Ratified treaty no. 323, Documents relating to the negotiation of the treaty of June 9, 1863, with the Nez Perce Indians. June 9, 1863

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RATIFIED TREATY NO. 323

DOCUMENTS RELATING TO THE NEGOTIATION OF THE

TREATY OF JUNE 9, 1863, WITH THE NEZ PERCE INDIANS

Synopsis of the Preliminary and Official Proceedings of a Council held in the valley of the Lapwai Washington Territory (now in Territory of Idaho) by Calvin H. Hale Superintendent of Indian Affairs W. T. and Charles Hutchins and S. D. Howe U S Indian Agents, on the part of the United States, with the Nez Perce Indians, "to negotiate a Treaty, for the relinquishment of a portion, or all of their present reservation, or its exchange for other lands."

The time proposed by the principal chiefs, and which had been agreed to on the part of the Commissioners, for the opening of the Council, was the tenth of May 1863. Owing to various causes which will be explained in the report, the Council was not properly opened until the 25th of May, and was concluded on the 9th day of June.

On Monday, the 11th day of May, there were present at Lapwai, the gol-

lowing Officers of the Indian Department, to wit;:

C. H. Hale Superintendent &c } Com^rs
S. D. Howe U. S. Ind. Agent }
Geo. F. Whitworth Secretary
H. C. Hale Clerk
R. Revel } Interpreters
H. H. Spaulding }

The head chief Lawyer, who resides at the Agency, was the only Chief on the ground, and but very few of his people had yet arrived.

Wednesday May 13th

Lawyer having expressed a desire for a conference with the Commissioners, a meeting for that purpose was held at the Agency at 10 O Clock A. M. at which there were present of the Indian Department; the same parties as named on the 11th inst.

On the part of the Nez Perces, were Lawyer, the Head Chief, Ute-si-mi-la-kin, Tepu-lana,-tima-ni, or Spotted Eagle, and Capt John.

The object of the conference was, in relation to the employment of an Interpreter, desiring that the Commissioners would

send for Perrin B. Whitman who they considered more thoroughly acquainted with their language than either Dr Newell, Mr Craig or Mr Spaulding. They stated that it was possible they might have some plain, some hard things to say; and the Commissioners on the other hand might have the same to reply. Whatever might thus be spoken by either party, they wished to be just as plainly or sharply interpreted. They expressed full confidence in all the Interpreters mentioned, with this exception, that they might very naturally be led to soften some of the harsh expressions which might be used, from motives of the best character, in order to avoid disagreement or difficulty. Especially they desired that the labor should not devolve upon Mr Spaulding, as he was their Teacher, and they did not wish to put harsh words into his lips. Besides, the disaffected bands of the tribe might make it a ground of objection, if the Interpreter should be taken solely from those living in their midst, being considered liable to the charge of favoring the views of one party more than the other. As Mr Whitman had been away for some time

that objection could not be urged against him, and they believed the disaffected or disloyal party (as they termed them) would be better satisfied.

Capt. Hale replied, that he had endeavored to procure Mr Whitman; he had not seen him, - but had sent word to him, that he wished him to come. The answer sent back was that he could not come. But as it was the wish of the Chiefs present, and for the reasons they had given, the Commissioners would immediately send for him.

The Chiefs then made further request that Mr Anderson, their Agent, should be despatched as a Messenger to the Willamette Valley, to procure Mr Whitman, as they had full confidence in him, that he would proceed without unnecessary delay, and use every influence in his power to bring Mr Whitman with him; - that Mr Anderson had a good heart towards the Nez Perces, and would not do anything to turn the heart of Mr Whitman against them.

To this the Commissioners agreed

and directed Mr Anderson to proceed at once to Salem in Oregon. that being the place of Mr Whitmans residence and secure his services if possible, and to have him start for Lapwai without delay.

The following is a copy of the Letter sent by Mr Anderson to P. B Whitman

Nez Perce Ind: Agency
Lapwai W. T. May 13. 1863

Sir

It is our desire, and is also the request of the Indians, that you should act as Interpreter in the Council now pending with the Nez Perces.

We will fix the amount of compensation for your services at the close of the Council, but you may rest assured that it will be such as will amply remunerate you for any disadvantage, which may arise to you from leaving home at the present time.

Yours respectfully
C. H Hale } Comrs.
S. D Howe }

P. B Whitman Esq
Salem.
Oregon

The following is the letter of Instructions to Agent Anderson

Nez Perce Indian Agency
Lapwai W. T. May 13th 1863

Sir

You are hereby instructed to proceed as rapidly as possible to Salem Oregon for the purpose of procuring the services of Perrin B Whitman to act as Interpreter at the Council proposed to be held with the Nez Perce Indians so soon as they are assembled

You will state to Mr Whitman that it is the wish of the Indians themselves, and is also the desire of the Commissioners who are now present that he should thus act

His travelling expenses both in coming and returning will be met by the Commissioners, besides amply remunerating him for the time he may necessarily be called from home, and the services he may perform

Yours respectfully
C. H. Hale
S. D. Howe } Comrs

J. W Anderson Esq
Sub Ind. Agent
Lapwai W. T.

The Chiefs were then requested to send messengers to the different bands of their tribe, and give information of the arrival of the Commissioners; - that Mr Whitman had been sent for - as Interpreter, - and urge them to come in - without further delay; - to which they agreed.

Monday May 25th 1863

In accordance with the arrangements made with the principal Ner Perce Chiefs, the Council was opened at 11 O Clock A.M. at which were present the chiefs of the friendly portion of the Ner Perce tribe, - and the most of their people.

There were present the following officers of the Indian Department, to wit;

C. H. Hale. Superintendent do.
Chas H. Hutchins. U S Ind Agent. } Commissioners
S. D. Howe. " " "
Geo F Whitworth. Secretary
H C. Hale Clerk
H H Spaulding Interpreter.
Robert Revel. Special Ind. Agent by Appointment of Supt Rector.

Superintendent Hale opened the Council, by addressing the Indians, as follows

My Friends :- You see us here as your friends, sent by the President of the U.S. to talk with you. We have thought it best to speak to you now, rather than to wait until Mr Whitman arrives, and to tell you what we have to propose, that you may have time to think about it, and consider it well. You may use your own pleasure in regard to answering, or talking to us, until Mr Whitman arrives. We do not wish you to answer us, or to think that we expect it, before he comes to interpret for you, unless you wish to do so.

We know that different persons have talked to you, and that some of them have told you, that we were coming here to do things which we do not intend, and for which we are not sent. We are here to propose for your consideration, matters which will be for your good in all time to come. We come as your friends to advise with you, and to arrange for the preserving your rights. As your friends we propose to you to relinquish to the United States a part of your present Reservation, and to take a new Reservation, smaller than the

one you now hold. We also propose that on this new Reservation, each man or family shall have a piece of land in their own right, in their own name, just as the Americans do.

This talk is for the whole Nez Perce nation, not for a part, but for every man who has an interest here. We recognise you as one of the contracting parties, and shall therefore open our hearts fully to you. From you we shall expect to hear afterwards, and that you will open your hearts to us.

We have been sorry that there has been so much sickness amongst you, since you came here, and that there have been some deaths, - we are glad now, that your sick people have recovered, and that we meet so many of you this morning, as well as you are.

We intend to act with perfect justice towards you, in the sight of God. The Govt. of the U. S. desire to act justly towards you, and to preserve you against the injustice of men, - who would wrong you, and do you harm. It is for this, that your Great Father the President of the United States has placed troops here. They are to protect you, to see that justice is done to you, and not to drive you away from your homes, as some bad men have told you. The soldiers are here to prevent bad men from driving you away.

We do not propose that you should leave your own country, we do not wish it; we only desire that you would relinquish such portions of your reservation, as you do not really need;- and instead of being scattered in small bands over a large extent of country, we wish to bring you nearer together, so that your rights, your lives, and your property, can be better protected, than it is possible to do, whilst you continue as you are.

Since we came here to see you, and whilst you were coming in to attend this Council, some of us have been riding over your country, to select such a place as we thought would be suitable for you. Such a place,- and sufficiently large for your whole nation, we believe we have found. It is a beautiful country, with rich valleys for farming, whilst its hills and uplands are suited for grazing for your bands of horses and cattle.

The lands which we propose to offer to you consideration for a new Reservation, lie along the Lapwai and the Clearwater Rivers: commencing at a point, one mile below the mouth of the Lapwai, thence across the Clearwater, continuing Northward five miles, thence Eastwardly to a point on the North Fork of the Clear

=water= five miles from its mouth, thence to a point on Oro Fino creek, five miles above its mouth, thence Southerly to a point, one mile North of the South Fork of the Clear =water=, thence running along the north side of said South Fork of Clearwater, one mile distant therefrom, till it intersects the North Fork of the South Fork, thence down the North Fork, and across to the South bank of the South Fork of Clearwater, thence in a direct line, Westwardly, to the North end of the Lake, at the head of the Wa-Ha, thence Northerly, in a direct line to the place of beginning. This will include the whole of the Kamia.

The lines thus proposed shall be surveyed and marked, that white men may know, and that you may know the boundaries of your reservation. The lands in the valleys shall also be surveyed into lots, so that each of you can have a farm in his own right; and have it se=cured to him by a paper, just as the white do, then nobody can disturb you. The land thus given by the paper will be yours while you live, then your childrens, and when they die, it will belong to their chil=

=drew Such an arrangement was contemplated in the first Treaty made with you by Gov Stevens and Mr Palmer, and is provided for in the sixth Article of the Treaty.

