

INDIAN FISHING PRIVILEGES.

L E T T E R

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING

*An estimate from the Secretary of the Interior of appropriation for the purchase of land near The Dalles, of the Columbia River, Oregon, for the use of the Indians on the Warm Springs Reservation.*

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FEBRUARY 28, 1888.—Referred to the Committee on Indian Affairs and ordered to be printed.

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TREASURY DEPARTMENT, *February 27, 1888.*

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a letter from the Secretary of the Interior of the 24th instant, submitting an estimate for an appropriation of \$3,000 for the purchase of land in the vicinity of The Dalles of the Columbia River, in the State of Oregon, for the use and benefit of the Indians on the Warm Springs Reservation.

Respectfully, yours,

HUGH S. THOMPSON,  
*Acting Secretary.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

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DEPARTMENT OF THE INTERIOR,  
*Washington, February 24, 1888.*

SIR: In accordance with the provisions of section 2 of the act of July 7, 1884 (23 Stat., 254), I have the honor to transmit herewith for presentation to Congress, copy of a letter of 20th February, 1888, from the Commissioner of Indian Affairs, inclosing with accompanying papers an item of appropriation in the sum of \$3,000, the same, or as much thereof as may be required to be used in the purchase, under the direction of the Secretary of the Interior, of a tract of land at or in the vicinity of The Dalles of the Columbia River in the State of Oregon, to be held by the United States in trust for the use and benefit of the Indians on the Warm Springs Reservation, to enable them to take and cure fish from said river.

The report of the Commissioner of Indian Affairs gives a history of the proceedings under which these Indians have heretofore been deprived of their fishing privileges, and shows the urgent necessity that some provision should be made to give them access to the Columbia River to enable them to secure fish, which is the most important item of their food supply.

For further information on the subject I inclose herewith an extract from the last annual report of my predecessor in this Department in relation to "Indian fishing privileges," wherein the special case now under consideration is mentioned, and the necessity for some measure of relief urged.

The Commissioner refers to the valuable services rendered to the Government by the Warm Springs Indians, notably against the Piutes and Modocs, and that certain promises of pensions, etc., made to them have never been fulfilled. He further states that the plan now proposed for their relief in the matter of the fisheries is based upon the report of a special agent of his office sent to the locality to examine into the matter, and he strongly urges that the appropriation requested be granted, so that the plan may be carried out.

The recommendation of the Commissioner has my concurrence, and the matter is commended to Congress for favorable and early consideration and action thereon.

Very respectfully,

WM. F. VILAS,  
*Secretary.*

The SECRETARY OF THE TREASURY.

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DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, February 20, 1888.*

SIR: I have the honor to invite your attention to the case of the Warm Springs Indians with reference to the salmon-fishing privileges which they formerly enjoyed at or near The Dalles of the Columbia, in Oregon.

This case has for a long time been a matter of deep concern, not only to this office, but to the several agents who have had charge of these Indians, the military officers in that department, and the many friends of the Indians cognizant of its history.

In their treaty with the Government, concluded June 25, 1855 (12 Stat., 963), whereby they ceded to the United States the country bordering on the Columbia River, from the Cascade Falls to the mouth of Willow Creek, and extending many miles south, they reserved the right of taking fish in common with the whites, at all usual and accustomed places, and of erecting suitable houses for curing the same.

By a supplemental treaty, concluded November 15, 1865 (14 Stat., 751), they appear to have relinquished the rights reserved by the former treaty in respect of these fisheries.

One of the usual and accustomed places to which reference was intended in the treaty of 1855 was the south shore along and near The Dalles of the Columbia. Indeed the fisheries there were most resorted to by the Indians at the date of said treaty, and for untold generations almost their entire food supply has been obtained there.

The Indians have always solemnly protested that they did not agree to relinquish their rights in the fisheries as the supplemental treaty de-

clares, and that they were grossly deceived and defrauded by the representative of the Government who negotiated said treaty with them. They declare that the only thing that was asked of them was that they should remain on their reservation and not go beyond its boundaries without a written pass from their agent, to which proposal they agreed. The subject of the fisheries was never so much as mentioned to them they say.

Their story has many believers among the older white residents of the neighborhood, and it has been often repeated both in official and unofficial communications to this office.

I believe that every official who ever examined into the matter became fully convinced of the truthfulness of the story as related by the Indians.

