

T R E A T Y   R I G H T S   W O R K S H O P

CHEHALIS RIVER TREATY COUNCIL  
AND  
THE TREATY OF OLYMPIA

By

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CURRENT ISSUES ARISING OUT OF THE  
CHEHALIS RIVER TREATY COUNCIL

TREATY vs. NON-TREATY INDIANS

Indians in Washington have recently won a major court decision defining and upholding treaty fishing rights. This apparent victory for Indian rights poses a problem.

The clear definition of those rights which are secured by treaty has raised questions about the rights of Indians who are not parties to a treaty.

Before the judgment in U.S. v. Washington was handed down, Indian fishermen in Washington had rights, privileges, and immunities as Indians. For example, Indian fishermen did not have to buy licenses. Instead, they were able to use Indian fishing cards.

Judge Boldt found that the fishing clauses in the Stevens treaties secured to the Indians who were parties to those treaties rights, privileges, and immunities which are different from those held by other citizens.

The State of Washington now takes the position that only those Indians who have treaty rights have rights which are different from those held by other citizens. 2

Judge Boldt also found that the fishing right secured to the Indians in the Stevens treaties is a reserved right which is linked to the marine and freshwater areas where the Indians fished during treaty times.

A "reserved right" is one which the Indians had before the treaties were made, and kept after they ceded their lands.

All of the Indians in western Washington, whether they signed treaties with Stevens or not, depended on fishing for their livelihood and relied on fish for their staple food.

All of the Indians in western Washington had similar rights and interests in the fisheries before the treaties were made.

Most of the Indians in western Washington signed treaties of land cession with Stevens. In those treaties, the Indians reserved or kept their rights to fisheries in the ceded areas.

A few tribes did not sign treaties with Stevens.

Are the Indian fishing rights which were reserved when lands were ceded reserved only for Indians who signed treaties?

If Indian fishing rights exist today only if they are secured in treaties, and if such rights are secured only to Indians who are parties to a treaty, then it is of critical importance to understand why a few tribes in western Washington do not have treaty status and do not have treaty rights.

If some Indian tribes have rights today which others do not have, it is vitally important that everyone should know how this came about.

The Cowlitz, Chinook, Chehalis, and Shoalwater Bay tribes did not sign a treaty with Stevens. All four groups were represented at the Chehalis River treaty council in February 1855. Stevens broke up that council without making a treaty there.

We have brought together at this workshop various documents and records which will make it easier to see what happened at the Chehalis River treaty council and why things happened the way they did.

If we look at the documents and records, we can see that the failure of the Chehalis River treaty council had several clear causes:

- (1) Governor Stevens tried to impose a treaty which was different from any of the treaties previously negotiated with Indians in Washington Territory;
- (2) The terms which were offered were unacceptable to the Indians and were not consistent with the policy of the Department of Indian Affairs; and
- (3) Stevens told the Indians that the terms were non-negotiable. When he could not have his way, he broke up the council with out making a treaty.

If the Cowlitz, Chinook, Chehalis, and Shoalwater Bay tribes do not have treaty, rights, we should all know why they do not.

Stevens failed to carry out his instructions and acted improperly at the Chehalis council. Because of this, the Cowlitz, Chehalis, Chinook, and Shoalwater Bay Indians were deprived of their right to a treaty.

This happened despite the fact that the Indians came to the treaty council in good faith and made sincere efforts to negotiate. It happened despite the fact that the Cowlitz and Chinook had three years earlier signed treaties which the United States Senate and the President failed to ratify.

Was it fair that these tribes should have been penalized because of Stevens' behavior?

Is it fair that these tribes should continue to be penalized for Stevens' behavior?

#### INTRODUCTION TO THE CHEHALIS RIVER TREATY COUNCIL

#### THE TREATY COUNCIL THAT FAILED

In December 1854 and January 1855, Governor Isaac I. Stevens and several other treaty commissioners negotiated treaties with most of the Indians in western Washington. Four treaties were concluded in rapid succession whereby the United States extinguished Indian title to most of the land in Washington Territory west of the Cascade Mountains.

A treaty council was scheduled for February 1855 on the Chehalis River at which Stevens expected to purchase Indian title to the rest of western Washington.

At the Chehalis River, Governor Stevens met the first concerted Indian resistance to his treaty negotiations in Washington Territory. For the first time during his whirlwind tour of treaty-making, he was not able to secure the necessary signatures from the Indian delegates.

For one week, from Saturday, February 24th through March 2nd, 1855, Governor Stevens and his treaty commission met with representatives of various Indian tribes living along the Pacific coast and in the southwestern part of Washington Territory.

At the Chehalis River treaty council there were representatives from the Quinault and Queets, from the north side of Gray's Harbor, from the Satsop, from the Lower Chehalis, Upper Chehalis, Shoalwater Bay, Chinook, and Cowlitz.

For a week, Governor Stevens and other members of the treaty commission tried to impose terms which the Indians found unacceptable.

For a week, the Indian representatives tried to persuade the Governor to negotiate those terms in order to reach a reasonable compromise.

The Indians offered to make considerable concessions.

The Governor refused to make any concessions.

Finally, the Quinault representatives and Governor Stevens signed the treaty. The rest did not.

Stevens abruptly broke up the council announcing that no treaty had been made and that none would be made.

In July, however, he sent a member of the treaty commission to the Quinault River to negotiate a separate treaty with the Quinault. Stevens signed that treaty at his office in Olympia in January 1856. It is known as the Treaty of Olympia.

Because they signed the Treaty of Olympia, the Quinault today have treaty rights. The rest of the Indians who were represented at the Chehalis River treaty council are not parties to any treaty and do not have treaty rights.

Ironically, the issues which Stevens refused to negotiate at the Chehalis River council and which caused the Cowlitz, Chinook, Chehalis and Shoalwater Bay Indians not to sign the Chehalis River treaty, were conceded in the Treaty of Olympia and by later Executive Orders.

#### INFORMATION NEEDED TO ANALYZE THE CHEHALIS RIVER TREATY COUNCIL

##### INFORMATION NEEDED ABOUT ANY NEGOTIATION SESSION

In order to assess adequately any negotiation session, certain kinds of information are essential.

We need to know what the session is meant to accomplish. What are the objectives?

We need to know what authority the participants have to act. Who do they represent? How far can they go?

We need to know what is negotiable and what is not.

What are the procedures for putting into effect any agreements which may be reached?

These are only some of the questions to which we need answers. Other categories of information will occur to those of you who are experienced participants in negotiations with government or business.

##### INFORMATION AVAILABLE ABOUT THE CHEHALIS RIVER TREATY COUNCIL

Certain information is available to us regarding the policy of the United States in making treaties with Indians, the instructions given to Stevens, and the way Stevens carried out those instructions.

A selection of materials which are crucial to an adequate understanding of the Chehalis River treaty council

are provided in the first section of this book. These materials are on the green pages. They include the following items:

- (1) A letter of authority from the Commissioner of Indian Affairs to Stevens instructing him to make treaties in Washington and providing him with policy guidelines and with several recently concluded treaties to use as models.
- (2) Article 1 of the Omaha treaty which had been negotiated by the Commissioner of Indian Affairs in 1854. The Omaha treaty was sent to Stevens to serve as a model. Article 1 of the Omaha treaty is reproduced here because it provides information on how reserved lands could be set aside under the treaties. Stevens chose to ignore the option used by the Commissioner in the Omaha treaty. If Stevens had followed the model supplied to him, the Chehalis River treaty might have been signed.
- (3) Article 6 of the Omaha treaty is also included because it is needed in order to understand the comparable section in any of the Stevens treaties. Article 6 of the Omaha treaty is incorporated by reference in Article 6 of the Chehalis River treaty. There is no evidence that Article 6 of the Omaha treaty was read or explained to the Indians at the Chehalis River council.

The three items reproduced on the green pages provide information concerning the authority, terms of reference, and guidelines which Stevens had when he arrived at the Chehalis River treaty council.

That information was not available to the Indians who came to the council except insofar as Stevens explained them to the delegates. A close reading of the minutes of the treaty council gives some idea of what Stevens told the Indians.