The rest of your Reservation we propose to buy. Those of you who live on that portion of it, which is to be relinquished, will be paid for the improvements you have made, such as your fields that are enclosed and cultivated.

What I have now said is for you all. ~~To morrow we will meet you again and tell you what are further proposals to do~~ Think about what has been said, and see if it is not best for you to settle down as we propose, and become a farming people. To morrow we will meet you again, and tell you what we further propose to do. We wish you all to come and hear, and know what we have to say; - we shall not be in a hurry; - we want to take sufficient time, so that you shall fully understand what you may engage to do. We do not wish to take any advantage of you. If you do not understand the boundaries, let your chiefs come to us, and we will explain to them, and show them what we mean.

Tuesday May 26th

The Indians began to assemble at 10 O'Clock A.M.

The Officers of the Indian Department were present, as on yesterday.

At 11 O'Clock A.M. the Indians being all assembled on the Council Ground, the Council was opened.

Mr Hutchins addressed them, and said, - Yesterday, Mr Hale informed you that you were called together by the authority of the U.S. Government, to propose to you the relinquishment of a part of your present Reservation. He explained to you the boundaries of the land, now proposed to be reserved for you, - that which you relinquish to be bought, and for which we propose that you shall be fully paid. In addition to what he said on this point, I wish to say, that the land described on yesterday is to be for your own special use and occupation, on which no white man shall be permitted to live.

I will now tell you what we propose to pay to you for the lands, which we ask you to relinquish, as it is not our wish or intention, neither is it of the U.S. to take them, without making you a proper payment.

The land now proposed to be reserved is the most fertile portion of your country, and on which most of the Nez Perces now live. These will not be disturbed, but will be permitted to remain where they are, if they choose to stay. Those who are outside will be under the necessity of moving, but we propose, that all who leave their fields or improvements, where they now reside, shall be paid for them.

The Treaty made with Gov Stevens is to be carried out in all its provisions in the payment of your annuities, and providing persons to instruct you. In addition thereto, the good lands in the valleys shall be surveyed, and divided into twenty acre lots; and every family in the tribe is to have one of these lots in their own name. These are to be ploughed and fenced, and the different families will then take their choice, and receive a paper for it, and hold it in their own right as white men do, so that when they die, it will belong to their children.

We also propose that the U. S. shall appropriate the following sums of money, to be expended for your benefit,- $50.000 00 for the purchase of Agricultural Implements, Stock &c, to be distributed to those, who shall come on to the new Reservation, and take one of these lots.

$10.000^{00} for the erection of Mills at Kamia, - $10.000^{00} for the erection of two schools and Boarding Houses. The children to be boarded and clothed whilst attending school, for which $6000^{00} are to be appropriated the first year, and $3000^{00} each year afterwards for the term of 14 years; - $2000^{00} for erection of Blacksmiths Shop at Kamiah, and providing it with tools, Iron &c;. and $500^{00} a year afterward, to provide necessary tools, and materials for both the Shops, and for repairs of the same; - $2000^{00} a year for Repairs of Mills, Shops, Agency dwellings, Schools &c, - & $1200 for the erection of a Hospital, and providing the necessary furniture &c for the same.

The amount, thus proposed to be appropriated the first year, will be $81.200, this will be the first year after the satification of the treaty that may be made, and the Treaty will be likely to be satified next winter.

Inasmuch as we are satisfied, that you have just claims against the U. S for horses sold, and services rendered by you in the Indian war of 1856, and that your services and horses were placed at a fair and reasonable valuation, we propose to provide in the Treaty, that you shall be paid the full value of the same in gold.

All the lands inside, not surveyed, are to be used by you all for grazing, the twenty Acre lots are for the persons who take them, - these are their own, and belong to no one else, but the other part is alike for you all, as it is on your present reservation. In one year, those who live outside of the new reservation, will be expected to come on to it, but the lots are to be surveyed, divided, and ploughed when it is necessary, before you will be required to remove. In the mean time, too, they will have the privilege of selling their improvements to any white man, who will pay them what they are worth. No white man is to be permitted to come and live on your new reservation, except those who are connected with, or under the control of the Indian Department, for the purpose of carrying out the provisions of the Treaty. No white man will be permitted to own any land within it, the land is to be yours, and every thing that grows upon it, the Grass and the Trees are to be yours. No white man is to take any of them away. This is what we propose to you.

Supt Hale, then said. My friends: you have heard what Mr Hutchins has

said to you. I wish you to think well about what has been said to you, both yesterday and to day. If anything is not understood by you, we are ready to explain it, so that you may fully understand it.

Ute-si-mil-e-kum

We have considered, we know the feelings of our people. We wish to answer what was said both yesterday and to day. We hear you - we understand what you say. When did the order for this proposition, you have made, come from your Government. I feel responsible to the Government, and wish to know, if this comes from it, when it came, whether in the fall, in the winter or this spring? State it distinctly for we wish to know.

Superintendent Hale

About a year ago, the Government was informed of the discovery of numerous gold mines in and around your reservation. Knowing that white men would rush in to work these mines, before it would be possible to send a force of soldiers, sufficiently strong to prevent them, and that there would be men who would violate the laws framed for your protection, by introducing whiskey for sale, and thereby produce

difficulty, the Government at once began to enquire, as to the best way, to preserve peace, and protect you from suffering wrong. Knowing you were friendly to the Government, and perceiving, by the Maps, that the Nez Perces had a much larger Reservation, than they could use, so large too, that it would be impossible for the U. S. to protect you, without an army of soldiers, a larger number than could now be spared, the President thought you would be willing to make your Reservation smaller, and by being paid for it, relinquish such portions as contained the Gold mines, and as were necessary to enable the miners to work them. It was known that you would not work the mines, and that you did not want them. Last fall, Mr Hutchins, Mr Rector and myself were appointed to hold a council with you, for this purpose. Since that Mr Rector declined to serve, and Mr Howe is sent in his place. Before the word came to us from Washington, it was arranged for Mr Hutchins to go to the Bitter Root country, and Mr Anderson became your Agent. The instructions from Washington came too late for us to hold the council last fall, as was intended, and you proposed to Mr Anderson to meet us the 10th of May.

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Sawyer the Chief said — My friends Mr Hale, Mr. Howe and Mr Hutchings, you spoke to us yesterday about your proposed reservation, you proposed that today you would say what you would give us; I understand you to say, that what you said was in the name of your Government, and we understand fully all that has been said to us — we all understand you. As for me and my Chiefs, we are governed by law, we are here today to adhere to the treaty that has been made, and which we on our side have kept. Not one of us is grasping at shadows, or the simple sayings of any outsiders. We once had a principal Chief, and we remained under his influence, we regarded his law. The great Creator of the Universe that governs all things, lives under the decrees of his laws; we are under the same sacred in=-fluence. The head of your Government has now spoken to us through you, as the Red men, and the law we still adhere to, for the one and the other [meaning it is binding on the Government as well as them.] In the same manner that my people receive the law of God as binding, so do we acknowledge and consider the law of your Govern=-ment as binding on us and on you, for the law is sacred. As for me and my people and these Chiefs, they have all understood what you have said; we understand that these propositions you have made come from the Government, through you, and that they are the last. We are not going to shrink, we will squarely meet the whole thing, and when we come to an agreement we intend to be bound by it. You have made these propositions, they are in your hands yet. Here are my Chiefs,

and they, like me, are under the sacred influence of the law from above; those who will cast off all law, if any, do I will not acknowledge as belonging to me, they would be considered by me as outlaws. Your propositions are now before us; your government previously (alluding to the Stevens-Palmer treaty) marked out our boundaries, that was your proposition. We still adhere to that law, and the law of righteousness. You have broken the treaty, not we. When you broke through the treaty, it did not make my heart sad and sore, I only wondered why you did it. Now I am called upon to look on this proposition of yours, after the Americans have broken their treaty so often. That engagement was made with us for 20 years, with the boundary as made by your government; we understand very well what 20 years mean. We were given to understand at the time we made the treaty that we should have the guarantees secured to us for 20 years, and that the treaty would be observed. By adhering to that treaty, we were told that we should become as white men. We have been looking on, we have been waiting; many articles in that treaty have not been fulfilled by the government. This winter we were told that Col Nesmith was in Congress at Washington; we learned what he said there; I understood that there was a division of opinion on Col. Nesmith's proposition, part were in favor of it, and part were not. Here we are listening to what you again, before the 20 years are ended, say now we are anxious to know what you have to give us; when you have done this, we will then show our hearts. Perhaps by contemplating you will find something that is wrong in your proposition; we will examine into what we shall propose, and if there is anything wrong, we will correct it, so that the law, and the

treaty and the engagements to be entered into shall be just and straight and upright. We are but Indians, miserable and ignorant, and need a law that is just and right. I have shown you my heart thus far.

Supt Hale I have heard your head chief Mr Lawyer. I am pleased with what he has said. I have but few words to say about the old treaty. I propose to morrow, if you wish it, to have it read, perhaps we do not understand it right; perhaps you do not understand it. We recognise you to be a party in the agreement, just as much as we are. I wish to say to you, that you may understand us right, that the Government does not put into our mouths, what we say to you, but we are instructed to make such arrangements with you, in reference to your Reservation as we may think best; and be at the same time satisfactory to you. This proposition is from the Government, through us as its representatives, but as you are a party to be consulted, some of its terms may be modified or changed. It is at any rate good for us to talk together, that we may know each other's hearts. We are instructed not to do any thing which will injure the Nez Perces, we are to seek their good in the treaty we propose. We are expected to fix upon such boundaries as can be understood, and protected, and to make such a Treaty as can be carried out.