To my mind it is hardly credible that the Indians would have relinquished so valuable a franchise for the mere pittance named in the treaty, \$3,500, to be expended "in the purchase of teams, agricultural implements, seeds, and other articles calculated to advance said confederated tribes in agriculture and civilization." As the population of the confederated tribes at that time was 1,070, this munificent sum would be equal to about \$3.50 per capita, with which to make the promised purchases and "to advance said confederated tribes in agriculture and civilization." I might add that it has been represented that the agent of the Government who negotiated this treaty "borrowed" the cattle and wagons purchased with the compensation money, and failed to return or otherwise account for the same.

When it is known that these Indians and their ancestors for a hundred years or more had found in this abundant natural food-supply a sure escape from hunger, when all other resources were inadequate, or perhaps entirely cut off, it is impossible to conceive how they could willingly have relinquished their privileges there for such a trifling consideration.

They were careful to reserve the right in the treaty of 1855—a most natural thing to do, living, as they had been, free from care in the knowledge that each year would bring them a supply of food sufficient to their natural wants.

It is not necessary to say that our Indians have never been easily persuaded to abandon or relinquish their fishing and hunting grounds. Our treaties with them are replete with evidence showing with what tenacity they have held on to them. A case might be cited of a tribe of Indians who retained for themselves by express treaty stipulations, incorporated in three separate treaties made at intervals of sixteen and twenty years, respectively, the right of taking fish at one of their accustomed places, although they had ceded the territory for hundreds of miles around. Hence I say I think it highly improbable that the Warm Springs Indians would have relinquished their rights in these valuable fisheries for the mere asking, and upon such terms as I have stated.

All the lands along the river bank have passed out of the control of the United States to individual settlers, and the Indians are not allowed to pass from the public highway to the river to fish. Barbed wire fences securely locked or guarded effectually bar their access to the river.

This condition of affairs has been maintained for some four or five years, and with each returning season the Indians have made effort to get a foothold at the fisheries. Two years ago they tore down the fences and forced a passage to the river. A public meeting was then held in Dalles City, which resulted in securing to the Indians temporary

access to the fisheries at a given point, but they were soon driven off again.

Judge T. S. Lang, a citizen of The Dalles, and a warm friend of the Indians, wrote, under date of June 14, 1887, at the suggestion of many citizens of that place, as follows:

Until within four years there has been ample privileges for whites and Indians to fish in accordance with the word and spirit of the Palmer treaty of 1855. But since the introduction of the refrigerating cars upon the railroad which runs along the Columbia River and in close contiguity to the fisheries, white men have bought from the State and from the United States all the lands in Oregon which adjoin the old accustomed fishing places, and have fenced it up, and placed sentries to prohibit an Indian or white man from getting or catching a salmon upon the "accustomed" ground for all time. \* \* \* They are not now allowed to catch fish for their own winter supply. \* \* \* I wish, dear sir, you could see the Indians as they sit about the rocks adjoining the fisheries, and see tons of them going into refrigerating cars, caught by wheels lowered into the eddies in which this beautiful fish rest in their way up through the rapids. These wheels are 30 feet in diameter, with 5 or 6 buckets, which take in a good day's run 10 or 20 tons. These Indians come constantly to me and beg of me to write to you for them.

General John Gibbon, U. S. Army, commanding the Department of the Columbia, personally investigated the complaints of these Indians only a few months ago, and wrote to Army Headquarters under date August 22, 1887, as follows:

These Indians all declare with one voice that at the first treaty (1855) there was great mourning amongst the Indians at the prospect of having to give up their salmon fisheries on the Columbia River, on which they were so dependent for food; that noticing this, General Palmer on being told the cause of it, said at once that there was no intention of depriving them of their rights to fish in the Columbia, and that the provisions in clause I of the treaty were therefore inserted. The Indians continued to enjoy their fishery rights thereafter. That in the treaty ten years afterwards, 1865, nothing whatever was said to them regarding the giving up of their fishery rights, and that they were simply told the treaty was intended to regulate their manner of leaving the limits of the reservation with passes from the agent to prevent them from being taken for hostiles, the Snake Indians being at the time at war. These facts I was informed had also been sworn to by Donald McKay, the principal interpreter of the treaty, and they positively declare that in this treaty they were cheated out of their fishery rights. But these rights they continued to exercise for many years afterwards and until recently, when the occupation of the lands adjacent to the river cut them off, and at present they are practically debarred from this very necessary source of subsistence.