The text of the council minutes is reproduced in the second section of this book. That text is the official record of the proceedings at the Chehalis River treaty council. Included within those minutes is a copy of the Chehalis River treaty which was offered at that council, but which was not concluded.

Following the record of the Chehalis River council and treaty, there is a facsimile copy of the treaty negotiated in July 1855 on the Quinault River. [Not included in this version.] This is a copy in George Gibbs' handwriting and by examining article 2 of the treaty and the note at the close of the document, you can see the changes that were made after the failure of the Chehalis River council.

Finally, there are correspondence and records relating to the establishment of the Chehalis Reservation and the Shoalwater Bay Reservation. These reservations were established by Executive Order less than ten years after the Chehalis River council.

The treaty which was offered to and concluded with the Quinault and Quileute incorporated changes designed to

overcome objections raised at the Chehalis River council.

The Chehalis Reservation and the Shoalwater Bay Reservation were established to satisfy the requirements outlined by Indian delegates at the Chehalis council.

The Cowlitz, Chinook, Chehalis, and Shoalwater Bay tribes did not sign the treaty at the Chehalis River council because Stevens, acting as agent for the United States, refused to negotiate with them.

Within a year, Stevens conceded the points at issue as evidenced by the re-written Article 2 of the Quinault treaty. Within a decade the United States had provided the reservations discussed at the Chehalis council.

The United States appears to have agreed to the proposals made by the delegates to the Chehalis council, but their descendants are still denied treaty status and treaty rights.

[Begin Green Pages]

LETTER OF AUTHORITY  
FROM THE COMMISSIONER OF INDIAN AFFAIRS  
TO GOVERNOR ISAAC I. STEVENS  
TRANSMITTING INSTRUCTIONS FOR  
MAKING TREATIES IN WASHINGTON

Charles Mix, the Commissioner of Indian Affairs, officially informed Isaac Stevens that he was to make treaties with the Indians in Washington Territory in a letter dated August 30, 1854. The text of that letter is reproduced on the following pages.

The letter makes clear some of the intentions of the United States.

The United States wished to extinguish Indian title to all the lands in the Territory, except for those lands which the Indians would require.

The method by which this was to be accomplished was by making treaties with the Indians.

The treaties were meant to be permanent.

All the Indians in the Territory were to be included in the treaties.

SUGGESTED TOPICS FOR DISCUSSION

The treaties were made so that the United States could buy out Indian title to the land. The land transfer was intended to be permanent. Recently there has been talk about buying out treaty rights. How would such legislation, if it were passed, affect Indian title?

August 30, 1854

Sir:

By requisition of this Office, of the 12th instant, the sum of \$10,000 will be placed in your hands, or remitted to you from the appropriation of \$45,000 made by the act of Congress approved July 31st 1854, "for expenses of negotiating treaties with and making presents of goods and provisions to Indian Tribes in the Territory of Washington."

It is the expectation of the Department that the sum appropriated, will prove sufficient to defray all expenses incurred in and incidental to making conventional arrangements designed to be permanent, with all the Tribes and fragments of Tribes within your Superintendency, by which the United States will extinguish their claim of title to all the lands within the Territory, excepting such limited districts as it may be necessary to assign them for their occupancy in future; and I have now to inform you that you have been designated by the President as the Officer of the Indian Department to conduct the negotiations and conclude the treaties of amity and acquisition that are thus provided for.

The remittance of \$10,000 above referred to, was made to enable you to enter upon the discharge of the duty hereby assigned you, so soon as you arrive in Washington Territory, and the funds will be applicable for the purchase of presents, of goods and provisions, and for defraying all expenses of a preliminary and incidental nature connected with the negotiations &c.

In accordance with the request made in your letter of the instant, I have directed the articles of Dry Goods and Hardware embraced in the schedules therewith furnished by you, to be procured from the contractors with this office for Indian Goods, and it is expected that the two lots, one of \$8,000 in value, and one of \$12,000 will be shipped from New York to San Francisco by fast sailing Clipper ship, in a few days, to be forwarded to you, as you requested; \$8,000 to Columbia Barrack, care of the U.S. Quartermaster, and \$12,000 to Olympia. Schedules of the goods thus procured will be transmitted to you at Olympia, and as soon as they will be shipped to the care of the Collector at San Francisco, you will correspond with him, as to the more safe, speedy, & proper way of landing them thence to their respective destinations.

In concluding articles of agreement and convention with the Indian Tribes in Washington Territory, you will endeavor to unite the numerous bands and fragments of tribes into tribes, and provide for the concentration of one or more of such tribes upon the reservations which may be set apart for their future homes.

The formation of distinct negotiations with each of the forty or fifty separate bands of Indians in Washington Territory, would [not] be as likely to promote the best interests of the White settlers or of the Indians, as if the latter could be concentrated on a limited number of reservations, or on contiguous reservations in a limited

number of districts of country apart from the settlements of the Whites.

Unless some such arrangement can probably be effected, you will at present, conclude treaties with such tribes or bands only, as are located immediately adjacent to the settlements of the Whites, and between whom and our own citizens animosities prevail, or disturbances of the peace are reasonably apprehended. And in entering upon the execution of the duty with which you are hereby charged; you will turn your attention first to such tribes and bands.

It is desirable that the stipulations to be fulfilled annually on the part of the United States, be few in number, and that the Department retain the authority to apply the funds to a variety of objects, such as the circumstances of the Indians at the time of payment may require.

This suggestion you will regard particularly if you are unable to effect the combination of all the Bands into six or eight Tribes, or to arrange half a dozen treaties or less, so that every one of the tribes shall be a party to one of them.

It is not deemed necessary to give you specific instructions as to the details of the treaties. I however enclose to you herewith, copies of the treaties recently concluded by Supt. Palmer, at Table Rock and Cow Creek, Oregon Territory, with the Rogue River and Cow Creek Indians and the printed copies of treaties lately concluded at this city with the Omaha & Otoe & Missouri Indians.

Those negotiated by Supt Palmer are regarded as exhibiting provisions proper on the part of the Government & advantages to the Indians, and will afford you valuable suggestions. Those with the Omahas & Otoes & Missouri Indians, will indicate the policy of the Government in regard to the ultimate civilization of the Indian Tribes, the graduation of annuity payments to them, the encouragement of schools and missions among them, the exclusion of ardent spirits from their settlements, the security to be given against the application of their annuity funds for payment of debts and claims; the terms on which roads & railroads may be constructed through their reservations, and the authority proper to reserve to the President, of determining the manner in which annuities of Indians shall be applied for their benefit.

I would here remark, that the amounts secured to Tribes in Nebraska will not be a criterion for you, in regard to the amount of the annual or other payments to be made to Tribes in Washington, under stipulations of the proposed Treaties, in as much as the former held lands which had become valuable by reason of their proximity to the State of Iowa, whilst the latter have claims of title based on occupancy alone, and that occupancy of a nature not fixed, and well defined as to boundaries, and the lands which they claim are far removed from the portions of the Country which have been long settled, & highly improved and cultivated.

I would also refer you to the late annual report of

this Office, and the last annual report of the Secretary of the Interior, from which you will perceive that it is regarded by the Department as the best policy to avoid, as far as it can be judiciously done, the payment of Indian annuities in money, and to substitute implements of agriculture, stock, goods, and articles necessary to the comfort and civilization of the Tribes.

You will bear in mind the distance that separated you from the Capitol, and the time which must elapse from the negotiation of treaties until you hear of the action of the President and Senate upon them; and you will hence caution the Indians against expecting the first payments of annuities too soon after the conclusion of negotiations.

You will at your early convenience, furnish to this Office a Skeleton Map of Washington Territory, showing the location of the different tribes and bands, and the boundaries of the regions respectively claimed by each; and as treaties are concluded from time to time, in your reports accompanying them, furnish a description of the reservation provided for the occupation of the Indians, with such precision, that it may be marked on a map here.