To morrow we will meet you again

Ute-si-mil-e-kum.

I regard it all right that we should know and understand your mind.

Wednesday May 27th

The Nez Perce chiefs, and the most of their warriors and head men, besides many of their people, were on the Council Ground by ten O Clock A.M. A little after 10. Supt Hale spake as follows. My friends; - Yesterday we proposed that the treaty made with Gov Stevens should be read to day. Perhaps you understand it and do not wish it to be read. It shall be as you wish. If any of you desire to talk, we will hear you. If not, I have a few words to say to you.

Jason: (one of the Chiefs of the Asotin band)

We have listened to what you have said, friends, and we are still ready to listen. You consider the subject, and present it to us, then we will consider it.

Supt Hale replied. If it is your wish that the treaty be read, it shall be so. We do not claim that in all respects the Treaty has been carried out, but we claim that the President, the Government of the U S have endeavored to fulfil it, and the monies to do so have been appropriated by Congress for that purpose. In the year 1861 the

amount appropriated was $91.250.00. This was the amount called for by the Treaty, to meet the expenses of the first year. How much of that money was sent here, and expended I do not know. I have endeavored to find out, but have not been able to. For the next year, there was appropriated $26.600.00. just as the Treaty provides, and this year, the same amount is again appropriated. Some of the money for the third year has been received yet, but soon will be. The amount for the 2d year was for purchase of Annuity Goods, and pay of Employes. I cannot be expected to account for the monies received, before I became the Superintendent, about a year ago. I do not know about it. Since that time I can give account for all the money received by me, and show what has been done with it. On taking charge of the Office I took pains to ascertain, what had been promised to, and what had been done for the Nez Perce nation. I found there was not as much done as you had the right to expect, nor as much as the U S Govt supposed. I came to see you as soon as I could. About that time, Mr Hutchins went to the Flat=

head country, and Mr Anderson came here. I was surprised to see so little improvements made, in view of the large appropriations, which I know have been made. Your head chief had no house built, and no farm fenced or ploughed. The money for this had been appropriated, but did not come into my hands. Your head chief, Lawyer, was entitled to receive pay: The money had been appropriated, but I found none had been paid to him, except what Mr Hutchins paid. He had paid all that he received. I found that you had no school house, altho a Teacher had been sent; that you had no Hospital built, and your Mills were not finished. This was not the fault of Mr Hutchins. he had done what he could to complete the Mills, although he had received no money either for Mills Hospital or School. The Steamboat Company refused to bring the Mill Stones and Machinery, although Mr Hutchins had tried to have them bring them. On my return from here, although I had not received any money for the purpose, I made arrangements to have the Machinery and the Mill stones forwarded at once

By this means your Mills were finished, and are now sawing lumber, and grinding your grain. These are now permanent, for that purpose. Your chiefs house has been built, he is living in it, his salary has been paid. A portion of his land has been ploughed and fenced, and arrangements are made for ploughing and fencing the rest. The School House is built and nearly completed, and we are carrying out the provisions of the Treaty, as rapidly as possible. There are perhaps some deficiencies in the expenditure of the first years appropriations, we do not know how much, but whatever it may be, if any, it will undoubtedly be made good. The cost of fulfilling the Treaty is $26.600 per year, and will amount in the 17 years which it has to run, to about $450,000 00. In our propositions to you this is not to be taken away, or diminished, It is to be continued. What we are here for, is to talk with you, and to consult together, as to the best means of carrying out this Treaty in a proper manner. What we propose, as to purchasing the relinquishment of a part of your present Reservation, is to be

in addition to what is promised in the Treaty made with Gov Stevens. You will notice when the Treaty is read, that its 6th Art provides for such a plan as we now propose, for you to take lots or farms in your own names, and settle upon them. What I have said to you is true, and as your friend, I have said it to show you how we understand the Treaty, - that it is binding - and that our Government is endeavoring to fulfil it. We are not here to break it, but to uphold it; to make it firm. As you have signified your wishes, the Treaty will now be read by Mr Whitworth.

The Treaty was then read, after which Sawyer addressed the Com^rs as follows. Mr Hale; I have heard what you have said, and I am glad to hear it. We heard there were three Commissioners on the way to talk with us, and we were glad to hear it. I - and my people are living in a place out of the way, to one side, and are in a measure ignorant. Some of our earliest acquaintance with the whites, was made with the Hudson Bay Company, and in our ignorance, we looked with wonder upon their doings.

It seems that what you say comes from the Government. I have ever looked upon Treaties, as laws, that are made for the control of the evil, as well amongst the Whites as Indians. Our Chief Ellis, whilst he lived, directed us to live according to the Laws. At an early period, a man by the name of Thompson, who was with the Spokanes, gave us to understand that the time would come, when law would be established amongst us.

Mr Doty came, and gave us notice of the Council, for making a treaty with Gov Stevens. We assembled at Wallawalla, and heard what he had to say. Gov Stevens said: "My Friends, - We have assembled under the influence of Laws, and that which shall be permanent and straight." He appointed Pambrun, Craig and Whitman as Interpreters in the different languages, after which we went into Council. Gov Stevens then said "I speak to you as my children, and I intend to speak the truth. ~~for what I say is said as before the Creator~~ What I shall say, and what I purpose, I present as truth. I wish you to hear it as my children, - for what I say, is said, as before the Creator." I have listened to what you have said on this occasion. I heard what was read, and I have besides what was said

by Gov Stevens at the time. He addressed us as his children. I have it here, as I took it down at the time, (reads from a pocket memorandum book) "My children, we have assembled to day. The Creator is looking down upon us, and I expect to say the truth."

I have heard now what you have said, and we show you our hearts. This is what I have to say on this occasion.

Thursday May 28th

At an early hour, the chiefs sent word to the Commissioners, requesting a council to be held to day, which was acceded to, although it was understood yesterday, that no council would be held to day. The Indians were much excited by the news, which was brought into the camp last night, of white persons having gone on to some of their lands near Lewiston, and taken possession. The Commissioners applied to Col Steinberger, who sent a detachment early this morning to remove the trespassers.

As early as 9 O Clock A.M. the Indians began to assemble on the Council Ground, and by 10 O Clock were all gathered. There were present of the Indian Dept, as on previous days

Supt Hale. It was our purpose to wait until other of your people, who are said to be on the way in, should arrive, before we held any further talk with you. We also desired to wait for Mr. Whitman, through whom we understood, it was your wish to talk to us; but, as you have asked us to meet you to day, we are here. If you have anything to say, we are willing to hear you.

Jasmo. (Chief of the Assotin band)

We have heard from you. We are glad to talk with you. It is good to know each others views. I and my chiefs will speak to you to day. When we arrive at our conclusion, I trust it will be in accordance with law and righteousness. I trust that what may be accomplished, will be lasting, permanent, and for good. What we shall hear from you, we trust will be in accordance therewith, and that in accordance with law and order, we shall answer,

Lawyer. In addressing ourselves to you, the Commissioners, we do not profess to know it all. We understand much of it; but no doubt come short of a perfect knowledge. Our fathers, before our time, had seen the face of white men.

Clarke and Lewis were the first white men, who came among us; and our people immediately understood that white men were good men. Your fathers and ours, from that moment, were in friendship, and have been ever since.

Next, there came the Hudson Bay Co, and French people, some of them lived at Fort Walla Walla, and some amongst the Spokanes. In like manner there was friendship with them. We became still more acquainted with the whites, and with their usages, by sending from different parts of our country, some of our children to the school at the Selkirk settlement. Through these, when they returned, we became better instructed in the usages of the whites, and by that means, and through that source, we learned the origin of the whites, that they were from the beginning. We knew that the Red men were the people of this country. Thus we had knowledge of the origin of the two races. We learned that the Whites were the work of God, that by him they were planted on the earth; that he gave to them the different metals for use, that he gave them, laws, science and knowledge, by virtue of which, they were to exist when

themselves. It seems that the red man is from the same source, and that he has been placed on the earth, where there is Gold. The Creator has, in this respect, placed the White and Red man on equal grounds. This we learned, in part, from those who attended that school, and the rest from other sources. We have also learned that these discoveries of Gold; in the country of both White and Red men, requires Legislation.

When our children returned from that school, it was the year 1832. Subsequently 4 of their number, including two chiefs, went East as a delegation to the States. The result of their visit, was, that Dr Whitman came to the Mountains, and the next season the Missionaries came. From that time, we became instructed that God was our Creator. Dr Whitman established himself in the Valley of the Walla Walla, and Mr Spaulding came here. I and my chiefs were much rejoiced, that we should now be able to become better acquainted with the Laws and usages of the Whites. We learned a correct knowledge of Law from Mr Spaulding and Dr Whitman, as we believe. but when

Dr White arrived, he said, I come to make known to you the Laws

At that time Ellis was our chief. He was well instructed, and understood other languages than our own. In his understanding, and knowledge of the usages of the Whites, we had great confidence. He went into the Buffalo country, and there died. Then we were without one to lead or direct, we had lost our chief. We had other chiefs, but there were none that had the knowledge, and understanding of Ellis. Upon the heels of the death of our chief, the word came, and we heard it, that Dr Whitman and his wife were killed. We were perfectly bewildered, we knew not which way to turn, our best friend was killed.

I was confident then, that there would be fighting amongst the Indians of this country. I sent word to my people here, to have nothing to do with the war, that would arise from this murder.