General Gibbon then gives expression to his own views, as follows:

The indemnity given these Indians by article 5 of the treaty is *ridiculously small* (\$3,500), and I am thoroughly convinced that the view given by the Indians on this fishery question is correct. But the rights to land bordering the river, and with them the fishery rights, have been transferred by the Government to its citizens, and these poor Indians are now deprived of what is at present an almost indispensable source of subsistence to them. This is especially so this year, for they have but few cattle, their crops this season have been very poor, and the agent informs me he fears there will be actual suffering amongst them this winter.

The agents of the Government and friends of the Indians have been at their wits ends to devise some means whereby the Indians might obtain access to the river, and occasionally temporary accommodations have been secured for them, but always of a most unsatisfactory character.

This office has assisted these efforts to the extent of its power, and recently a special agent was sent to The Dalles to make a thorough inspection of the premises, and if possible devise some practicable plan for securing to the Indians the permanent use of some portion of the fisheries.

Special Agent G. W. Gordon, to whom this work was intrusted, believes that the best way to do this is to purchase a tract of land border-

ing the fisheries and hold the same for their exclusive use. He has found one owner who will sell 5½ acres of unencumbered land on the river for \$1,000, and he thinks that an adjoining tract of about the same area can be bought, which together would be all that would be required. I invite your attention to his report, copy herewith. It is dated January 3, 1888.

I am very much gratified at the prospect of finding a satisfactory solution of this vexed question, and I heartily commend the plan proposed by the special agent. I do not see any other way out of the difficulty, and under all the circumstances I believe it to be the duty of the Government to adopt this one remaining plan for righting the great wrong which has been done these deserving people.

It should not be forgotten that the Warm Springs Indians have upon more than one occasion responded to the call of Government in times of peril, and rendered services of the greatest value.

When the Piutes were murdering the defenseless settlers and keeping the soldiers at bay the Government called on the Warm Springs Indians for help, and it came. When the Modocs held the lava-beds and there were graves of over 190 soldiers slain in the futile attempt to dislodge them from their stronghold the Government turned imploringly to the people here for help, promising them that if killed in battle or wounded they would be pensioned (which agreement was never complied with). Help came quickly, and the result is known everywhere, and yet when the people here or their agent ask for what they were promised and what they should have the Government is silent as the grave. (Agent Gessner, in annual report for 1885.)

I have gone into the history of this case at some length in order to show the grave importance I attach to the proposition of Agent Gordon for the relief of these Indians, and I sincerely hope that Congress will appropriate the needed sum for that purpose and that the Department will unite with me in urging the matter upon the early attention of that body.

I think that the sum of \$3,000 would probably be sufficient to purchase all the land needed—a very small sum for an object so important and highly beneficent in its purposes.

It is possible that any attempt to purchase a tract of land outright might meet with failure, and to provide against such a contingency I think it would be wise to procure authority for leasing a suitable fishing site for a term of years. The fishing season begins about the 1st of June, and should no satisfactory arrangement have been effected by that time it would be extremely unfortunate. Special Agent Gordon recommends this course in a letter just received.

I have prepared and herewith inclose a draught of an item (in duplicate) for insertion in the Indian appropriation bill intended to meet the case, and have the honor to recommend that it be transmitted to Congress with your views thereon.

A copy of this report is inclosed, and also duplicate copies of a report made by Agent Wheeler under date of March 12, 1886, wherein the history of the negotiations which led to the supplemental treaty of 1865, as related by some of the Indians who signed the same, and one of the official interpreters, Donald McKay, is fully set out, to which latter I invite your careful attention.

Very respectfully, your obedient servant,

J. D. C. ATKINS,  
*Commissioner.*

The SECRETARY OF THE INTERIOR.

*Item.*

To enable the Secretary of the Interior to purchase, upon such terms and conditions as he may deem just and proper, a tract of land at or in the vicinity of The Dalles of the Columbia River, in the State of Oregon, of sufficient area and in such locality as to afford suitable facilities for the Indians of the Warm Springs Reservation to take fish in said river, and to properly cure the same, said land to be held by the United States in trust for the use and benefit of said Indians, three thousand dollars, or so much thereof as may be necessary, to be immediately available; *Provided*, That said Secretary may in his discretion lease a tract of land at the place and for the purposes indicated, for a term of years, in lieu of purchasing the same, at a cost not to exceed six hundred dollars per annum.