With these general views, you will nevertheless exercise a sound discretion, where the circumstances are such as to require a departure from them; and you will take care, in all treaties made, to leave no question open, out of which difficulties may hereafter arise, or by means of which the Treasury of the United States may be approached.

It is expected that a due regard to economy will govern all your acts, and that you will promptly report progress, in the execution of the trust now confided to you.

Very Respectfully  
Your Obedt Servt  
Charles E. Mix,

Acting Commissioner

His Excellency  
Isaac I. Stevens  
Governor of Washington Territory  
Present.

GOVERNOR STEVENS

YOWANNUS, UPPER CHEHALIS

He wished them to leave it to the Great Father to say where their lands should be.

He does not want to sign till he knows where he is going to.

The single greatest obstacle to the signing of the Chehalis River Treaty was Stevens' insistence that the Indians should agree to go to a reservation of unspecified size at some undetermined place between Cape Flattery and Gray's Harbor.

In each of the four treaties which Stevens had made

during the previous two months, the location and the size of every one of the reservations was stated.

Neither the treaty commission nor any other Whites had yet examined the country between Gray's Harbor and Cape Flattery, but Stevens wanted the Indians to leave it to the President to choose a home for them in that area.

The Indians quite reasonably refused to sign away "all their right, title, and interest" in their lands without more specific assurances.

Stevens' insistence that they should trust to the Great Father created the impasse which doomed the negotiations to failure. The impasse was unnecessary. Stevens had been provided with a copy of the Omaha treaty to use as a model to guide him in his negotiation of treaties in Washington Territory.

Article 1 of the Omaha treaty provided the guidelines for setting out a reservation in land which was not definitely identifiable either to the commission or the Indians.

The full text of the first article of the Omaha treaty is given on the following pages. It designates the lands to be reserved, but provides that the Indians must find them satisfactory. Provision is made for joint examination of the lands by a delegation of the Indians and the agent. If the Indians find the lands suitable, they are to ratify the selection. If they are not satisfied, alternate lands are to be found which will satisfy them.

#### SUGGESTED TOPICS FOR DISCUSSION

What language could Stevens have used in the Chehalis River treaty to overcome the objection raised by Yowannus?

Why do you think Stevens did not follow the plan adopted by the Commissioner of Indian Affairs in the Omaha treaty?

[End Green Pages]

#### THE CHEHALIS RIVER TREATY COUNCIL

##### GIBBS' RECORD OF THE COUNCIL

On the following pages are reproduced the official minutes of the Chehalis River treaty council as recorded by George Gibbs. Gibbs was a lawyer who served as a member of Stevens' treaty commission in western Washington.

The record is probably incomplete. It is unlikely that Gibbs was able to record all of the discussions that took place during the course of the week long meeting.

The record is also incomplete in that presents the facts as viewed by one of the interested parties. We do not

have a comparable record of the proceedings as viewed by one of the Indian delegates.

Despite this, certain things emerge fairly clearly from Gibbs' minutes. The Indian delegates came to the council prepared to cede certain lands and prepared to state which lands they wished to keep. Each of the speakers specified land within his own territory which he wanted to retain.

Stevens told the delegates that they must all agree to a reservation somewhere on the coast of the Olympic Peninsula.

After lengthy discussion, the Indian delegates proposed significant concessions. Five or six bands agreed to go on a single reservation on the Chehalis River. Another reservation was proposed at Shoalwater Bay.

Stevens refused to negotiate. He insisted that everyone would have to agree to go to a single reservation somewhere between Gray's Harbor and Cape Flattery. Only the Quinault were prepared to sign the treaty under those conditions.

When Stevens found that he could not have his way, he abruptly broke up the council. He announced that no treaty had been made and that none would be made.

Later, he made a separate treaty with the Quinault.

#### SUGGESTED TOPICS FOR DISCUSSION

Stevens threatened the delegates at the Chehalis council in an effort to get them to sign his treaty. He said that if they did not agree to his terms, their lands would be taken anyway and they would be placed on reservations. He said that they would not be offered another treaty. Did Stevens have authority to make or carry out these threats?

In effect, Stevens asked the delegates to sign away all their right, title, and interest in their lands and to trust that the United States would deal fairly with them. Would you sign such an agreement? Do you think that the delegates at the Chehalis River council should have done so?

#### TEXT OF THE RECORDS OF THE PROCEEDINGS OF THE COMMISSION TO HOLD TREATIES WITH THE INDIAN TRIBES OF WASHINGTON TERRITORY

FEBRUARY 20 TO MARCH 2, 1855

COUNCIL WITH THE UPPER AND LOWER CHEHALIS,  
LOWER CHINOOK, COWLITZ  
AND QUINAIUTL INDIANS  
INCLUDING THE PROPOSED TREATY  
WHICH WAS NOT SIGNED

Council with the Upper and Lower Chehalis, Lower Chinook Cowlitz & Quinaiutl Indians.

1855. FEBRUARY 20TH. Tuesday. Mr. Simmons Indian Agent and Mr Gibbs Secretary, with the Employes of the party rendezvoused at Judge Fords on the Chehalis River, and proceeded down in canoes to the place previously selected for the Council ground, the claim of Mr. Pilkenton, a few miles above the entrance of the Chihalis into Gray's Harbor, which they reached on the 22nd. Mr. Frank Shaw, one of the Interpreters and Special Agent had previously been sent by way of the Cowlitz and Columbia Rivers to act in connection with Mr. Tappan Sub Agent for the District, in bringing in delegations from the tribes living on those waters. Governor Stevens reached the ground on Saturday the 24th and Mr. Tappan the same night. The Indians now began to assemble from different points and on Sunday a count was made of the tribes present and their report obtained of the number of individuals absent. This was done in the usual manner, each band or village giving in a bundle of sticks corresponding to the individuals left behind.

The tribes thus counted were

The Upper Chihalis numbering in all	216
" Lower do	217
" Quinaiutl and Sub Band Kwehtsa	158

To which were added upon the arrival of Mr. Shaw Delegates from the others, to wit

Lower Chinooks, numbering as before	112
Cowlitz	140

Giving a total of 370 Indians present, representing Tribes and Bands, whose total numbers are	843
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These excepting the Upper Chinooks and a part of the Klikitat Tribe who were not summoned to treat at this point were supposed to constitute all the remaining Indians of the Territory West of the Cascade Range. It was now however found that the Quinaiults did not occupy the whole country between the Chihalis and the Makahs, but that another and distinct tribe, the Kwillehyutes were intermediate. This was perceived upon collecting vocabularies of the languages for comparison, that of the Kwillehyutes proving to be entirely different, and upon pursuing the inquiry it was further ascertained that the messengers sent up the coast had for this reason not notified them of the Council. Being wholly unrepresented therefore, they were necessarily omitted in the intended negotiation but their numbers are ascertained to be about 300.

The necessity of Ethnological inquiry in concluding arrangements for treating with or locating Indians is strikingly shown in this instance.

Mr. Shaw arrived on Monday with the delegation of Cowlitz and Chinook Indians. The time had meanwhile been occupied by Col. Simmons and the Interpreters present in explaining the details of the Treaty proposed to be made to the several Chiefs that it might be told in advance to their

people.

TUESDAY FEBRUARY 27TH. The Council was opened, and Col. Simmons announced its objects. The Indians were then addressed by Gov. Stevens as follows:

"My Children. I have seen many Indians in the last two months, none better clothed nor apparently more happy than you. You have seen the Whites for years. You have heard of the Great Father, yours, and the father of the Whites. The Great Father has many White children and they are coming here: the Great Father wishes that his white and red children should be friends, and you are friends now. What is your state now though? Do you now own all your old burying grounds and potato patches - have you not been told by the Whites "Let us have these places, and the Great Father will pay you for them?" The Whites now have these lands, but you have not got your pay. And now the Great Father has sent me here and know what he should pay you for them. He also thinks you should have homes where no white man would go without your wish. You want homes where you can live happy all your days and gather roots, berries and fish, and you shall have them. You have many children. We want those children to have trades, to farm &c. Sometimes you are sick and need a physician. You also want ploughs and tools to raise crops. And you want also an Elder brother, an Agent who shall be your brother and take care of you. This is the heart of your Great Father, it is my heart, that of your elder brothers, Mr Simmons, Mr Tappan and Mr Shaw.