My friends, do not let your hearts jump. I desire to speak to you the truth, be not offended. I went to Oregon immediately after I returned from the Buffalo country, and saw Gen Lane. He said to us, My Friends, you must

now put the Law in force. I addressed my people, and Timothy and his people, and my brother, now dead, and his people. I said to them, Here is a great work for us to do. The murderers of Dr Whitman must be delivered up to the Whites, that they may be put to death. This is the Law. They were taken and delivered up.

At a later date, when the Snake Indians were murdering the Emigrants who were passing through their country, May Haller was sent, to take and punish the murderers. Immediately, on my advice, Capt John and Jason, with some of their people, went into the Snake country, to assist May Haller. They killed some of the Snakes, and delivered others up at the Dalles. Here now, are two of our acts, showing our friendship to the whites, and our respect for Law.

It was in accordance with these principles, and with the knowledge of these facts, that Gov Stevens and Gen Palmer met with us in Council. At the beginning, they said, - "We come by the authority of our Government, and present you a law, - and this law is to be permanent, both for the white and red man." At that

time, I knew that Gold had been dis-
-covered in California, and that roads
had been forced to it.

Gov Stevens said to us, How much country
do you need for yourselves, for you, and your
children. I replied frankly and decidedly,
and bounded the Reservation as in the
Treaty. That boundary I named for
myself, and my people, and that according
to laws. It was defined, written down, and
prescribed as the Reservation of the Nez
Perce people, agreed to, finished and sealed.
The Gov then said, I have done this work,
and now I wish to go to the Flathead
country. I said here are my chiefs, who
are acquainted with the country, and who will
accompany you, Capt John & Looking Glass.
I said to them if you go and are killed
by unfriendly Indians, it will be in defence
of Laws

I then heard of Mr Bolon being killed
An Express to give notice to Gov Stevens came
to my camp in the night. My horses had
been in use, were tired, almost worn out;
but such was the nature of the case, no time
to be lost; that I told the Messenger, take
my horse, follow after Gov Stevens. The
prospect was fair for war, all the tribes were

in commotion. A council was immediately called, and the question was what shall we do. The neighboring tribes are in commotion, and our people are with Gov. Stevens. We called upon Craig for his advice, and he took the lead in directing us. About that time, Gov Stevens was returning with our brethren, and was near at hand. They gave another horse, to send word to Gov Stevens, to inform him of his danger, and direct him to leave his intended route, and turn by the way of our country. He was found surrounded by about 20 Shokanes, who with my people brought him in safety to us. Gov Stevens then said to me, My friend, Lawyer what shall I do. I replied My friend, Gov Stevens, we will take you in our arms as a child, and as a child, deliver you safely to your own people; and I have only to ask of you, in return for our care of you, that you will deal as kindly and tenderly with me and my people, as I now deal with you; and as I conduct you through this danger in safety, so do you conduct me, and my people, when we need your aid. Eighty of my warriors were supplied with arms by Gov Stevens. We carried

him safely to Walla Walla. When he arrived there, he was met by forces, and the Gov said to them, My white Friends, I introduce you to our true friends, who have brought, and delivered me here in safety;- those who are with me are here as representatives.

After this Col Cornelius had his horses taken from him, and he made request of us to furnish him with other horses to replace them. Over 40 horses were furnished, and he was enabled to proceed, and fight the Indians who were hostile, and many were killed both of men & horses. This is our third act in defense of Law.

Col Steptoe came into my country. Timothy and some of my people, accompanied him. The whole people of the North met him in battle array. In that battle, two of my warriors, with others mingled their blood on the ground; therefore I claim that we are in alliance with the white people.

Afterwards Col Wright with his gray hairs, met us in Council at Walla Walla. He addressed me as a chief, and asked me to furnish warriors. I answer

-ed By to morrow. Col Wright said "this is no boys play. we enter into this truly and solemnly, we will together defend and protect this country, that is not yet in a state of war. The Law by which we are governed is unchangeable." This is what Col Wright said, here it is on this paper I hold in my hand. (referring to a paper which he held)

Ute-si-mil-a-kin, Spotted Eagle, and many others, accompanied Col. Wright. They accomplished their object, and returned in safety. I rejoiced at it, because it was in defence of Law. This is another instance.

Again, under Col Craig, eighty of our people gathered themselves for the defense of Craig and Chase. This is still another proofs of our adherence to law, and of our attachment to the Whites.

I now show to you the other side. There is a Ferry kept by white men near the Alpowai. I am about to ask, what shall I receive for the privelege? There is another at the mouth of the Clearwater; another across the Snake River. Another question I put to you, - what are we to receive for the town of Lewiston? what for the ferry at

the North Fork of Clearwater. There is a mining town at Oro Fino, - what are we to receive for it? What for Elk City? There is a Ferry also on this side, at another of the Forks of Clearwater; and another above the Forks, near Quil-quil-se-ne-na's camp. What shall we receive for these? What for the cutting thus taken?

I have named these grievances, these violations of the treaty, of the Law by the side of our services to the whites. I want now to know what we shall receive for all these. We wish you not to be offended, and we want you to keep nothing back, - let us know. I intend you shall know my heart, - I think you do know it.

In the old treaty, there are many things promised. I see only the Blowing and Saw-Mill, and you see what is yet unfulfilled. With my own eyes, I have seen Lumber go from the Mill to Lewiston, and by reason of these grievances, from day to day, I am caused to shed tears. I am anxious to get at that point, where I know I am safe and straight, and can feel assured that I and my people shall rest securely.

I hear you say that the Land is to be divided up, so much for one, and so much

for another. I fear there would not be enough, then there will be crowding. I present this for your consideration.

I have friends in Lewiston, but I have said nothing to them about this. I have not prevented miners and others from going through my country. We have all been willing for this, and said, My friends dig the gold. The time is coming, I am convinced, when Law will regulate these matters. I am willing for any to look back on my doing, and see if there is any fault with my past conduct. This is my heart, and I show it to you. My friends we are to be governed by law in these things. I want you to understand that I have all along been governed by law, - I want the President and all white men to understand.

I will now give you the great amount dig the gold, and look at the country, but we cannot give you the country you ask for.

Ute-si-mil-a-kin - I have heard you Mr Hale. You have heard what Lawyer has said. I remember what Gov Stevens and Mr Palmer said, when

they entered into treaty with us, they said receive this treaty, and abide by it, - live by it, and by the law.

You have heard what we have done for the whites, and in support of Laws. That boundary then made, we considered permanent, sacred, and according to law, and in accordance with that, we have sought to act in obedience to law. We thought it was to remain forever. With pleasure we have listened to the words brought from the President, from time to time. Hence the reason I asked you the other day, whether propositions so unlike the other, came from him. I say to you, - you trifle with us. The boundary was fixed, the law was fixed, and we have been under it, and thought it permanent. We understood that the whole of our reservation was for us, - to cultivate and to occupy as we pleased. We cannot give up our country, you but trifle with us, - we cannot give you the country, we cannot sell it to you.

Ha-haich-tuesta (Billy) You have heard what has been said by Lawyer

and Ute-si-mil-a-kin. I hope you will consider what has been said. Gov Stevens bounded the Reservation at that time, - said it was sacred, - should not be broken, and that none should pass through it. He told us, that if any should come and build, or make any improvements, they should be forfeited or destroyed; - that if they brought anything to sell, especially whiskey, they should lose their property, and be driven from the Reservation; that if we were troubled in any way, by the whites coming on to it, or trying to purchase land, it would not be in accordance with law, or with the wishes of the Government. Such acts will be of the individuals themselves, and they will be held responsible. In such cases, he said Come to me, and I will make it known to the Government, and it will remove them.

Now you come with other propositions. It does not look as if they came from the Government, it cannot be, - it is so different from what Gov Stevens said to us, as to our boundary. We have been told to make improvements, to cultivate much land, now you say give them to us. You say our country is a large one, and that you will

give to us a smaller country within, that you will make improvements for us, and that if we are industrious, and provident we shall be prosperous, and rich, having homes and plenty. Will you not then come, as now, and say again, give them to us. Yet you profess to speak according to law. It does not look good, it looks crooked. My people say, it is not good. When Mr Hale said to us last fall, make large improvements, cultivate much land, we thought that came from the Government, now you say differently. We have answered you, we cannot sell our country.

Supt Hale. We have listened attentively to what you have said. What you say about Gov Stevens is true. At the time he entered into the treaty with you it was not expected that the boundary, then made, would need to be changed. Still it was intended to provide for some change, by what is said in the 6th Art of the Treaty, in which you have agreed, that the President may assign lots for permanent homes, to such individuals or

families, as should be willing to avail themselves of the privilege. Whilst a very large portion of your country could not be used by you, still the Govt felt itself under obligation to retain it for you, whilst it was not needed for any useful or necessary purpose. It did expect however, in virtue of your agreement, that, if the time should come, when that, which you could not use, might be needed, and the President should believe it more for your advantage to settle upon lots or farms, after the manner of the whites, and would send word to you, that such was his opinion, and that it was his wish, to purchase from you, you would be willing to sell. It is well known to the Government, what your people have done for the whites, and how you have abided by the Law.