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THE DALLES, OREGON, *January 3, 1888.*

SIR: Referring to my letter, dated December 4, 1887, touching the matter of "The Dalles Fishery," I have the honor to state, that one of the Indians therein referred to, Paluse Charley by name, will sell his interest in the fishery for the sum of \$1,000, with the condition that he and his family are allowed to remain at the fishery, and be allowed to take fish therefrom, in common with the other Indians, for his personal and family use, but not for commercial purposes. The amount of land he owns on the river bordering the fishery, is  $5\frac{1}{2}$  acres, and to which he has a deed, duly recorded, from one Jacob Thomas, who bought of one Edwards, who purchased of the Government. His title, therefore, seems good. The other Indians, alluded to in letter of December 4, up to this time, refuse to sell. They own about as much land along the fishery as Paluse Charley, and contiguous thereto, and it is believed if their lands could be purchased also, that the two lots would be sufficient for the Indians now complaining, or at least that they could be placated with this portion of the fishery.

I therefore recommend that the  $5\frac{1}{2}$  acres which are unencumbered be purchased at once from Paluse Charley at the price of \$1,000, with the condition that he and his family be allowed to remain at the fishery, where they live, and allowed the right to take fish in common with the Indians, for whose use the Government will hold it, but not to take fish for the purposes of sale. It is quite probable that when this is done the Indians referred to as owning the adjoining lands can be induced to sell also. It is believed that they are now prevented from doing so by white men. Even if we should fail in the end to purchase any more of the fishery, I think the amount mentioned,  $5\frac{1}{2}$  acres, will to a great extent allay the complaint of the Indians. And should my recommendation to purchase this amount from Paluse Charley be approved, I suggest that the purchase be made as quickly as possible, in order that he may not be tampered with by white men and persuaded not to sell. I think the price very reasonable.

Very respectfully, your obedient servant,

GEO. W. GORDON,  
*Special Agent.*

THE COMMISSIONER OF INDIAN AFFAIRS,  
*Washington, D. C.*

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UNITED STATES INDIAN SERVICE,  
*Warm Springs Agency, March 12, 1886.*

SIR: I have the honor to call your attention to a supplemental treaty purporting to have been made with the Indians of this reservation November 15, 1865, in which it is set forth that these Indians parted with their rights to take fish from their old fishing places on the Columbia River. Said treaty was made by one Huntington, who was then superintendent of Indian affairs for this district, and if ever a fraud was villainously perpetrated on any set of people, red or white, this was, in my opinion, certainly one of the most glaring. And what is as strange as the treaty itself is the fact that this matter has been brought to the attention of your office by every agent who has been in charge of this reservation since the making of said treaty, and there is no evidence that there was ever any response to the letters or efforts made to correct the wrong.

And now, as the matter is being seriously agitated among these Indians, I deem it my duty to again set forth the facts, which will not vary from those stated by my predecessors, other than that I propose to give the evidence of several Indians in their own words as near as may be, as interpreted by Charles Pitt, and that of Donald McKay (who was then interpreter, and who is a man of good understanding) as stated at a meeting of the Indians held at this agency on the 3rd instant.

WILLIAM C. PARKER (Indian) says: "That prior to the time Mr. Huntington came to the agency to make the treaty with the Indians requiring them to get passes from the agent when they desired to leave the reservation, that Mr. Reves, who was then the agency farmer, told me that Huntington was wanting something from the Indians, and for me to look out for him. Reves did not want to tell me what was wanted, but I insisted that he should tell me, and he told me that Huntington said that the Indians were continually running to the Columbia River fishing, and they would be no good as long as they had access to the fisheries, and that he wanted to put a stop to it and wanted to get the fisheries away from them; and that Huntington said that the Indians were taking their women to The Dalles and trading them to white men for whatever they could get.

"I told Chief Mark (who is now dead) what Reves had told me, and for him to be on the watch. Mark and I came down to see Mr. Logan, the agent, and Mark said to Logan, how much does Huntington propose to pay us for the fisheries? Logan said he knew nothing about it. Mark then said if Huntington would give us a large ship loaded with solid gold we would not sell the fishery; he said we would use all the money up in a short time but the fisheries would stand forever, and we will never sell it.