(Spoke to the Chinooks and Cowlitz.) "You will ask me my friends how you can know it. Three years ago treaties were made with you by Dr. Dart - and the Great Father did not like them. Those papers did not do enough - did not take care of you. If we put one man here, an other one there, and so on, how can the agents take care of you? How can you be friends in that case? You are friends away from the Chinooks, Cowlitz, Upper Chihalis &c. and we want you to remain so. Now we want to make a paper that shall protect you all as friends, that shall save you from whiskey. My children, whiskey is your great bane. There was once a time when the Indians did not drink whiskey, when they were numerous and strong. We want you to quit whiskey and you will become so again. And the bad white men as you know are the ones who beat and ill treat you. We want you to take fish where you have always done so, and in common with the whites. We want your animals to feed on the prairies. We also want this. If any of you want to go to Shoalwater Bay to dig oysters for pay, we want you to do so. We want you (Cowlitz) to continue to run your canoes in the rivers and be paid for it. We want you (Chihalis) to work where you wish. If any of you want to go to Olympia &c to buy goods or work, good. But in doing all this you must not drink whiskey. You must always be good men - not interfere with the whites. You can have all this, provided you will agree to a permanent home where we can prevent bad white men from injuring you. Have one home where the agent will live, and then go and work out and let your children go to school. Now I have put my mind on a paper, which will be read to you. It will be carefully explained to you, and if you like it we will all sign it. I will then send it to the Great Father and I think he will find it good. If he finds it good he

will send me word and it will be a bargain. If he wants it altered he will send me word and if you agree to the alteration it is fixed. Then you will be paid. I think he will find it good and I will tell you why. I came to this Country a year ago. I saw your wants. I pitied you and was determined to be your friend. I went back over seas and mountains travelling two moons and saw the Great Father. The Great Father heard me and sent me back with his heart. He knows all about you and in the paper which will be read to you has done what he thinks will be for your good. One thing about your payments. You will not get them till the paper comes back. I shall, to be sure, give you some things now and more next summer, but these are not to pay, but only a gift. I have no more to say now, but I want you to tell me your minds.

The Draft of the Proposed Treaty was then read and translated to them.

GOVERNOR STEVENS. "You have now heard the Treaty. Is it good? If not, say wherein it is not.

YOWANNUS. Head chief of the UPPER CHIHALIS. Thought it very good. Today was the first time he knew the Governor's mind, and his heart was long to hear it. They were nearly destitute, and he was glad to hear such liberal promises. Formerly they were many, but now they were few and poor.

We believe (said he) you are now really going to do something for us, that you are going to take care of us. It is for you to say where we shall go - to select one home for us. I am rejoiced to think I can live where I please. I think I ought to have some place, and want the privilege of taking some place to live on. My mind is that it is good for you to take part and leave a part for us to live on.

The reason that I wish to select my land is that I know there are some bad white men and I am afraid to sell all without reservation. The Country is a large one and good for cultivation. I want out of it the Mound Prairie and another below it. (Smith's Prairie). That is all I have to say.

GOVERNOR STEVENS explains. The Great Father knew his wants and his Country. He knows that it is a good Country, but there is a good country elsewhere, where he would be as comfortable as here. We want the Great Father to select the place for him, to do for him as he would for his own children. There was on the coast a place where there were plenty of fish and good land. I think the Great Father will think well of this and will probably select it. Think it over and later say what you like.

TA-HO-LA, HEAD CHIEF OF THE KWINAI-UTL. He wants his country. His children lived there and wanted food. He wanted them to get it there, did not want to leave it. The river he did not want to sell near the salt water, nor the sand beach mouth, but that part above the mountains and off the river he would sell. He has but one heart. It is good. He says but one thing, has not two mouths and don't want to say much.

GOVERNOR STEVENS. "He has not said many words, but has said much. I know what he means. He wants to be sure to have

food and a place to live on. Now the Great Father wants him to have the salt and fresh waters and fish. Knows exactly how he lives. His country and that north is a good country and we want to put other Indians there. I want him to let the Great Father say where his home shall be, where he shall have the water and get food. Nothing will be done about their lands till the paper comes back. Perhaps a year and a half. You know Mr. Simmons. He will soon go to your country and see it, so that the Great Father will know fully all about it."

TU-LEH-UK, HEAD CHIEF OF THE LOWER CHIHALIS. "I am indeed glad to hear what you have said. The Great Father was indeed his, and he was of the same mind as the Governor. All his people felt the same about the Great Father. All of same mind - no dissent. Our Father has talked to us about our land and we think as he does. We are very proud to think we have a father. I give up all my land but what I claim for myself, and that I don't want the whites to take. I want to take and dry salmon and not be driven off. I want three miles above and below Wah nool chie for a reserve on the Chihalis. This river was all mine. While looking for food on it, and fishing I do not want to be driven off. I want the river for a fishery and down below (Chihalis) for a reserve. There was grass there for my horses. I want the beach. Everything that comes ashore is mine. (Whales and wrecks.) I want the privilege of the berries (cranberry marsh). I want a paper showing the bounds of the reserve, so that when a white man took it, I could show him. I want a place where whites could not settle. Wanted to know what could be done with the land if his slaves were turned loose. I would have no one to work for me. They were like my people.

Governor Stevens. "He (Tu leh-uk) sees that we write down all that he says (that speech of his) I send to the Great Father who will know exactly what he wants. That paper (the Treaty) was the heart of the Great Father which he thought good. It said he should have the right to fish in common with the whites and get roots and berries. He saw that settlers were coming in and what was wanted was to prevent the Indians and whites from interfering with one another. As to the cranberry marsh, he can get berries there, but if a settler should drain it, he would want to keep it. What he says about wanting a place there and up the river will be told the Great Father, but I want them to leave it to the Great Father to say where their home should be. Settlers were very glad to have good Indians around them to work for them. The Great Father wants him and the rest to have one permanent home, but during the summer to go where they pleased to work, and meanwhile could live anywhere if no objection made by settlers. As to his slaves he could do as the whites did. If they wanted to stay with him, good. For the rest he could make his own bargain. The reason that a large payment was made them, was because they gave up their land and slaves &c. Because they gave up much, they were paid much. If they did not sell, they would not get it. The Great Father thought their condition would be bettered."

KISH-KOK, HEAD CHIEF OF THE COWLITZ. "The French, Hudson's Bay People first came among them against their will and did not use them well. When Mr. Shaw came he told them a straight story and they hurried to come along. Mr. Shaw had

told them that they would have an Agent to look out for them and a Doctor. When the Bostons (the Americans) came they were glad to see them and wanted them to settle in their country. Wanted now to know where they themselves were to have a piece of land. He described the bounds of his country as in the report. They wanted a strip of country crossing the Cowlitz and taking in a small part of the Puget's Sound Farm. That where the Kammas ground was."

OW-HYE, A COWLITZ DELEGATE. Formerly the King Georges (English) came. They only paid them a shirt to go from Cowlitz to Vancouver. The Indians were very much ashamed at their treatment. They just now find out what the land was worth by seeing the French sell to the Whites. Several hundred dollars for a small piece with a house on it. It was not their land, but the Indians after all. They were willing to put up with a very small piece of land but they want it at that place. When the Americans came, they first saw money and knew its value. They have been paid well for everything they had done - women as well as men. When they went back they could show their commissions as Chiefs, and they wanted one to show where their grounds were so that the French would know. As soon as they got back to the Cowlitz, they would gather their people up and make them live in one place. They were now scattered every-[missing] He wanted the same ground with Kish-kok because there was a fishery on it, where they could go in winter, and to go on the prairie to live for their houses. He wanted Davis, an American settler, to live near him as he worked for him. Davis treated him like a brother and gave him flour and he gave Davis salmon. He wants to stay there till he dies. All his children have died there but one.