Now Gold has been discovered in the Mountains, on lands and in places, which you do not use, and which you do not need. The Prest knows your condition, and understands the nature of the difficulties, which often grow out of the discoveries of Gold mines in an Indian country. Bad men ~~who peep~~

who pay no regard to law, (for there are such amongst both Whites and Indians) will go, where Gold is found, and will not respect your rights, in regard either to your lands, your property or your lives. It is on this account, and by reason of the friendship which the President entertains for you Nez Perces, that he has sent us to you now, to talk with you, to counsel, to advise you for your good, for your own preservation; to keep peace, to prevent war and bloodshed; But, if I understand you right, you deny our authority, - you do not recognise us as being sent, and empowered to enter into any arrangement with you. If so, we are only talking in vain, when we talk. It is not for the benefit of the Government, so much as it is for yours, that we have proposed to make your reservation smaller. How can the Government protect you from the lawless and bad, scattered as you are, over so large a reservation? To protect your borders would require an army of 20.000 men, and then it would be impossible to prevent some from trespassing upon your lands, and injuring you. It is true, that we might arrest and punish them for their violations of law, but then

at another distant point; others would be guilty of similar crimes, some of whom would be likely to escape, before the necessary force could reach them. By making the Reserve smaller, it is believed, that you can be the better protected.

When I came here first, I did say to you, - make large farms, - sow much grain, - plant corn, beans, potatoes, melons. Do you not know, why I said so? Did you not understand me? If you planted largely, would you not have more to sell, and thus benefit yourselves the more. The people, who were passing through your country, and were working in the mines, would buy from you, all you had to sell. I did not then know, in what part of your country, we might propose to have the new reservation. You will not be required to leave them this year. If your improvements are within the boundaries we have mentioned you lose nothing, if they are outside, you are to be paid for them. Besides, the more you should cultivate, the better calculated was it to keep the whites from coming in amongst you, as the soldiers were directed to keep them off from your lands and improvements, at all hazards. Thus you

will see, it was for your own benefit that I advised you, and that it had nothing to do, with what might be proposed for your consideration in entering into a new treaty.

Lawyer asks what you are to receive for the Ferries that are established on the different streams, and what for the mining towns. These are some of the questions we came here to settle. But if you have made up your minds, that is the end. We are sorry that you have so hastily decided this matter. All that we say to you, and that you say to us, will be reported to the President. We have no new proposition to make you, and have nothing further to say to you to day. As I said before, we were sent here to benefit this people, but if you do not recognise our authority, it is useless for us to talk any further to you.

Es-cot-uno. Mr Hale. did you speak the feelings of your heart this last time? This is not the first time, we have talked together. I heard you and Genl Alvord last fall. You called the chiefs together. I do not speak from instinct now, neither has

tily not upon the spur of the moment.

Already is the land being staked off at and around Lewiston. We know what was said by the head of the army. You proposed a Council then, in the spring. Did you speak your heart then. You have heard what the others have said. You have heard but a few. It is eight years since the treaty was made, and we have been waiting and listening since. Last fall you told us to wait, and we should be protected, that the treaty would be carried out. That is all I have to say now.

Supt Hale. Es-cot-um is mistaken. I was not here last fall with Genl Alvord, it was Mr Rector Supt of Ind Affairs from Oregon I do not know what was said to you at that time, either by Mr Rector or by Genl Alvord. Whatever Genl Alvord said was said by him, in virtue of his position as the chief, the head of the Military force here, and not by any authority as a Commissioner; He spoke to you as the Officer in the army, charged to protect you and your boundaries, but not as having anything to do with the Indian Department, in relation to this business.

I do not intend to be hasty in what I say, but I spoke as I did, because your chiefs seem to dispute our authority, and think we do not come from the Government.

In regard to your complaint, about persons going and staking off lands near Lewiston, I have to say, that early this morning, at our request, Col Steinberger has sent a force of soldiers to remove the trespassers, and destroy their buildings or other improvements, that may have been commenced. We have also had men arrested, who are charged with selling Whisky, and have them placed in confinement.

Timothy, (from Alpowai) I have listened, so have our chiefs to what you have said, and we are still willing to listen to you. While we were assembled here yesterday, we heard that lands were staked off, and white men were taking our homes. We tell you, that must stop. the country is ours, and our childrens. What Lawyer has said is the heart of all the people.

Wednesday June 8.

The Indians, through their chiefs, having expressed a desire to have the council resumed, and to hear further from the Commissioners, began to assemble on the ground at 10 O'Clock. A.M.

Of the Indian Department, there were present as on previous days, with the addition of Perrin B Whitman, who had been sent for at the request of the Indians, to act as Interpreter, - he having arrived during the interval which has occurred, since the last meeting of the Council.

Of the Indians, there were also present a larger number of the disaffected bands, with their chiefs, Big Thunder, Eagle of the Light, Lui-quil-se-ne-na, Joseph and White Bird.

At 11 O'Clock, Mr Stone addressed them in substance, as follows.

My Friends. Most of you have heard what has been said by Mr Hale, and Mr Hutchins. You have also heard what has been said by your chiefs. Lawyer told us last week of your attachment to Law, and of your many acts of friendship rendered to the Whites.

We do not forget these acts, but shall always remember them, and we do now, in behalf of our Govt, return to you our thanks for these acts of kindness and faithfulness on your part.

The grievances of which Lawyer complains, are not caused by any acts of the Government. They are not done by its authority or sanction. The condition of this country, and the circumstances, both of yourselves and the Government, are now different to what they were, and to what it was supposed they would ever be, either by yourselves or by us, when the Treaty was made with Gov Stevens. Many of your difficulties are caused by the extent of your Reservation, a few of you living at one place, and a few at another, so that you are scattered and divided. Whilst you continue in this way, it is impossible to protect you, as we wish, and as it is important for you, that you should be. If it were not for the discoveries of Gold in the Mountains, within and around your Reservation, there would be no necessity of making it any smaller at the present time. Now it is necessary for your own good, and for your own preservation, and especially for the

preservation of your children.

The money necessary to carry out the provisions of the Treaty were appropriated by the Govt, as Mr Hale told you the other day. Much of that money must have been misapplied by some of your Agents, without the knowledge or consent of the Government.

It is probable that there are some balances, in the way of your annuities, still due you. If so, they will no doubt, upon proper representations, be made good.

We are sent to consult with you in reference to any wrongs you may have suffered, and to prevent you from suffering any further wrongs.. We are sent to advise with you for your good. We do not come to you and say, we will take your lands. We ask you to relinquish a part, for which the Govt will pay you. We are well satisfied, that it is impossible to protect you properly, in any other way, than by reducing the size of your reservation, and each one taking his own farm and receiving a paper for it. This is the way the Whites do: It will then be secured to you and to your children, so that neither White men ~~nor~~ Indians can take it from you

It will be a fast paper. We desire you to think well in regard to it. We renew to you the proposal made last week. If you refuse to accept it, we shall be compelled to close the Council, and return home.

The Indians retired from the Council, and after some time spent in deliberating among themselves, returned, and stated that they could not relinquish their country, and consent to reduce their Reservation to the size proposed by the Commissioners, but they would be willing to relinquish those portions, where Gold had been discovered, and the place where Lewiston was situated, with the country around it, for a distance of ten or twelve miles.

The Commissioners, at once informed them, that they could not entertain such a proposition. They did not believe that such an arrangement would be satisfactory to the Govt, and were well satisfied, that it would be an injury, instead of a benefit to the Indians themselves.

After the adjournment of the Council, separate conversations were had with the leading chiefs of the friendly bands.

Thursday June 4th

The Council met at 11 O. Clock A.M. when Mr Hutchins addressed the Indians, with arguments similar to those already employed, and urged upon them the importance of considering the propositions now made, for, if they rejected them, they would not be likely to have such favorable proposals made to them again. He assured them, that no power could prevent men from digging Gold wherever they could find it, and as long as the Mountains should stand, and the rivers continue to run, so long would the whites continue to dig gold.

The land proposed to them for their new reservation, was well adapted to their wants; retaining for them one of the finest and richest bodies of land within their whole country. It might seem small to them, as compared with what they had been accustomed to hold, but the Commissioners were satisfied, from the examination they had made, and from the information they had gathered, that, it was amply sufficient for all their wants. He reminded

them, that it was not intended to fence them in. Their homes, and the land they cultivated, were to be within the Reservation, but they were to be as free as the whites, to go where they pleased throughout the whole country, to hunt, to fish, to gather berries and dig cammas. They could take their horses and cattle, to graze them, on any lands outside, not in the occupancy of the whites. Their homes would be secured, by the papers they would receive, and by other laws, besides the treaty. "The Land on which you live will be your own, and when you die it is your children's" In concluding his remarks he urged them to accept the propositions made, for the sake of their children, who were to be the most benefitted, and assured them, that if they did not, they were in danger of being utterly ruined and destroyed as a people, for the whites will come in as thick as grasshoppers & crickets. It was the desire of the Commissioners, and that of the Govt, to protect and preserve them, - hence the reason, - that they were urged to accept the propositions made.

No replies of any importance were

made. Two or three of the disaffected chiefs said a few words, but in such a haughty, and incoherent manner, as to be unable to understand the half of what was said.

Big Thunder enquired, what they intended to do with him, where he was to go.

Eagle of the Light said you have been asking questions for three or four years. Now come to a point. I do not know what these chiefs may have thought of me. I have not been wanted. You could talk without me. you have talked without me. Go on, fix the matter as you like. When it is fixed, then we will talk.

Supt Hale replied in few words that the Comrs had waited for several days. They had all been notified to be on the Ground by the 10th of May. The Comrs arrived on the 11th and had not commenced the Council until the 25th which was 14 days after their arrival.