"Finally Huntington came and called the Indians together at once. I knew that he had come like an Indian gambler to wrong us out of our fisheries, but I could not tell in what way he intended to do it.

"Huntington commenced by saying to old Pish-wa, why did Quah-pah-mah and his band leave the reservation? Pish-wa said he did not know; he then said to me, Parker, do you know why Quah-pah-mah and his band left the reservation? I told him I did not know. He asked all of the Indians if they had any knowledge of making a treaty with the Government. We all said yes, we made a treaty with the Government. He said to the Indians, you have made a treaty and you must remember that the land east of the reservation and north of Oak Grove is the white man's land and you should have passes when you go off the reservation, so you could have protection from the white man. You should not go off only for a given length of time, say one or two weeks, or a month, and then come back on the reservation when your time is out; in that way the young people would not be continually running all over the country and doing no good on the reservation. Now if you will agree to always get passes when you go off the reservation I will give you 30 head of work cattle and 100 blankets. While Huntington was talking this way, the old people got to talking among themselves, and decided that it was a good plan, and they thought they had better sign the agreement and always get passes to be absent from the reservation for a given length of time.

"Huntington pointed out quite a number that he said were good men and told them they had better all sign, as this paper would go back to Washington. So there were quite a number signed.

"I understood the English language pretty well at that time and I did not hear Huntington say anything about the fisheries.

"After some little time we received the cattle and the blankets. And here I might say that a pair of blankets was cut into three pieces and we got one hundred pieces of blankets.

"In a few months after we had received the cattle Huntington came along and wanted to go to Klamath to do some hauling. He asked Captain Smith, who was then agent, if he could get the cattle that he let the Indians have and one new log truck and two large four-horse wagons. Captain Smith told us that Huntington wanted to borrow the cattle and wagons and would return them; we agreed to let him take them, and we have never seen cattle, log truck, the two wagons, or Huntington since.

"Some time after Huntington had gone with the cattle and wagons the news came to us that we had sold our fisheries, and we were told by different white people that we had sold our fisheries. We denied it then and have always contended that we never sold our fishery. We afterwards heard that Huntington had died.

"As soon as I heard of the fishery matter I went to Captain Smith, the agent, and asked him if he ever heard Huntington say anything about buying our fishery; he said no, I heard nothing of it.

"I then asked the captain to write at once to Washington and inform the Department that we never sold the fishery to Huntington. I then said to the captain if I had a hired man and he should go out and steal something for me that I would not accept it, and that this was a parallel case and the Government should not receive property stolen by a hired man like Huntington. The captain said that was true and he would attend to it at once.

"I afterwards asked the captain if he had written, he said yes. And he repeatedly informed me afterwards that he had received no reply to his letter. And finally the captain said there was no use in saying anything more about it, as it was published everywhere that we had lost our fishery and there could be nothing done.

"All this was done by the Republican party, I might call it our own party, but they wrongfully took this fishery away from us. Now will the Democratic party still maintain this action and keep our fishery away from us?"

"This fishery was stolen from us and is worth mints of money to us; it has served us for years and years, and is just as good to us now as it ever was. A ship-load of gold would not buy our fishery. We have been robbed of it. The President of the United States and the authorities at Washington may think this is idle talk, but we mean what we say and want that fishery back. There are only three men who claim to own it now and they are a small part of the people of the United States, but it is of much more value to us than to any other people.

"When we go to the fishery the white people threaten us, and some Indians have been whipped and beaten by the whites; on Sundays, when the whites are not fishing, sometimes the Indians slip in to fish, but when caught are treated rough. The Indian can not understand why he should be deprived of the sport and food of which he is so fond.

"We feel that we are under the United States Government and we belong to no other, and we leave this matter to the conscience of the authorities. I am not embarrassed or backward about crying to my Government for rightfully belongs to me.

"I have laid in a strong claim for our fishery, and I will give you my reasons for making such claim.

"General Palmer, when making the original treaty, told us that we should have the right to the Columbia River fishery always, and we should have it for our own for all time. General Palmer said the white man would never want those rock, and all it was fit for was a fishery, and it shall be yours for ever; he said the country would be settled up between the reservation and the fishery but there would be a way provided for us to always get to the fishery for our fish and to the mountains for berries and game."