GOVERNOR STEVENS. "This paper has to go to the Great Father and it will be a long time before it will get back. I cannot give a paper showing where their land is till it does. He should send all they had said to the Great Father, who would fix the reserve for them. The Great Father has many red children and has tried many ways to take care of them, and he finds the paper (Treaty) the best. He wants them to have a home and an Agent among them to look after them and for their children to go to school. A great many white people, when their boys grow large send them out to work with their friends and learn, and when they have grown up and made some money, they come home and marry, and he wanted the Indian children to do the same. The Great Father wanted another thing. When they got on their permanent home that each should take a small field and improve it as his own, as the whites did. It would be eighteen months before the paper would come back, in the meantime they could live where they liked provided it was not on a settler's claim."

NAH-KOT-TI AND MOOS-MOOS - CHINOOKS. "They feel very good in their hearts. They have become clear as the sun as to the Governor's words. Formerly their minds were dark like night. Now they understood him. They have become enlightened. Now about their lands. He wanted to put his house on the Nasal River. (Shoalwater Bay). Where his dead were buried. In summer he wanted to go to the Wap-a-loo-chie (a stream emptying into Baker's Bay) to dry salmon and then return to the Nasal to put in his potatoes. He did not want settlers to come to his land. The Bostons should take salmon

as before at Chinook. When anything came ashore on the weather beach, whales or anything, they wanted one half. Wanted to fish in Shoalwater Bay as before, as also to take oysters. Was willing to have the whites take winter salmon also, but did not wish them to live on their reserve. They wanted also to get cranberries and sell to the whites. He had done. He also wanted a paper to show what his reserve was."

Governor Stevens. "Was glad to hear what they wanted, and where they got their living, but he wished them to leave it to the Great Father to say where their land should be. They of course were to fish as usual. As to whales they were theirs, but wrecks belonged to the owners and if the Indians found them, they were to tell the wreckmaster and they would be paid a share of what they saved. They must not hide things. One of the reasons why the former treaties were rejected was that they gave the same sort of little reserves as they now wanted. The Great Father had tried many ways and he thought this Treaty the best. He wanted many Indians to be in one place where they could be taken care of. They could then travel about and work and fish. They were to think over this and make up their minds."

CHAH-LAT, A SUB CHIEF FROM THE NORTH SIDE OF GRAY'S HARBOR. "He wanted to speak of his land. The Chief's talk was good and had made them happy. They did think they were going to be driven off to some other Country, and were glad to hear they were not. They were formerly very numerous, now but few. Were glad to think they had a Great Father to take care of them. Their hearts were those of the whites. They would do whatever was wanted. They would not forget what had been told them. They wanted to build their houses on the North Point, and there was a small creek they wanted to fish in. When whales came ashore, they wanted them. It was their food. That point was their only place for fishing. There was a tide prairie there for their horses. If they go to Shoalwater Bay they don't stay long. As soon as they have done working for the whites anywhere they go back. Formerly when they went to Shoalwater Bay the Americans (some of them) treated them badly, beat them and knocked them over. That little creek was the only place he cared for, as he always got his salmon there and he liked the place. On the in shore he wanted only a small place for his house, but wanted a scope on the beach where things floated up of which he got a good deal.

GOVERNOR STEVENS. "The paper secured him the right to fish and pasture. Also berries and roots, where they pleased. The Treaty provided an Agency, School &c. and it was necessary in order to take care of them that they should be together. A large body of them in one place. The paper would be sent to the President and when he saw it he would decide where that place should be. Wanted him to think it over and talk with his people, and bye and bye he would speak to them again."

TEE-WHIT OF SATSOP AND SQUATSEN. "There are not many of them left, they had all died off on their land. He wanted part of his lands, would give up part to the whites. He wanted to give the land above the road on Satsop to the Bostons. Below that and up the Chihalis to the drift he

wanted himself. It was a very good country.

Governor Stevens. "If we made that bargain we could not keep the settlers out of his land nor protect him. We want him to leave it and go to another place equally good for him. He had but few people and they could not cultivate it. He would still have the privilege of going to his old place whenever he wanted to fish. Wanted him to leave it to the Great Father to select a place for him and the others where he could be taken care of.

SQUATSEN. "All his people were of one mind. The part he was willing to give up was a large one."

The Council then adjourned till after dinner.

AFTERNOON. GOVERNOR STEVENS addressed the Council as follows. "My Children, you have told me your hearts. My son of the Upper Chihalis and the Satsop Chief have told me what land they wanted. The Quinaiutl Chief has expressed his wants. Also the Chiefs of the Lower Chihalis and the Northern Shore, have pointed out their small spots. And the Cowlitz and Chinooks have said what they wanted. What each of you has said, has been written down and will be sent to the Great Father. The Great Father has many children away to the rising sun and knows what is good for them. If we gave you all the little spots you want, the Great Father could not be your Father, though he desires to be so, for he could not take care of you. His white children are coming here in great numbers. He cannot stop them and they will crowd upon you. To take care of you, you must have a winter home. Each band must have their own spot on the general reserve and that should be fenced. There must be with you an Agent who can always be on the ground to take care of you. You already know about the school and about your children coming there to learn. I want you to see that the paper is right in this matter. Now, Col. Simmons has been longer in the Country than I, you know him better than you know me. His heart and mine are one. I want Mr. Simmons to speak to you."

COL. SIMMONS ADDRESSED THEM IN THE CHINOOK LANGUAGE. "I know many of your faces. I have known many of you a long time. My heart is well disposed to you. You never have done ill to me, why should I to you? When I first came to Olympia, there were no Bostons. You were many then and we were few. I know that about six years ago the measles came and many of you died and my heart was sick. The Indians were wretched. There was no Doctor to cure them. This paper will give you a Doctor to cure you. This paper promises to make your children know how to read. You say you want a little piece of ground here and there. Why, don't you know that if you have it, the Chief can do nothing for you? He cannot run around to every man's house. I think the paper good for you. It will prevent the whites from injuring you. You are half asleep. You don't understand the paper. Do you suppose the Chief would make a bad paper for you. It will be about eighteen months before the paper comes back. Till it does, it is nothing. What he gives you now is a mere present. In the summer he will give you more. These are not for payments. (This referred to the idea which had got abroad that the presents on the ground were intended as a full payment for their lands.) Many of you know the whites well.

Some of them are good to the Indians, they never ill treat them or give them rum. Others are bad. They want you to work, they want your money. They trade you rum and then you complain of them and they beat you."

If you like this paper Governor Stevens will sign it and your Chiefs shall. If the Great Father likes it, you will get your money when it comes back.

Mr. Tappan and Mr. Shaw the Sub Agent and Interpreter then successively spoke to the same effect.

GOVERNOR STEVENS. "I want you to be entirely satisfied. If things don't suit you I want you to say so. And we will talk longer. If you are ready to sign I will sign it now."

YOWANNUS being called, said. "What has been said is good. He understands it very well. He does not want to sign till he knows where he is going to. He wants to stay in his own country and not be moved elsewhere. All their Chiefs and people have died there and he wants Governor Stevens to give them that land. It would be better even if we should all die there. He wants some of the old places where he has lived long ago and to divide with the whites."

COL. SIMMONS asked if he would be willing to keep a piece of that land be confined to it. Explained that if he had a winter home elsewhere he could still travel, but if he insisted on a reserve, that he would be obliged to stay there. (Question by Yowannus. What are my horses to do?) Col. Simmons replies that his horses would do like those of the whites, pasture on the commons."

GOVERNOR STEVENS finding that the subject of the horses caused much trouble, explained that this reserve should be large enough to afford pasturage for their horses and a road which should enable them to reach the settlements. Think of this tonight and tomorrow we will talk again.

Adjourned.

WEDNESDAY FEBRUARY 28TH. Gov. Stevens addressed the Indians assembled. "My Children. You have had time to consider what I said to you yesterday. I think you understand the paper now. You understand that you will be placed where you will have food and grass for animals. Where you will be able to communicate with the settlements and get work. You understand that to find the place a survey will be made and the ground known. And that your place will be picked out for you by your Great Father, and that I shall send to him everything you have said. You know that he is your Great Father and your good Father, and that he will take good care of you. You understand all this and I have no more to say. I am ready to sign the paper if you think it is good."

