a move seems quite unjust. At any rate the sheriff of San Diego, Agoston Haraszthy was authorized by the state attorney general in a letter dated August 20, 1851, to collect taxes from Christianized Indians "owning ranches" in San Diego County.<sup>27</sup> The fact that Warner had been elected to serve in the state legislature, representing San Diego in 1851, may have had some bearing on this situation, but there would appear to be no real proof, one way or the other. Besides Warner utilized Indian labor on his ranch and would have stood to gain little by incurring their animosity at this time.

What exactly did the state attorney general mean when he authorized the sheriff to collect taxes from Christianized Indians "owning ranches," in San Diego County? Did these Indians, who had been exposed to western technology and civilization for approximately eighty years, own the ranch they were working? What about Warner's grant to the entire valley? The answer is very simple: no one knew then who owned what property in California. Warner was working part of the valley and presumably paying the hated land tax on that which he was using. Apparently the people in San Diego felt that if the Indians were using land, running stock, and competing in business with the whites,<sup>28</sup> they should share the burden of taxation.

Warner was not the first to possess a grant to San José Valley. After the Mission of San Luis Rey had ceased to occupy the land, Silvestre de la Portilla received a grant to part of the valley in 1836. In 1840 Antonio Pico solicited the grant of the northern portion of the valley, having occupied it previously with three herds of grazing horses. Because of the overt hostility of the Indians, he was compelled to abandon the ranch about 1842. He had completed a house subsequent to receiving the grant, and it was standing when he was forced to leave. All save the Indians had abandoned the San José Valley before Warner petitioned for it in 1844.<sup>29</sup>

Possibly Garra led the uprising of 1851 to protest taxation without representation,<sup>30</sup> as the Indian had no vote. If this were the case, his decision to do so was unwise. The representatives of the southern faction at the California Constitutional Convention in 1849 fought to obtain the franchise for the Christianized Indians. Twice during the

course of the convention Pablo de la Guerra of Santa Barbara attempted to introduce an amendment that would allow at least some portion of the former neophytes a vote. It was pointed out that those Indians who had become successful, who had attained a certain income, had held the right to vote under Mexican law. Although the Californios were unsuccessful in their attempts to write Indian suffrage into the state constitution, they were able to attach an amendment providing that nothing in the constitution should be construed as preventing the legislature "by a two-thirds concurrent vote," from admitting Indians to the vote "in such special cases" as were deemed just and proper.<sup>31</sup> If Garra had exercised better judgment regarding the matter of unjust taxation, he might have prevented many deaths, and perhaps led the way to Indian suffrage in California. Garra chose to lead an uprising rather than pay an unjust tax, a property tax to which all of Southern California was opposed.<sup>32</sup>

In the southern portion of the state the feeling was so strong against taxing property that nearly all the residents were pressing for a separate territory. Levying taxes upon property placed the major tax burden on the southern ranchers, while the wealthy businessmen of the north did not pay a proportionate cost of government. Representatives of the older, southern faction met in Santa Barbara in 1851 to express their dissatisfaction. They felt they were being victimized by political neglect and an inequitable tax structure. They recommended secession and the formation of a separate territory. Both the Ibero-Americans and the Anglo-Americans were as opposed to this form of taxation as were the Indians of Valle de San José.<sup>33</sup>

Frequently scholars have found it convenient to identify with the Indian in matters concerning conflict between Anglo-American and Indian cultures. Such ethnocentric interpretations, however, tend to avoid considering the possibility that the Indian may have considered the encroachment of the Anglo-American an unfriendly act, calling for as severe a reprisal as his limited technology would allow. This is not to imply that the Anglo-American did not, in fact, commit unfriendly acts in California. Admittedly, many Anglo-American acts could only be interpreted as hostile, but it is difficult to build a syllogistic argument in which the primal cause of conflict is attributable to the initial depredation of the Anglo-American, unless the western migration be con-

sidered a social crime. It is unrealistic to evaluate the Anglo-American's position in California except in relation to the general aura of conflict produced by his migration into California. The Indian interpreted this migration as a threat to his culture, and responded accordingly. An interpretation of the conflict between the Anglo-American and the Indian which tends to romanticize the Indian at the expense of the Anglo-American culture may be lacking in perspective. With the metamorphosis of California in 1849, competition became the key to survival. In the subsequent chaos, Anglo-American, Ibero-American, and Indian vied for ascendancy, and homicide was prevalent. The Garra uprising is an example of this fight for survival in a primitive, highly competitive environment.

#### NOTES

1. Sherburne Friend Cook, *The Conflict Between The California Indian And White Civilization in Ibero-Americana*, Vol. III: *The American Invasion, 1848-1870*, No. 23 (Berkeley and Los Angeles, California: University of California Press, 1943), *passim*.