JOHN GADSHAW (Indian) says: "We feel that we now have an agent who will see that we have our rights. What Billy Parker has stated is all true and the most of it word for word of what was said at the time the treaty was made. I was there when the treaty was made and the words used by Parker are just as said by General Palmer, and these places were pointed out as stated,

"The truth has been told about the fishery, and all we claim was what Palmer told us at the time, that we should have the fishery always. We ask protection of the authorities, and ask nothing only what rightfully belongs to us. I will raise my right hand toward Heaven and ask in God's name will you not give back to us our fishery which rightfully and lawfully belongs to us."

THOMAS SCHOOLA (Indian) says: "I signed the treaty requiring us to get passes to leave the reservation, but I will swear I never heard anything about parting with our right to the fishery."

PETER HULL (Indian) says: "I signed the treaty requiring us to get passes, but the fisheries were never mentioned."

TA-SIMP (Indian) says: "I was the interpreter from the Warm Springs to the Wasco language at the time Huntington made the treaty with the Indians in regard to getting passes. All that was said at the time Huntington said if you sign this paper you are not to go off the reservation without a pass; that the matter of fishery was never mentioned."

WAL-EN-TEN-AN (Indian) says: "I was one of the signers of the treaty, but I never signed my fishery away."

HOLLIQUILLA (Indian) says: "In the first talk with General Palmer about a treaty our forefathers were speechless for many days. After many days' talk General Palmer saw that the fishery was a very important matter in the treaty, and he said you need not sorrow about the fishery, that will be set aside for you for all time.

"When the money consideration was made in connection with the fishery, it was then that our hearts gave way as if shot with an arrow, and we were willing to sign the treaty.

"I was one of the signers to the treaty to get passes, but I never sold my fishery, nor did I hear anything about the fishery at the time."

DRY CREEK BILLY (Indian) says: "I signed the treaty to always get passes, but I never heard the fishery mentioned. When we first heard that we had sold our fishery I denied it to Captain Smith, the agent, and said we never sold the fishery."

JOHN HOWEY (Indian) says: "I have been listening to all the speeches here, and what they have said is true; our forefathers never sold our fishery; neither did we. The fishery I will never forget; it is mine. I am now old and not able to till the soil, and I have a great desire to have free access to the fishery to furnish me food, as it did in former days. There are three white men who claim to own the fishery, and at one time, when I was standing on the rocks fishing, they came and stabbed me with a knife. I now ask for help from the new men who are in authority."

BOB SKA-NOW-WAY (Indian) says: "This people never sold the fishery, and no Indian on this reservation ever understood that they sold the fishery, to my certain



knowledge. I once went to the fishery to get fish and came near killing a white man, named Evans, who claimed to own the fishery. He used to beat the Indians with clubs; and we have been shamefully treated by the white man at the fishery. In the fight I had with Evans he finally agreed that I might get some fish, but it was because I got the best of him in the fight."

PAT MITCHELL (Indian) says: "I was one of the interpreters when the original treaty was made with General Palmer. I understand English pretty well. I was present when the treaty was made requiring Indians to get passes. I desire to say that the whole matter as represented by Huntington in regard to our fishery was a malicious lie; there was nothing said about the fishery. I think he lied himself to death. He told us that General Grant said every Indian must have a pass to go off the reservation. He then said to the Indians: 'Will you agree to always get passes when you leave the reservation? If so, sign this paper.'

"After Huntington left here he reported that the Indians had sold the fishery to him, which was a lie. I will say to my friends it is not worth while to argue the matter. We simply ask the Government to give the fishery back to us, and you can do so if you desire, as you have the authority to do it. I will swear before the white man's God that we never sold the fishery, and we demand that it be given back to us. We respect the Government, but not the man who stole the fishery from us or the men who claim to own it now."

JOHNSON (Indian) says: "We never sold our fishery; it was never sold by our forefathers, and we have never sold it.

"When Huntington was here we never knew him to be sober, he was always drinking; he said when these Indians went to The Dalles they did not mean any good, that they went there to loan their wives, daughters, and sisters to the white man for money, which was a lie so far as we were concerned as a people. A single case should not condemn the whole population of our reservation; he knew that we were ignorant and he could take advantage of us, which he did.

"I will say to our agent here that if we have said any wrong in the matter he should correct us. I will also say to the agent, 'You personally knew the reputation of Huntington and you know that he died a drunkard.' There are only three men who claim to own the fishery, and we do not desire to make any threats against them, for we have a Government which we respect and which we look to for our rights and protection.