TU-LEH-UK, HEAD CHIEF OF THE LOWER CHIHALIS. "The Chief is our Father, we are glad to think we have a father. He is now the father of all the Indians. We are glad to think that you are about to prepare a good place for us to live in. To have a portion of the land saved to us, so that we can always have a claim to it."

GOVERNOR STEVENS directed the Interpreter, Mr. Shaw, to repeat again that the Treaty intended that they should sell all their land and go on to such a reserve as the President should select.

TU-LEH-UK replies. "He wants his own ground. He wants it very much."

GOVERNOR STEVENS. My Children. I supposed you understood the wishes of the Great Father in regard to his children. It is his wish that you be his children, that you be under his protection. The Great Father desires to cure you when you are sick, that your children should learn, the Great Father wants you to have food and your animals grass. The paper provides for all that. But it stipulates that the Great Father shall select the place where you ought to live. I take it for granted that you want the care and protection of your father, and that you are thankful for the payments which this paper provides. This cannot be done for you as it should be unless the place is fixed by him. Are you ready to leave it to him. In all that you have said to me you have expressed your confidence in the Great Father and in myself. I spoke yesterday of the many children that he has, and today I speak of the many that I have and have seen. And I say to you that the place which we propose to provide for you shall be one that will be good for you and where you will be happy. Remain on the places which you have pointed out to me and you will be swept away. You cannot be protected there. Each house would require a man to take care of you and we have not got them. Where are your lands now. Who has them? You, or the white settlers and yet they were few when you were many. Now you are few and they are many and more coming. Whose ground is this? Who built that house and planted these potatoes? Did you? But don't you want such a place where you cannot be driven off? This is what the Great Father wants you to have. The paper states that you shall fish in common with the whites. That you can visit the rivers and put up your summer houses, that you can travel and work. What more can a father do? What less? I ask you again will you leave the place to be fixed by him. Now my children you can do as you please. I have put it on a paper. It is for you to say whether you will have the care &c. &c. and the payment promised by it. You know that no man can have all he wants, that he must be satisfied if he gets what will make him comfortable. It is for you to decide whether you will sign or not."

The Kwin-ai-utl Chief now came forward accompanied by the principal men of his tribe and expressed his willingness to sign the Treaty and Governor Stevens accordingly signed it first and was followed by Tahola.

ANNAN-NATA, SUB CHIEF OF UPPER CHIHALIS. "This Chief is our father. We want a piece of land in our own country. A small piece. We won't go to the Quinaiutl. We will die on our own ground."

GOVERNOR STEVENS told them that the paper did not say they should go to Kwinai-utl.

ANNANATA said they want the Jinnitie prairie, and Smith's Prairie.

Governor Stevens. said that they should be placed where they could reach their old ground in a few days, perhaps in one. He wanted them to leave it to the Great Father to select the place.

ANNANATA. "They were fixed in what they had said."

MR. SHAW AND JUDGE FORD then represented to them the position in which they now stood in regard to their lands, that their wishes would be communicated to the President, and that he would act as he saw fit. But that the Whites were constantly increasing and pushing them off of one piece and another of land and that unless some arrangement was made they would be driven away from those grounds altogether.

Tu-leh-uk and his sub chief came up to say that they were all agreed in their feeling toward the Governor and satisfaction at his sentiments but that they do not wish to remove.

A long desultory explanation ensued. Cowlitz came up and Chinooks. Were willing to sign themselves as soon as the others did, but as the Upper Chihalis had come first, they ought to sign first. It was now evident that great difficulty would be found in bringing these bands together. Not only was each very much averse to quitting its own soil, but the jealousy of each other was very apparent. A further adjournment was made till afternoon.

AFTERNOON. GOVERNOR STEVENS. "After what you have said today, I think the paper had better be read to you again. Listen carefully to it. If you don't understand it, say so plainly.

Treaty again read and the Indians requested to say if there was anything they desired to have explained farther.

GOVERNOR STEVENS. My Children. The paper has been read and explained. If you want it further I will do it. This paper has my heart in it and I believe it to be that of the Great Father. I believe that he will agree to it and that no alteration will be necessary. Now I have thought carefully over your wants. I have been sent here to be your father and I intend to be so. After hearing your wants patiently, I have done what I think best for you. You are offered a price for your lands which you have asked for long and I have provided a home for you. A father who loves his children does not change his mind without reason. It will be so with me because I am satisfied it is for your good. If your hearts are with it, you will sign it. If not, I cannot buy your lands.

Now go back till tomorrow and then finally give me your answer.

MARCH 1ST THURSDAY. Governor Stevens again addressed the Indians assembled. My Children. Yesterday I told you my mind, what I believed was for your good, that when a father has made up his mind as to what was good for his children he could not change. If he did, he ceased to be a father. You

have all said you were glad to have one, to have me for Father. That did my heart good and I determined to be henceforth, and as such I can only look to your good. But he is always patient and listens patiently for their good. He does not strike or beat or force his children. I as your father shall not force you. A Father listening to his children, if they are good can always satisfy them and I think I can satisfy you. I want you to be satisfied that what I propose to select will be for your good. We have agreed on all points but that. You want to have food, to be furnished with clothing and tools, to be cured if sick. We only differ as to the place where you are to have this. A father however always listens to his children and I will to you."

ANNANNATA SUB CHIEF UPPER CHIHALIS. "My Father. I have many people. I speak for the Cowlitz and Satsop too. We will give up all our lands to you except from opposite the mouth of Black River down to the lower end of Smith's Prairie. That is the spot we have chosen. They are very proud at the promises made them but don't want all to come together. They did not want to unite with the others."

KWONESAPPA, COWLITZ SUB CHIEF "They were all of one mind there. Would not forget what had been promised, were willing to give up all their lands on that river and come down on the Chihalis. It was good for them to go so far, but did not want to go below. He was glad they would be made as white people. He had long wished for this. He wanted the privilege of travelling as you have said. They are much rejoiced to be clothed and enjoy these benefits. It makes their hearts good."

YOWANNUS. "Last night we came to this conclusion and now only ask for a small piece of land. We are glad to have united. We are afraid of being driven among different people whose languages we did not understand. We have finally settled on a place for these five bands, the Cowlitz, Upper Cowlitz, Upper Chihalis, Satsop, and Mountain Indians (a remnant of the Kwalkwi o quas.). We have heard all our Father has said patiently. It is all good except the place he proposes as our reserve. We don't like the idea of going among other people speaking a different language."

TU-LEH-UK. "We are very proud all of us. We have made you our father. We give up all our lands to you but a small piece. The Kwinaiutl speak a different language. All those on this river from Wanoolchie down are willing to go together. I want but a small piece of ground where my horses can eat. We are pleased to raise potatoes. We want to raise them on a small piece of our own ground. This land on the river now belongs to the Americans. We only want to fish here."

MAK-AN-HU. NORTH SIDE OF GRAY'S BAY. He wants the Big Chief to look out for those north of the Chihalis. They are willing to give up their lands and go over on the west side with Tu-leh-uk. They have four rivers on the North side which they give up.

A SATSOP SUB CHIEF. "There are no whites on our lands but we are willing to give them up and go with the Upper

Chihalis &c. on to the piece they asked for. They only speak for a small reserve from mouth of Black River to Smith's Prairie. (10 miles.)

COWLITZ CHIEF. OWHYE. "We are very proud of our Father. He has but one tongue. We are the same in face and are willing to come together (with the Upper Chihaliz, &c.). We are willing to give up our land. We want the privilege of going to our old grounds and want a paper to show that we may do so. We are glad to think that the roads are open to us, that we may go where we wish. We were very glad to see the first Americans who came among us. Are glad we can still visit them."

NAH-KOTTI, CHINOOK. "Wants to live on the Nasal on Shoalwater Bay where he lives in winter and gets his salmon. If he was two days without salmon his heart failed him. There was a road on the peninsula called Nah-kotti's Road and Landing. He gave away this and his land but wanted to go over it to get salmon. Wanted the same privileges as the white man as to travel and labor, to pick up wrecks &c on the beach. Would give up half he found."