In answer to Big Thunders questions, as to where he should go, and what was to be done with him, he had to reply, that he was within the boundary of the proposed

Reservation so was Eagle of the Light so was Quil-quil-se-ne-na. "We do not propose to remove or send you away." You have no cause to complain. We do not come as your enemies but as your friends. But you refuse to receive our presents. You do not take your Annuities. Are you friends? We find divisions among you for which we are sorry. We have asked Lawyer and his party to go and settle the difficulty with you. Are you willing to try and settle it. There should be no difficulties between you as to your religion. No man should be required by others to give up his own views on that matter. that is between him and his God.

You do not receive your goods and say that by so doing you are not bound by the Treaty made with Gov Stevens. That Treaty is binding on you. You signed it and must as straight; as time man abide by it. How do you place yourselves by thus standing out against it. Not as friends but as enemies to the Government. Settle the difficulties which exist among yourselves, and be again as brothers.

After the adjournment of the

council, the conversation with the different chiefs, commenced on yesterday, were resumed

Friday June 5th.

The Council met at 10 O'Clock A.M. when Supt Hale addressed the Indians briefly, in reference to certain provisions of the Treaty of 1855, in regard to the use of their Rivers, and the right to travel across their Reservations. Stating, that it was necessary to have Ferries or bridges, wherever there were roads crossing any of the streams, which were too deep to be forded. The provision of the Treaty were not violated in these respects. The provision of Art 6th manifestly did not mean, after the expiration of 20 years, as they seemed to understand it, but at any time, when the President should think it best. The Comrs were now here in accordance with that very provision, and to make arrangements with them, for the purpose of carrying it out properly. He then directed his remarks, some particularly, to the disaffected bands, and asked the reason of their refusal to accept the Annuities, belonging to them under the Treaty of 1855.

Mr Hutchins then spoke as follows;-
We wish now to talk to Lmil-quil-ee-ne-na, Eagle of the Light, and Big Thunder, and what we now say is for them, and not for the other Ser Perces, but we want all to hear what we say to you.

We heard you talk yesterday, and have considered it. What you said convinces us, that you are not good men to the Law, and that you are bad counsellors to your young men. We believe that it is owing to your bad course, that all of the Ser Perces are not friendly to one another, and we know, that you have been striving to make your young men break the Law. While your head chief, Lawyer is a good man, and has the respect of the Great Father, and has been doing all he could to benefit his people, you have defied him, and tried to undo the good he has done. But you shall not poison the hearts of the other Ser Perces. The Government will protect them against your bad designs, and will assist them, as its good children, and it will punish you terribly, if you persist in your evil counsels, or injure them in their persons or property.

You talked a little yesterday, but

you did not say much when you spoke. It was evident to us that you thought more than you expressed. You spoke with your tongues, but kept your real words in your bellies. We invited you to speak frankly and without fear. But you gave us words with no meaning. We know that you understand us, and what our business is here, at this time, but you answer us with crooked words.

You signed the Treaty made with Gov Stevens 8 years ago, and immediately went home determined to break the Law. Was that honest in you? No. When the President sent you the Goods promised by the Treaty, you would not accept them, and would not let your young men and their families take them. Was that honest in you? No. When Beef and Flour has been offered to your families, when you have met the White Chiefs in Council, you refused them, and spoke contemptuously of the good Nez Perces, who did accept them. Was that honest in you? No.

Suppose after the Treaty was made, that our young men chose to break the Treaty, or that our chief men counselled them to break the Law, where would you

lands be now? Where would you be now? We tell you, that the white men would be more numerous here, than the grass of the hills. But no, the Government restrained them from taking your lands, and so your lives have been saved. Why are you not equally honest and just? Do you think that your power is greater than the white man's? If so, it is time that you should know, that it was because the Government stands by the Treaty, that you now own your lives.

Do you think that because you have refused the Annuities, the Beef and the Flour, that the Treaty was less binding on you? We tell you that the Treaty is binding on you, whether you accept these things or not. Your refusal makes no difference. You must obey the Law, and if you break it, you will be punished. We shall not bring the soldiers, to make you accept these things. What you dont take, makes so much more for the good people. When the goods are distributed, you are welcome to your share, and you are at liberty to refuse them. No one suffers, but yourselves by refusing.

You have told the Nez Perces, that

when they take the blankets and clothing given them by the President, that they are putting their lands on their backs and when they eat the Beef and the Flour, that they are eating up their country When you say that, you lie. Lawyer & the good Nez Perces have worn the goods and have eaten the meat, and still they have all the land given by the Gov Stevens Treaty

To prove that we recognise their rights to the land, we are now here to ask them to sell some of that land, and offer to pay them for it. We come here and offer you propositions for a part of your country, and we say that it is for your good to accept what we offer. Not one Nez Perce man, woman or child will suffer by accepting our offer. But on the contrary, your children, and your children's children will be benefitted. We know it - and what we now promise to you will be performed

You have been trying to persuade the Nez Perces not to accept. You have been giving them bad advice. Take our words for it, and time will prove it - Lawyer and his Chiefs who wish the

welfare of their people, begin to see, that it will be wise and good, to accept our propositions, and if you do not choose to make the arangement with them, we will make it without you. You will not be compelled to receive the benefits, - against your will. When the new arrangement is made, the good Ser Perces will be wise, and rich and happy, you will be poor and miserable, - and you will make your children poor and miserable. They will see that you have caused it; and when you are dead, they will curse you, because you did not secure these things, to make them happy, as the wise chiefs did for their children.

Now is the time for you to decide, for your future welfare. If you will be honest, wise and true men, we will take you by the hand, and be your friends, but if you persist in your disloyalty, we shall not regard you as Ser Perces, for the white men think, that to be a Ser Percé, means that you are good men. It is well to speak plainly, and we have done so. We have kept nothing back. Shall we regard you as friends, or enemies? Give us your answer, and speak as plainly as we do.

EX-93

Friday, June 6th 1863 (1)

~~Commissioner Dole~~ — ~~addressed the Council.~~
~~Commissioner Hutchings~~ — ~~addressed the Council.~~
Big Thunder — I understand what you have said, well. Is that the way we are? I understand you plainly. Is that the way your hearts are? When did that originate of what you have been talking? You know the way the treaty was made, it was always to remain so. From what source does the drawing of the new reservation emanate? I am not ashamed or afraid to talk to you. You dont make me mad and vexed by talking to me so plainly. Why is this inside line of the reservation made? I want to be assured that these Commissioners here are here by the right authority, and then I will think that you are repeating the language of the President. From day to day I can then think over it. I have never thought of living on so small a piece of land as that you have marked out for me, I can hardly get about on it. Although you have drawn a line as the boundary, let us have time to think about it. Mind! I dont say No! to your proposition; I want to think of it slowly. I do not take your goods, or your provisions, I want to wait; Dont be in such a hurry. It is not for me to go in, and join the other Indians. (Lawyer's band). If you are going to take away my lands, I want you to say so. You seem to place

X-94

as an equivalent to the teaching of our children, the price and value of our lands. That' all I have to say now.

Dr. Newell — With regard to the authority of these Commissioners to act, I have to tell you that it has been published in all the newspapers in this Country, also in France and England, that the Congress authorized them to act. The great men of our nation made the law, and told the President to send these Commissioners out here. This law says that they shall come out here and perform the services without receiving any extra pay for their time, and shall obey the order of their Chief. They were also ordered by the President to treat you Indians, kindly and humanely, and they were to do the best they could for you. According to our laws, the President's duty is to look upon these people as he does on our own people. I speak the truth in the presence of all these men (A number of citizens being present on the ground.)

Big Thunder - I am very sick, and spitting blood, excuse me. (he left the ground.)

Cool-cool-selma — You heard what I said to you yesterday; my heart is still the same. I have no other heart but that. I understand what Big Thunder said a while ago. I understand you clearly; you talk to me

good. That's the way your Chieftain=
=ship is derived, from the Father of
both the red and white man. Your
Chief was sent here by Him. My
thoughts are always directed in that
way. I recollect those who ~~first~~ brought
the first laws to this country. From that
time I have lived in this country. The
Maker of the Universe caused both
men and women to be placed on this
earth. Ever since then Chieftainship
has been looked on rightfully both by
the whites and Indians. For that
reason I do not wish to override the
laws, or disobey them. (He then left
the Council)