"William C. Parker again says, 'As Donald McKay is here, who was the interpreter at the time the treaty was made with Huntington on getting passes, I would like to have him state in presence of Mr. Wheeler, the agent, and Mr. Patterson, the clerk, what he knows about the making of the treaty with Huntington, and if anything was said about the fishery.'"

DONALD MCKAY (Indian) says: "I was interpreter when Mr. Huntington was here making treaty with the Indians in 1865, in regard to their obtaining passes from the agent when they desired to absent themselves from the reservation. I interpreted the treaty to the Indians as read to me by Huntington, and the matter of the fishery on the Columbia River was never mentioned. Afterwards Captain Smith, Dr. McKay, Mr. Huntington, and I were together and had a talk about agency matters, but nothing was said about the fishery. At this time Huntington borrowed the cattle he had furnished the Indians on treaty and took them to Klamath, and some time after Huntington had gone with the cattle, Dr. McKay saw in a newspaper an account of the treaty with the Warm Springs Indians, stating that they had sold their rights to the Columbia fishery to the Government. Dr. McKay showed the item in the paper to Captain Smith, who remarked at the time, 'That is a downright swindle.'

"I am well known at Washington as well as on this reservation. I have spent a great deal of my life with these Indians, and I feel that I am one of them. I am now all crippled up, not with old age, but with wounds received while in defense of my country and flag in the employ of the Government. I fought with these people for the lands they now occupy. I have led them against the Snake Indians and against the Modocs, in the defense of our country, at the request of the Government, and from the effects of such service I am now limping around almost as helpless as an old woman. The services which these people have performed for the Government is well known at Washington, and should, in my opinion, have some weight with the Department in the adjustment of claims of these Indians.

"What they are asking for they need and in right should have, as it is well known by all persons who have visited this reservation that there is scarcely enough tillable land within the bounds of the reservation to support those who are here if it was farmed by good experienced farmers. As I have stated I was the interpreter at the time these Indians are talking of. I interpreted truthfully for my people, and I do not want to take the side of the white man against the rightful interests of my own people.

"I insist that these people need the help they ask for and I shall always contend for their rights."

I have given you the evidence of a few of those who were present at the meeting. I am satisfied that every Indian on the reservation would testify to substantially the same story.

To substantiate the action of the Government in taking away the fishery from these people to which they are so endeared by long occupancy and custom, it has been said that fish diet was not good for Indians, and that they would do much better if they were compelled to dig their living out of the ground. It has also been said that "what is good for the goose was good for the gander." Now, if Columbia River salmon is worth 20 cents per pound in the eastern cities and sought after as wholesome food for white people, why is it that fish diet is so detrimental to the health of the Indian who has been accustomed to it and made it the principal part of his food for hundreds of years?

As for the Indians wasting time at the fishery, I might say that one family can go to this fishery and catch and put up enough salmon in two days for a year's supply. There does not seem to be a disposition to loiter around the fishery or The Dalles, except perhaps by a few worthless Indians who would not work on or off the reservation; but there is no larger proportion of loafers among these Indians than would be found among the same number of whites. Now as to the evidence we got on this matter of course it is all given from memory, but it must be remembered that this is not a new project, but has been kept fresh by being agitated continually ever since the Indians first learned that their fishery was taken away from them.

I have reason to believe that their story in the main is true, and that something should be done for their relief as soon as possible. I think perhaps some arrangement might be made by purchasing a small tract or place where the Indians could have access, and where they could get all the fish they want, without discommoding the owners of the fisheries to any great extent.

Fish is certainly a very necessary food for these people, especially the older ones, as they understand how to preserve it for winter use, and is a much cheaper meat than they can obtain in any other way. Fish to an Indian is as bread to a white man.

It has also been suggested by some of the leading Indians that if they had access to the fishery it would be an easy matter for them to salt down a few barrels of salmon, which could be brought here with little expense, for the use of the schools during the winter and spring, when the beef is poor, and the children would enjoy it for a change, besides being quite a saving in the running expenses of the schools.

I sincerely hope you will give this matter your early attention. The Indians are very anxious to have some response from the Department.

Very respectfully,

JASON WHEELER,  
*United States Indian Agent.*

The COMMISSIONER OF INDIAN AFFAIRS,  
*Washington, D. C.*

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[Extract from Annual Report of the Secretary of Interior of 1887.]