A YOUNG INDIAN ON BEHALF OF SKEMAQUE, THE HEAD CHIEF OF WAH-KIAKUM (who was sick and could not come.) The old man told him to come up here and say that he wants to die on his ground. All his children lay there and he wanted to be buried there too. Wanted the two creeks by his house where the salmon came. Would give up all the rest.

TA-HO-LA, KWINAIUTL CHIEF. "Wanted the mouth of their river. Would give up the upper part. There were no whites there. He don't want to lie to the White Chief. He had heard what the Governor says and will remember it."

KAH-KOW-EN, A VERY OLD CHIEF OF THE LOWER CHIHALIS. "He has already given the white chief his ground. He was once a great chief and owned all the ground. He likes the Boston Chief, the Great Chief very much. It was raining and very bad weather. He was glad to hear that they were to stop, that Governor Stevens was to go up the river, (to Olympia) and he would go down. He had not many people now, and he was very glad that their lands should become American. He wants to keep a small part of it. The whites would not be likely to come there. The sea beach was his country. He did not want to leave it. He was an old man and would soon peg out, and he should not know much more about the whites. He wants to be heard, but was done talking.

MO-TE-LIS A SUB CHIEF FROM NORTH SIDE OF GRAY'S HARBOR. "He now listened to the young men talking. He has not much to say himself. He just looks on, is so old that his heart is dried up. He owns a large country the small rivers round the North side Gray's Harbor and wants to stay there till he dies."

GOVERNOR STEVENS. "I have listened with much pleasure to you this morning. I see that good is working its way with you. Yesterday and the day before the Cowlitz wanted a place on their river. They wanted two places, the Satsops their place, but you have thought over my words and talked together, and having now talked it over you who wanted five

places are now satisfied with one. And the Chinooks only want a place to fish and plant their potatoes and the Kwinaiutl, are satisfied with the mouth of their river. So that you now only want four places instead of eight. Now there are old men here and they know how many there were of you formerly. Then you found you could live, even on the Kwinai-utl River, there used to be as many as all of you now. Now the paper does not say you all shall be placed on that river. It only says you shall be placed between Gray's Harbor and Cape Flattery. You know Gray's Harbor, that you have to work a whole winter's day to cross it, and it is all salt water. You know there are a number of streams north of Gray's Harbor. On the Copalis there is a prairie. Now there used to be twice as many Indians as there are here north of there, and they could not sell salmon, oysters and cranberries to the settlers for there were none. Well you can now not only sell these things but you will besides be furnished yearly with clothing, tools &c. I want you to agree to a paper which will be good for you, and that the Great Father shall select this Country where twice as many used to live and where all of you now shall. You say you speak different languages. We know it but I have told you how many children the Great Father has, and Indians speaking different languages are often placed together. Do you have difficulty now? You live near each other and talk together without difficulty. Now I made Treaties with the Sound Indians. Kow-kow-en knows the 'Klallams, Chemakums and Skokomish spoke different languages, and were once at war. They all came together, made same objections, and I told them to agree together, talk it over. They did and were finally satisfied, but we told them as we did you that we would separate their respective grounds. They finally agreed on it. So with you. We will put each of you on a good place for itself within this reserve; but you are afraid you cannot get to the settlements. How can Col. Simmons get to you, or I? But you can have a road. You can go to Shoalwater Bay and to Chinook already. I want you to think it over. I am sorry that you are homesick and that Kow-kow-en wants to get home. We must take time for this, and if you want the paper read again it can be.

Adjourned till afternoon.

EVENING. GOVERNOR STEVENS remarked "that they had got part way this morning and he hoped they had come together this evening. They professed to regard him as their father, but they always went back to the same thing and did not trust his promises. Informs them as to the course pursued as to the California Indians where a great many small tribes with no heads. No treaties were made with them, but reserves were established and they were moved on to them. Mr. Shaw the Interpreter illustrated the condition of things in California by his own observations there. The Great Father does it for them because they have no will of their own. They do not go voluntarily, but are yet satisfied when they get there. Asked which was best for them, to consent voluntarily to this Treaty and put themselves under his protection or to be moved in this way. They are now diminishing in numbers and in the present way are like to become fewer still, every year. I have taken pains to bring with me white men whom you have long known as your friends, and who understand everything about you, your interests, and

we are all of one opinion.

ANNANNATA. The Governor knew that they had always lived near the whites and they wanted to continue to do so.

GOV. STEVENS. "They were not to be moved for two years at any rate and even then those whom the whites wished to have remain with them could do so."

KE-LEH-UK. "Has been all the way up the Coast to Cape Flattery. There is no good land. It was all stones.

GOV. STEVENS. "Indians had told him there were tide prairies down on the coast for their horses, but besides that they had the privilege of grazing their horses everywhere on open and common lands."

ANNANTATA. "Refers to the Reserves on the Sound. Other Indians had reservations in their own country. Why not they?"

GOV. STEVENS. "The reasons here were different. The reserves there were very small. The Indians picked them out and when they were examined two proved to be very poor. Proposed to give them a large place. On the other hand he had just put all the Clallams, Chimacums, and Skokomish on one place who were twice as many as all the present tribes.

ANNANTATA. "They had already yielded a great deal. Five bands who knew but little of one another, had all agreed to come to one place."

KISH-KOK. He knew very little of these other people, but he gave up his own country, the whole of it (and it was a very good one) to come to the Satsop country. There were many of the Cowlitz and so on of the others and they had given up much. He never saw Mr. Shaw but once and he never told any one before what he had told him. The Governor called the Indians his children, and he thought all they could do was to yield to their father all their land and to come down with the Mountain people as far as the Satsop. Supposed he would be satisfied with it. He gave away the whole of his country at all events. It was all first rate land. He thought to please the Great Father by doing so. When Mr. Shaw saw him he told him the Governor would be glad to have him give up his lands and he now did so, and wanted one Boston to live with them and take care of them. If they moved and settled at the mouth of the Satchall, he wanted a white man to stake it out and put down corner stakes. When they came down the Cowlitz, Yach-kanam (an old chief) was mad at him for coming to make the trade. He however adhered to what he said.

GOV. STEVENS. Was glad to hear him say how well he was disposed. Why not let his Great Father choose for him.

YOWANNUS. His heart was good. Mr. Governor had given him a paper at Mr. Ford's recommendation. He gave up all the good country that had belonged to him and came down to the Satsall and wanted the place to extend to a small creek below it, for the five or six bands he had spoken of.

GOV. STEVENS understood him fully, but could not put that in the paper. There was a saw mill and two settlers on that creek and two settlers on the prairie. They had cut a road which he could not take away. I want them to listen to what I say. They don't listen but repeat the same thing. Settlers would come still further down the river and make roads and what then would be their position. The Great Father was constantly sending settlers here. The Boston country was full and he had to send them away.

ANNANTATA. "They were good friends of Mr. Ford, Mr. Goodell, Mr. Armstrong and Mr. Strall. They wanted them to live near them. If either of them told them to do anything they went and did it.

GOV. STEVENS. "Would they like to have the California system carried out where they did not ask them, but put them on a reserve?

ANNANTATA. No. Indeed!

GOV. STEVENS. What will you do then? Will you leave it to the President by Treaty, when the paper promises you a good place, or is he to select it himself without? for it comes to that finally.

TU-LEH-UK. "They cannot understand anything about it."

Council Broke up suddenly.

FRIDAY MARCH 2ND. Indians again convened. Col. Simmons announced that when the Governor had done talking it was all done.