Lawyer — Friends! Mr Hale,
Mr Hutchings, Mr Howe, 'white men!
You who have brought this order for
this treaty. I have seen both friends
and the whites, and no one doubts
your power. From the time that
the law was passed, it was well known
every where that you were the people
to settle this matter up. Our Father
in Heaven caused it, because for
fear that we Indians would be
blinded to our own interests. As
soon as I found out that my sons,
the whites, were travelling through my
country, I thought a law would be made.
For that reason the law was made,
and sent to us. It did not miss me
at all, it just hit me. This is the

same kind of law that has existed for the Indians for all time past. The Indians did not do right in former times. When the Indians did not do right, it caused them to be scattered off in all directions. It was for the good of the Indians that the law was sent to us. Governor Stevens, when he came, addressed us as his children, saying "Here is a law for you to keep; hold fast to it, and observe it, it is to keep the whites out of your country. It is my request and order that the Agencies are built, and have had a Chief over them called the Superintendent. My children! hold to this law, we can assure you it is for your good my children." he said, "now the wind blows, no one can stop it; the river runs, no one can stop them running; today it rains, no one can prevent it; the crickets move along on the grass, no one can impede their progress; The Government is desirous for you to hold on to the treaty and abide by it, as the Americans will come here as thick as grasshoppers and crickets, and no one can stop them". It was for that reason he said he would make the lines of the reservation and the boundaries. I then made a big heart, and concluded the treaty, and concluded that that was the reservation for myself and my children. Some time after that Gold was found here; I then thought I was not living on my own country, although I expected the reservation was for myself and my children. After that a great many Americans came here to dig Gold, it was about

three years ago. It is for that reason you Com=
=missioners Mr Hale, Mr Howe, and Mr Hutchings
come here. I understand you clearly, that is the
cause of your coming here. Here we have been for
many days and nights consulting and considering,
when will it be finished?. You will, I think,
soon be going home. The Government will know
how long we have been here. The Records of this
treaty will go back, and it will be well kept.
My friends! I am poor, the Lawyer is poor.
The Government, and the Resident, all hear
to what I say, you see me here. You see
the whites all around me, and those at
Lewiston too. You see the many travellers that
are going to the mines, and those that are
there already. All of you connected with
the Government see what I think, and
say. You think of causing my people and
children to settle down permanently;
you know the size of the proposed reser=
=vation, please add a little more to it,
and make it a little larger. I heard
you say yesterday that as long as the
mountains stood, the white people would
continue to dig gold there; as long as the
rivers run the white would continue
to dig gold. Although I dont know how
long the gold may exist, or the mines
will remain, yet I shall die soon,
yes! I lawyer, myself. You see my
mountains, where the whites have settled,
By the law of this treaty this proposed
country will be for our children forever.
As long as these mountains exist, so

long you must have pity on my children, till the end of the earth. Year after year, when I am dead and gone, you will remember what I have said. I talk now of things that are to remain from now till the last day. This much I have shown you, my friends, Mr Commissioners.

U-Ute-semeli-can — My Chief!

Mr Hale — Mr Howe, Mr Hutchings and Dr Newell. I did not talk right when we first commenced this Council. What I said first, I now abandon. From the first time that I heard of the white man's law, I came under its protection. I put myself under the protecting care of the Government. I have always heard that was the right way to do, and for that reason I tell you, that as I did not exactly understand you at first, I did not talk right. I understand that the President and the Congress, and all are working together for our good. I have already said that what you talked and proposed it would be my heart. As I am poor, weak and feeble, both in body and mind, I throw myself on the protection of the law and the Government. I have kept out for many days. My heart is to follow what is said, if I know it is in accordance with the law, I intend to abide by it. For that reason I say Yes! Yes! to your propositions. What the Lawyer has said, that I accede to as much as though I had said it myself.

I will not say No! That's what I have to say. I cannot talk in any other way. I have always been thus far a law abiding man.
Spotted Eagle – I have but one word to say. I have been silent this long time listening to what has been said, and wishing it to come round all right. I thought it would, and that's why I have said nothing. I grabbed the New Governor Stevens ~~gave~~ gave us, with both my hands, and held on to it fast – I was with him. He said "If any one wants you to do any thing that is wrong, and you do it, you will forever be poor; but if you adhere to this law and this treaty, you will never be poor, and for that reason you must adhere to it. You must be near and dear to each other. Those stragglers that you meet, you must not listen to what they say, but all who follow my counsel and advice, those you should hear to." I told him I would not do anything that was wrong. The whites are our friends, as if from the same family, and therefore let's not do any thing that would harm each other. I was always friendly with the white. I have said nothing till now my Chief! I did not keep silent for any bad designs. I will not deviate from what the Lawyer has said. I say and agree to what he has said.
Billy – Friends! I understand what you have said, I see it all now right. That's what we have been waiting for.

We have often thought seriously, and wished the President would think of us, hoping that some good thing would be done for us to protect us. That's our hearts now, we understand you Chiefs correctly. It is not for us to turn from what you have told us, but for us to follow your advise and your counsel. We wish to settle down permanently, you talk with justice to us. I dont except to any thing you have said, it is all correct. Our hearts are truly glad at what you say. My Chiefs have already spoken, I have thus shown you my heart.

Jason — My Chiefs! I understand you. Governor Stevens talked to us straight, he was sent by the Government. He brought as a law, and told us to follow it. The things that were promised in the treaty, we have never seen. We know that parts of it have not been fulfilled, but we raise no objections. You talk in the same way that Gov. Stevens did. I think of the horses I have supplied to the Volun=teers, to assist them in their movements, that's no reason I shall fall out about the treaty you are going to make now. I throw that all back on the old treaty. I hope you will make the boundaries of the reservation a little larger; that's all I have to say.

Timothy — I have listened thus far in silence Mr. Hale to what you have been saying. My thoughts have

wandered round in every direction ever since you have been talking. The law Gov. Stevens brought us, he told us about. What he said was recorded, and I have kept it. At that time my mind wandered in the same way it does now. When he showed us what he wanted to purchase from us, I said then and there Yes! to his proposition. When he made that treaty he then put me on my own father's country. Now I listen to you, and hear that your treaty comes from the East. It will put me a little further off, for that reason I say, Remember the Gov. Stevens treaty, although that has never been carried out. It is a small place to raise all our children on that you propose; talk to us plainly, show us the right way. Chiefs! we have no houses to live in. As the Lawyer says, be merciful to our children, and see that they are attended to as long as the mountains stand. It will be well for us to receive goods from year to year. We hunger and thirst after the right way to do good. Attend to us rightly, do justice to us, and it will be like meat and drink to our children. The preacher says, we must be found in affection to each other. I have not long to live for the good of my children. This' the way I talk to those who have an affection for us. All the whites know I have tried to do right and to obey the law. Those are my feelings.

Captain John. Mr Hale, now I will tell you my heart. My elders, my Chiefs! have talked; they are older than me, and I cannot depart from what they have said. That is all.

Levi — You make me frightened at so small a piece of land as you propose. My chief are here sitting, they have been here all their lives. The country is very large, with its mountains, rocks and snows; there is no chance for farming on them, and that's the way you frighten me. Lawyer says, make the boundary a little larger, add a little more to it, that's what I say too. That's my heart also. I understand you fully Mr Hale. Governor Stevens promised to build us a Church to worship in, also school houses for our children. The law would then have its course, and we should have farms. None of these things are here. When I see the Church, I shall know it is there; when I see the school house, I shall know it; when I see the size of my proposed farm, my friend, I shall know it. Then I will leave my own field I have already. I dont know where I will see it. When I do, there I will reside and settle down

Commissioner Hale - There seems to be some misunderstanding amongst you my friends. No one is to leave his farm till he has his new home shown to him. If this treaty is not

ratified and carried out, there is no damage done. We dont want to deceive any one of you, we want you to see what is done before you accept it, therefore dont be afraid. You speak of its being small; we know it is large. If it is rightly managed it will sustain 20 times the number of the present Nez Perces. If we thought it too small for you, we would make it larger. Twenty acres is a large piece of land which we design each of you to have. When it is marked out, it will make your hearts glad. The provisions of the old treaty are to be carried out fully. That treaty has only just commenced. This new one is also to be carried out.

Eagle — I understand you my Chief! Mr Hale. Lawyer is our Chief. Abe Lincoln at Washington is our Chief also. I have his law to keep me straight. The American law is what I hold to. It has made me happy on this earth. The teacher teaches us straight. God teaches us right, causes our children to do right. I know of all this outside conduct and dont like it. thankful for your kindness attention.

Commissioner Hale — I understand you accept our propositions. I am satisfied you will never regret it. We have now to

draw up the papers and make the final apprai=
=ment. In order to come to a full understan=
=ding we want to talk to a few of the head
Chiefs, because we cannot draw up
the paper whilst we are talking to all
you. Some twelve of your Chiefs can
understand it, and then we will submit
it. After all is fixed, and you all
it, we will then sign it.
we give out our goods a
fast as possible, so that
at home. I am thankful to y
our patience. If ten of you are
er with us, we will fix it all up
will be as liberal as possible to
and do all we can for you.

Council then adjourned till
today the 9th inst

X-105
6-9-63

May - 1863

Wash. Ter. H.R.
C. H. Hale
Olympia, W. T.
Nov. 11, 62

See H.R. 11-63

Ens. Report of the Council held with the Nez Perces in Maryland June last, together with a synopsis of the preliminary and peace proceedings, map and accompanying papers

Treaty & copies of the accompanying papers sent to Sec'y. Int. March 2/64

for act & opinion of Hale's account. Acct returned by Sand 12

H 1487, Com Ord

Office Superintendent Indian Affairs,

Olympia, W. T., November 10 1863

Sir

I have herewith forwarded by Mail the Report of the Council held with the Sea Peers in May and June last, together with a Synopsis of the Preliminary and Official Proceedings thereof and Map and accompanying Papers.

The Treaty itself was forwarded some weeks ago with the Annual Report. The delay in forwarding this Report and accompanying papers has been unavoidable partly on account of my own necessary absence on official business, during a considerable part of the Summer and Fall and partly from the amount of business in the Office, which could not be delayed under the present stringent regulations of the Treasury Department.

Yours respectfully

G. H. Hale

Supt Ind. Affairs W. T.

Hon Wm P. Dole

Comr Ind. Affairs.

Washington

A238

No. 8

Office Supt Ind. Affairs W.T.
Olympia June 30th 1863

Sir

Accompanying this, you will receive the Treaty made during the present month with the Nez Perce Indians, for the relinquishment of a part of their Reservation to the United States; - together with a Synopsis of the Preliminary and Official Proceedings of the Council, held in connexion therewith.