INDIAN FISHING PRIVILEGES.

In nine or more treaties made in 1855-56 with the various tribes in the extreme northwestern part of the country it is provided that "the right of taking fish at usual and accustomed grounds and stations is further secured to said Indians in common with all citizens of the Territory, and of erecting temporary houses for the purpose of curing." (12 Stat., 927-975.)

Many and serious complaints have come to the Department that the right of taking fish at usual and accustomed grounds and stations along the Columbia River is denied to the Indians. Investigation has disclosed the fact that settlers have entered and possessed the tracts comprising the usual fishing grounds and stations under the land laws of the United States, and refused to allow the Indians to come upon them in the pursuit of their usual means of support. In behalf of the Yakima Indians resort was had to the supreme court of Washington Territory in case of United States and others v. Taylor, wherein the court, in decision rendered on January 25, 1857, held that the land laws of the United States "simply authorize the appropriation by the settler of unappropriated lands, and only authorize the extinguishment of the title which the Government holds at the time of the appropriation; and, if the land selected by the settler has at such time any servitude or easement impressed upon it, he takes subject thereto."

This wholesome decision, so eminently just, ought to go far in removing the cause of many complaints from the Yakima Indians, who are mainly self-supporting. If they can not be secured in the enjoyment of their treaty rights and privileges in this

respect in any other way, it perhaps would be well for the Government to repossess itself of the portions of land upon which the servitude or easement is impressed.

The situation in this respect of the confederated tribes and bands of Indians of middle Oregon and the Warm Springs Agency is attended with more embarrassing difficulties. They were among those to whom were reserved and secured by treaty of 1855 the fishery rights and privileges, but a subsequent treaty made with them in 1865 contains a clause relinquishing them for a consideration of \$3,500. The Indians claim that it was never intended by them to part wholly with such valuable rights and privileges for such an inadequate sum, but that the enjoyment thereof should be regulated by permits or passes, to be issued by their agent, to prevent them from being taken for hostiles when off of their reservation. In support of their claim they point to the third article of the treaty, which provides for such passes in cases when it is necessary for them to go without the reservation.

General Gibbon, commanding Department of the Columbia, has given this matter some consideration, and thinks that the view given by the Indians is correct; he also reports that in being debarred from procuring their usual supply of salmon, and with short crops this year, there will be suffering among them unless they are furnished with supplies by the Department; and he suggests as a remedy that Congress be asked to appropriate a yearly sum for a term of years to be expended in the purchase of cured salmon for issue to these Indians as an indemnity for the supply unjustly cut off from them.

The Klamath River Indians occupy a reservation in California established by executive order of November 16, 1855. It embraces a strip of country 1 mile in width on each side of the Klamath River, for such distance from the Pacific Ocean as to include 25,000 acres of land. The fisheries on the river have been the principal means of support for these Indians.

The State of California having declared the Klamath River to be navigable from its mouth to a point some distance above the reservation, certain white men have engaged in fishing on that stream within the boundaries of the reservation. This the Indians regard as an invasion of their rights, and it has naturally made them uneasy. The honorable Attorney-General, to whom application was made for an opinion as to the power of the Government to protect these Indians in the enjoyment of what they claim to be "their fishing privileges" in the Klamath River within the limits of their reserve, holds that—

"The Klamath River being a navigable stream, the public have the right to fish there and use it in any other way that does not amount to an interruption or interference with interstate or foreign commerce or navigation, or a violation of some law of the State of California, and that so long as the acts of persons resorting to these waters to take fish fall short of invading the right of Congress to regulate commerce with foreign nations or among the several States, no case for Federal interference can be said to exist."

The fishery rights and privileges of these Indians is a matter of serious concern to them. The improved means and appliances employed by white men for taking fish from the rivers place the Indians, who very generally adhere to their primitive methods, at great disadvantage in pursuing this industry. It is the source from which many of the Pacific coast Indians procure their principal article of daily subsistence. Large quantities are cured by them for winter use. It is very important that they be protected from invasion or obstruction of their rights and privileges, whether they be proprietary on existing reservations or reserved and secured by treaties to be enjoyed in common with others within territory ceded by them to the Government, or within the public domain. Without such protection they will be practically robbed of the main article of their food supply by being shut out from the sources whence they have heretofore obtained it, and without which they are likely to be impoverished and become largely a charge upon the Treasury of the United States for their support.