2. Cook, *American Invasion*, p. 3. Hubert Howe Bancroft, *History Of California* (San Francisco: The Historical Company, 1888), VI, 3, 158-159. Bancroft estimates the number of Anglo-Americans in California after 1845 but before the gold rush to be over 6,000; and the number of Ibero-Americans during the same period to be over 7,000. He states that the population in California excluding the Indian at the close of 1849 was approximately 95,000. According to Bancroft's estimates there were between 3,000 and 4,000 Indians in and around the towns and ranchos of California after 1845 but before the gold rush.

3. John Walton Caughey (ed.), *The Indians Of Southern California In 1852: The B. D. Wilson Report And A Selection Of Contemporary Comment* (San Marino, California: Huntington Library, 1952), p. 23. The report was submitted in 1852 by Benjamin Davis Wilson, Indian subagent for Southern California and is reproduced in its entirety.

4. *Ibid.*, p. 22. They had been trained as masons, carpenters, plasterers, soap-makers, tanners, shoemakers, blacksmiths, millers, bakers, cooks, brick-makers, carters, weavers, spinners, saddlers, shepherds, agriculturists, horticulturists, *viñeros*, and *vaqueros*.

5. Cook, *American Invasion*, p. 3.

6. *Los Angeles Star*, August 14, 1852. An anonymous contributor made the following observations: "I regard the policy pursued by Agents of the General Government towards our Indians as being at war with the interests of the people and



of the Indians themselves. . . . It has led to the abandonment of the ranchos and pueblos by the Indians almost entirely, each petty chief calling in the straggling members of his tribe from fields of labor, to swell his own importance by a show of numbers. Such is the case with the Cahuillas and their Chief, Juan Antonio, and other tribes. The policy referred to, by affording sufficient provisions to the Indians to live upon without work, has created a grand 'fiesta'; and the Indian servants have generally left their employers to gather to the festival; and idleness and consequent crime and outrage will be the result. Indian leaders are rising in their own importance and that of their people; tribes which had ceased to exist [through a process of amalgamation and acculturation] are being collected together from all the neighboring ranchos and pueblos, and by concentration becoming more formidable. The very feeding of them by the government, without the necessity of work, has become the most potent cause of their being daily rendered more formidable."

7. *Daily Alta California* (San Francisco), December 18, 1851.

8. *San Diego Herald*, December 18, 1851.

9. The Diegueños were of Yuman linguistic stock while the Luiseños and Cahuillas were of Shoshonean. The Diegueño name for Agua Caliente was Hakupin, while the Cahuillas called it Kupa. Modern ethnologists have accepted the latter name and refer to the Indians from this area as Cupeños.

10. Also called San José del Valle and Warner's Ranch.

11. Joseph J. Hill, *The History Of Warner's Ranch And Its Environs* (Los Angeles: privately printed, 1927), pp. 121-134.

12. *Ibid.*, pp. 101-102. After settling in California, Warner changed his name from Jonathan Trumbull Warner to Juan José Warner because there was no Spanish equivalent to Trumbull. To the Americans he was known as J. J. Warner. By the Indians and other Spanish speaking people of the area he was frequently called Juan Largo (Long John), presumably because he was six foot, three inches tall. In official documents his name was sometimes written "Juan Guarner." Occasionally he signed his name "Juan G. Warner."

13. By the terms of the Treaty of Guadalupe Hidalgo signed February 2, 1848, it was necessary to protect property rights of Mexican citizens in that portion of the country which had been ceded to the United States. To accomplish this task a commission was created by an Act of Congress on March 3, 1851, the duty of which was to pass judgment on the validity of the various claims. The opinion of the Board of Commissioners concerning Warner's Ranch included a description of the property which is reproduced in Hill, *Warner's Ranch*, pp. 145-146. The northern end of the valley is referred to as either San José or Agua Caliente. It should be noted, however, that there was a Diegueño village in the area called San José. See Caughey, *Wilson Report*, p. 17.

14. *Daily Alta California* (San Francisco), December 27, 1851; Hill, *Warner's Ranch*, p. 127. In his diary Benjamin Hayes remarks, "In past times, Indians have annoyed him a good deal. This is one reason why he has made so little. Once they

stole all his horses and mules. . . ? "A controversy has existed for some length of time between them and Mr. Warner, concerning the little vineyard they are in possession of," states the *San Diego Herald*, December 18, 1851.

15. *San Diego Herald*, December 18, 1851. Taken from Garra's published confession.

16. "Proceedings of a Council of War convened in the Valley Los Coyotes," December 23, 1851, National Archives MSS, RG 98, H-4, from Samuel P. Heintzelman, Capt. 2nd Inf., Bvt. Major, to Headquarters, Division of the Pacific, received January 18, 1852 (copy in my possession), *passim*. Some of the other Indians mentioned, as having participated in the slaying of Manning were José Luis, Bonifacio, Román, José and Jacobo or Qui-sil.

17. *San Diego Herald*, December 18, 1851.

18. "War Council Proceedings," p. 4. These men are referred to as Slack, Fiddler, and Ridgeley. Their full names are unknown.