GOVERNOR STEVENS. "We have now been here a week. I have heard you all. Only one band the Kwinaiutl have hearts like mine, but the paper is nothing without all sign. The Kwinaiutl alone leave it to the Great Father. There can therefore be no Treaty and I shall not call upon you again to treat, but next summer I shall send Col. Simmons through that country to examine it and when a good place is found I shall say to the Great Father put these people upon it. There will then be no treaty, no promises but you will be in the hands of the Great Father to do as we please. We shall recollect however the willingness of the Kwinaiutl and the good behavior of the Cowlitz, Chinook and Upper Chihalis. In regard to the Lower Chihalis I have a word to say to their Chief Tu-leh-uk. "Tu-leh-uk come here! Bring your paper!" (Takes his commission and reads it.) A man who cannot control his people is no chief. You have not prevented your people from drinking. You brought some rum here and your father was drunk here. I reprovved you for it at the time, and passed it over, but last night you behaved disrespectfully. You let your people defy me. (They had fired their guns during the night.) You are no longer a chief. (Tears the paper.) I have only one word. There has been no treaty. I therefore give you no presents but the Kwinaiutl will hereafter receive presents when Mr. Simmons comes to their country. You will all have your potatoes and return home.

Broke up the Council.

SATURDAY MARCH 3RD. It having been found impracticable to bring the Indians voluntarily upon one reservation, Governor Stevens dismissed them and this morning started on his return. The rain of the last week continued and the heavy rise in the river impeded the canoes so much that the party did not reach Ford's till the afternoon of the 6th. On the 7th the Governor and Secretary returned to Olympia.

The following is a copy of the Treaty prepared with the expectation of its being adopted and was signed by Governor Stevens, and the Kwinaiutl Chief, but which was not finally concluded for the reasons above shown.

Articles of Agreement and Convention, made and concluded at Ki-sah-lumsh, near the mouth of the Chihalis river, in the Territory of Washington, this day of February Eighteen hundred and fifty-five, by Isaac I. Stevens, Governor and Superintendent of Indian Affairs of said Territory on the part of the United States, and the Undersigned, Chiefs, Headmen, and Delegates of the different tribes and bands of Cowlitz, Lower Chinook, Upper and Lower Chihalis and Quinaiutl Indians, on the part of said tribes and bands and duly authorized thereto by them.

ART. I. The said Tribes and Bands hereby cede, relinquish and convey to the United States all their right, title and interest in and to the lands and country occupied by them bounded and described as follows: Commencing on the Pacific Coast at a point dividing the waters of the Kwehntsa and Hooch rivers; thence running eastwardly between the same and along the line of lands occupied by the Quillehyute tribe of Indians to the summit of the Coast Range of Mountains; thence southwardly and along the line of lands lately ceded by the Chemakum and Skokomish tribes, to the forks of the Satsop River; thence southeasterly and along lands lately ceded by the Nisqually and other Tribes of Indians to the summit of the Black Hills and across the same to the Coal Bank on the Skookum Chuck Creek; thence up said Creek to the summit of the Cascade range; thence southwardly along said range to the Divide between the waters of the Cowlitz and the Cathlapootl Rivers, thence southwestwardly along said divide and along the line of lands claimed or occupied by certain bands of Upper Chinooks to the Columbia River; thence down the main channel of said river to the sea, and thence northwardly following the Coast to the place of beginning.

ART. II. There shall however be reserved for the use and occupation of the said Tribes and Bands a tract of land on the Coast of the Pacific between Gray's Harbor and Cape Flattery, sufficient for their wants, to be selected by the President of the United States, and hereafter surveyed or located and set apart for their exclusive use, and no white man shall be permitted to reside thereon without permission of the tribe and of the Superintendent or Agent. And the said tribes and bands agree to remove to and settle upon the same within one year after the ratification of this Treaty or sooner if the means are furnished them. In the meantime it shall be lawful for them to reside upon any ground not in the actual claim and occupation of citizens of the United States, and upon any ground claimed or occupied if with the

permission of the owner or claimant. If necessary for the public convenience roads may be run through said reservation on compensation being made for any damage sustained thereby.

ART. III. The right of taking fish at all usual and accustomed grounds and stations is secured to said Indians in common with all citizens of the Territory, and of erecting temporary houses for the purpose of curing; together with the privilege of hunting, gathering roots and berries, and pasturing their horses on all open and unclaimed lands. Provided however that they shall not take shellfish from any beds staked or cultivated by citizens, and provided also that they shall alter all stallions not intended for breeding, and shall keep up and confine the latter.

ART. IV. In consideration of the above cession, the United States agree to pay to the said tribes and bands the sum of forty Thousand Dollars in the following manner that is to say: For the first year after the ratification hereof Four thousand Dollars. For the next two years three thousand two hundred Dollars each year. For the next three years two thousand seven hundred Dollars each year. For the next four years two thousand dollars each year; for the next five years fifteen hundred Dollars each year, and for the next five years twelve hundred dollars each year. All which sums of money shall be applied to the use and benefit of the said Indians under the direction of the President of the United States who may from time to time determine at his discretion upon what beneficial objects to expend the same: And the Superintendent of Indian Affairs or other proper officer shall each year inform the President of the wishes of said Indians in respect thereto.

ART. V. To enable the said Indians to remove to and settle upon their aforesaid reservation, and to clear, fence and break up a sufficient quantity of land for cultivation, the United States further agree to pay the sum of four Thousand (4000 \$) Dollars, to be laid out and expended under the direction of the President and in such manner as he shall approve.

ART. VI. The President may hereafter, when in his opinion the interests of the Territory shall require, and the welfare of the said Indians be thereby promoted, remove them from said reservation to such other suitable place or places within said Territory as he may deem fit on remunerating them for their improvements and the expenses of their removal, or may consolidate them with other friendly tribes and bands. And he may further at his discretion cause the whole or any portion of the lands to be reserved, or of such other land as may be selected in lieu thereof, to be surveyed into lots, and assign the same to such individuals or families as are willing to avail themselves of the privilege, and will locate on the same as a permanent home, on the same terms and subject to the same regulations as are provided in the Sixth Article of the Treaty with the Omahas, so far as the same may be applicable. Any substantial improvements heretofore made by any Indians, and which they shall be compelled to abandon in consequence of this Treaty, shall be valued under the direction of the President and payment made accordingly therefor.

ART. VII. The annuities of the aforesaid tribes and bands shall not be taken to pay the debts of individuals.

ART. VIII. The said tribes and bands acknowledge their dependence on the Government of the United States, and promise to be friendly with all citizens thereof, and pledge themselves to commit no depredations on the property of such citizens. And should any one or more of them violate this pledge, and the fact be satisfactorily proven before the Agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the Government out of the annuities. Nor will they make war on any other tribe except in self defence, but will submit all matters of difference between them and other Indians to the Government of the United States, or its agent for decision and abide thereby; and if any of the said Indians commit any depredations on any other Indians within the Territory the same rule shall prevail as that prescribed in this Article in cases of depredations against citizens. And the said tribes and bands agree not to shelter or conceal offenders against the laws of the United States, but to deliver them up to the authorities for trial.

ART. IX. The above tribes and bands are desirous to exclude from their reservation the use of ardent spirits, and to prevent their people from drinking the same, and therefore it is provided that any Indian belonging to said tribes who is guilty of bringing liquor into said reservation or who drinks liquor, may have his or her proportion of the annuities withheld from him or her for such time as the President may determine.

ART. X. The United States further agree to establish at the General Agency for the District of Puget Sound within one year from the ratification hereof, and to support for a period of twenty years, an Agricultural and Industrial School, to be free to children of the said tribes and bands in common with those of the other tribes of said District and to provide the said school with a suitable instructor or instructors, and also to provide a Smithy and Carpenter's Shop, and furnish them with the necessary tools, and to employ a blacksmith, carpenter and farmer for the term of twenty years to instruct the Indians in their respective occupations. And the United States further agree to employ a Physician to reside at the said Central Agency, who shall furnish medicine and advice to their sick and shall vaccinate them: the expense of the said school, shops, employees and medical attendance to be defrayed by the United States and not deducted from the annuities.

ART. XI. The said tribes and bands agree to free all slaves now held by them and not to purchase or acquire others hereafter.

ART. XII. The said Tribes and bands finally agree not to trade at Vancouver's Island, or elsewhere out of the Dominions of the United States, nor shall foreign Indians be permitted to reside in their reservations without consent of the Superintendent or Agent.

ART. XIII. This Treaty shall be obligatory on the



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