19. *San Diego Herald*, November 27, 1851, December 11, 1851, December 25, 1851, January 1, 1851, [*sic*, should read 1852], January 5, 1852, and January 10, 1852.

20. All of the original translations were found by June Reading in the collection of the Whaley House Historical Museum, San Diego, California.

21. *San Diego Herald*, December 18, 1851. The confession of Antonio Garra was made at Rancho del Chino, California, on December 13, 1851, in the presence of "Capt. Lovell, U.S.A., Gen. Bean, Col. Williams, Major Myra Norton, and W. H. Rand."

22. *Ibid.*, January 10, 1852. It reads in part as follows: "On the 11th of October, the Indians arrived at my rancho of Santa Maria, and told me that they wished to celebrate their favorite feast of the 'Gavian,' I told them I had no objection to their feast, and they commenced dancing at about 4 o'clock in the afternoon. They applied to me for something to eat, and having nothing else to offer them, I sent for four calves that were tied near my house, gave them to the Indians and told them to make themselves [unable to read remainder of sentence]. The day following, I told them that they must finish the feast that night, as the next day I was going to Santa Barbara, with several others from San Diego, in order to hold a Convention. That others from Los Angeles, San Luis Obispo and Monterey, would also be there, and our object was to petition Government for a Division of Territory; that we who were living in the Southern Country, unable without a sacrifice to pay our taxes, might get relief, and that they must remain peaceable and quiet; and get into no difficulties which might affect the Government in an unfriendly manner towards them. With this I left them.

The tribe who had the feast were Diegainos and have ever remained quiet and friendly, conformably to the instructions I gave them—*Antonio Garra was not at the feast, nor were any of the Agua Caliente Indians.*

My reason for cautioning the Indians to be quiet and behave themselves properly, was because I knew that they felt aggrieved at the levy upon them for taxes."

[All spelling and punctuation errors occur in the published letter.]

23. *Ibid.*, January 17, 1852.

24. *Ibid.*

25. *Ibid.*, December 11, 1851, December 18, 1851.

26. "War Council Proceedings," *passim*. The trial was carefully recorded by 1st Lt. John Hamilton. Those present were listed as follows: Bvt. Lt. Col. John Bankhead Magruder, Bvt. Major Samuel P. Heintzelman, 1st Lt. Francis Engel Patterson, 1st Lt. John Hamilton, 2nd Lt. Adam J. Slemmer, Capt. Delozier Davidson, 1st Lt. Edwin Murray, Surg. John E. Summers, 2nd Lt. James W. Frazer, and the U. S. Commissioner and Indian Agent for California, Dr. Oliver Meredith Wozencraft.

27. San Diego *Herald*, December 18, 1851.

28. Hill, *Warner's Ranch*, p. 129. These Indians were not penniless. Hayes reports that they were paying Marshall one dollar per pint for *aguardiente*.

29. *Ibid.*, p. 144, *et passim*.

30. June Reading, "New Light On The Garra Uprising," Paper read before the First Annual San Diego Historical Conference, San Diego, California, March 20, 1965.

31. Woodrow James Hansen, *The Search For Authority In California* (Oakland, California: Biobooks, 1960), pp. 121-122, 153-154. "Under the Constitution of 1836 the franchise was limited to persons with an income of at least 100 pesos. In 1852, the Bases Orgánicas required each voter to possess an income of 200 pesos.

32. Caughey, *Wilson Report*, p. 32. San Diego *Herald*, December 18, 1851. Garra's confession was published in this edition. He stated that he took this course of action so that he might avenge himself for the "payment of taxes, which have been demanded of the Indian tribes. The Indians think the collection of taxes from them a very unjust measure." Also there is some mention of the matter in a letter from Samuel P. Heintzelman, Capt. 2nd Inf., Bvt. Major, to Lt. Col. Hooker, Asst. Adjt. Genr'l., U.S.A., Sonoma, California, November 28, 1851, received December 5, 1851, National Archives MSS, RG 98, H-17 (copy in my possession). He states "There has been ill will of long standing between Mr. Warner and the indians of Agua Caliente, aggravated by the taxes collected from the indians in this county & the killing of men at Los Angeles recently. There has also been great dissatisfaction amongst the Californians at the heavy taxes."

33. San Diego *Herald*, July 24, 1851, August 28, 1851, September 9, 1851, and September 11, 1851. Heintzelman to Hooker, November 28, 1851. Agoston Haraszthy, the sheriff who attempted to enforce the tax laws on the Indians in San Diego County, was a strong separatist leader, contributing a lengthy article to the San Diego *Herald*, July 24, 1851, in which he summarized the various complaints. According to the San Diego *Herald*, September 11, 1851, Haraszthy was elected to the state assembly as a strong separatist. In the San Diego *Herald*, August 28, 1851, a rumor is reported to the effect that some of the rancheros had been compelled to mortgage their property in order to pay their taxes.