Having received no information from your Office, whether a third Commissioner had been appointed in the place of W H Rector Esq, former Superintendent of Oregon, - and it being doubtful whether Agent Hutchins would be able to arrive in time from the Flathead Agency, I had, upon the strength of your telegram of Oct 25th 1862, invited Agent Howe to accompany me, and act as one of the Commissioners in case of a vacancy. I may also add, that I had previously deemed it advisable to confer with him, in reference to some of the preliminary arrangements, in the absence of Agent Hutchins.

On the first of May, we accordingly

left Olympia, so as to be in Portland on the arrival of the San Francisco Steamer, due on the 2nd inst, on which Gov Wallace was expected to arrive, either with authority to act as one of the Commissioners, or bringing official information of the person appointed. As he failed to come, there was no other alternative, than to proceed as we were. We accordingly pushed onward to Lapwai, whither the goods, for presents and subsistence, had already preceded us.

Being unavoidably delayed at the Dalles, nearly two days, waiting for connexion of Steamers on the Upper Columbia, we did not reach Lapwai, until the morning of Monday the 11th of May. We found but very few of the Indians had arrived, and the reason assigned for their tardiness, was, in part, the unusual backwardness of the season, which had prevented their putting in their crops as early as usual. We also ascertained, that evil disposed persons had been busy in the circulation of false reports, amongst the Indians, for the very purpose of delaying or preventing their coming in; - such as these, that the Commissioners would not come,

and that the soldiers, then stationed at Fort Lapwai, were there for the purpose of driving them away from their lands by force. These with other reports of a similar character operated upon their minds very unfavorably, so that they knew not who to believe, or what to do. Many of them had heavy hearts in looking forward to the Council, knowing that its object was to induce them to consent to relinquishing a part of their lands, to which the great body of the tribe were manifestly very averse.

The erroneous impressions thus made, it was necessary to remove, in order to secure their confidence, and induce them to listen to the propositions we had to make. This could not be done at once, but we lost no time in assuring them, through their head chief, that we had come to them by the authority of the President, not to force or drive them away from the Reservation, but to consult with them, as to what was best to be done, under the peculiar circumstances in which they found themselves placed, by reason of the discovery of gold in their country, and to devise such means as-

would be best adapted, to secure to them more full and ample protection for the future.

The request of Lawyer and others, to have Mr Whitman sent for as Interpreter, was at once acceded to. Their desire in this respect had been anticipated, and at my suggestion, Mr Rector had made the effort to employ him, but without success, - inasmuch as the terms proposed by Mr Whitman, were such, as could not at that time be met. What these terms were, will appear from the following extract of a letter of date of April 12th 1863, from J. W. P. Huntington, Superintendent of Indian Affairs, Oregon.

"In conversation with Mr Rector a day or two since, I learned that you were desirous of securing the services of Perrin B Whitman as Interpreter for the Nez Perce Treaty. I have had a long conversation with Whitman, and, at his request, say to you that he is willing to go to Lapwai, if he has an assurance of permanent employment at the Agency there, but he is not willing to go in the service of the Treaty Commissioners, for only one or two months."

With such a proposition, the Commissioners, in their capacity as such, had nothing to do, and if they had, - there were none of them here to be consulted, Mr Rector having at that time ceased to act as Superintendent in Oregon, and Mr Hutchins in the valley of the Jocko. As there was no vacancy at the Agency, and no complaint on the part of the Agent, against any of the Employes, but all seemed to be working satisfactorily, I could not, consistently, listen to the terms of Mr Whitsmans proposal. If we had met with him, on our way up, we should unquestionably have taken him along. It was no doubt better as it was, for if he had been in company with us, the Indians, who are naturally jealous and suspicious, would probably not have placed the same confidence in him that they did, when he came, chiefly at their solicitation, and without having any opportunity of conferring with the Commissioners, before meeting with the Indians themselves.

As it was apparent that several days must necessarily elapse, before the Indians would be able to reach the Council Ground, it was deemed

advisable to improve the opportunity thus afforded, in examining that portion of the Reservation, which seemed to be free from the precious metals.

During the winter, every available source of information had been drained, to ascertain the most desirable location, to which their Indians could be removed. The Agent in charge was also instructed to obtain from the Indians themselves, such information as they could give touching the surrounding country, and to ascertain their views and feelings in regard to the change contemplated, in the proposal of holding a Council with them to make a new treaty. It was soon ascertained, that it would be impossible to find, outside of their own reservation, a region of country suited to this people, upon which there could be any reliance for a permanent abode, besides, if there were, it would have been of no avail, for they would have refused to enter into any arrangement whatever, upon terms that would have required them to leave their own country.

Agent Anderson elicited such information, as led to the inference that the most suitable place for the future.

Reservation, was to be found along the valley of the Clearwater, especially along the main stream and South Fork, with the tributaries flowing into it from the South. To the examination of this valley and the adjacent country, our attention was directed, as no positive information, derived from actual observation, could be obtained from the whites. So far as we could learn, no Agent had ever been to the largest village of the tribe, though it was but sixty miles distant from the Agency, and represented as occupying the most desirable and important part of the Reservation, and the whites who had been longest in the country, had but limited knowledge of its character or capacity.

Early in the morning of the 16th of May, having engaged an Indian guide, who was well acquainted with the country to be traversed, and secured the requisite number of horses, both for riding and packing, the night previous, we started on our trip of exploration up the river. Owing to its being the season for high water, on account of the snows melting in the mountains, we were sometimes on the high bluffs and table lands bordering the stream, and

at other times down in the valley. We passed over much beautiful and fertile country. The spots of Land suited for Agricultural purposes, though numerous, were not very extensive. At all such points, we found Indian villages or camps, with their patches of wheat, corn, peas and potatoes. The largest of their villages is called Kamiah, situated on the South bank of the South Fork of the Clearwater, extending along the Stream, for a distance of about ten miles, and varying from half a mile to two and a half miles in width. It is nearly evenly divided by a beautiful stream, about half the size of the Lapwai, coming in from the South West, through what is known as Lawyers Canon, With this stream, they are able to irrigate the entire plain, which is dotted with numerous Indian farms, exhibiting encouraging signs of thrift. Their, wheat, corn, peas and potatoes were growing luxuriantly, especially the two former, and gave promise of excellent crops. Large amounts of grain are raised by these Indians, which they have to pack on horses to the Agency, a distance of sixty miles, to be ground. Many of them have a surplus, for which they find a ready market in the mines about Oro Fino, Pierce

and Elk cities. Numerous and extensive bands of horses, and quite a number of fine cattle, were grazing along the borders of the plain, and on the sides of the lofty hills, which hem it in on the South. Returning to the Agency by a route somewhat different, we were enabled to obtain another view of the adaptation of this portion of the Reserve, for the permanent homes of these Indians. This was manifested in the extended rolling uplands between Kamiah and the valley of the Lapwai, clothed with a most luxuriant growth of bunch grass, exactly suited for purposes of grazing. Well pleased with the information thus obtained by actual observation, we were well satisfied that the valleys of the Clearwater and the Lapwai, contained, within a reasonable compass, sufficient amount of agricultural lands for the whole tribe and that the intervening and adjacent hills and table lands would furnish sufficient grazing for their horses and cattle.

Our next effort was to fix upon proper boundaries, the principal points of which could be so marked and definite, as to enable the Indians to form correct views of the proposal intended to be made touching a new Reservation.

In determining these limits, we had to be governed, not only by consideration of capacity, but must so frame it, that it should include within it, the greater part of their villages, and, especially, as many as possible, of that portion of the tribe, who were considered disloyal or disaffected, - known as the Big Thunder party. The boundaries of the new Reservation, as fixed in the Treaty, embrace within them, about three fourths of the whole tribe and at least two thirds of the disaffected bands.

After our return, the weather was very unfavorable, being wet and stormy, so that it operated to delay the Indians coming in, making their movements which are necessarily slow, much slower, - because they take with them on such occasions, their entire families, both young and old, - their bands of horses and herds of cattle. By the 19th inst, about 1000 Indians had arrived on the Council ground, when we commenced taking the census, preparatory to issuing the necessary provisions of Flour and Beef.

On the 20th, Agent Hutchins, - whom we had met at Vancouver on our way up, - arrived; and on the 21st, we met

at the Agency, and consulted together in reference to the principal features of the Treaty; and in arranging our plans for the Council; so continuing from day to day, during the time which intervened up to the 25th of May.

Owing in part to the inclemency of the weather, which continued wet and stormy, many of the Indians were taken violently sick with Influenza, of which 3 or 4 suddenly died. Finding that the disease was spreading, so that scarcely a lodge was free from it, and in some of the lodges there were as many as four and five down at once, it became necessary, as there was no physician at the Agency, to employ one without delay. The most favorable offer we could obtain from the Physicians at Lewiston, was that of Dr Baker, who engaged to come and bestow his attention upon the Indians, while it should be needed, at the rate of $15.00 per day. He accordingly commenced his services on the 22d, which were attended with salutary results, as the progress of the disease was speedily arrested and but two deaths occurred afterward. We ought here to state in justice to Dr

Carpenter Surgeon at Fort Laramie, that, prior to the employment of Dr Butler, he very cheerfully rendered all the service that was in his power, but owing to feeble health at the time, and his duties at the post, it was impossible for him to give the time and attention, which the exigency of the case demanded.

On the 22nd of May being informed that some of the remote and disaffected Indians, especially White Birds band, either had not been notified, or did not deign to respect a summons, which seemed to come only from that portion of the tribe on whom they looked with disdain, we deemed it advisable to send a special messenger, to notify and invite them in. This must be done at once, and by a white man, who was not only acquainted with the country but also with the language, so as to be able to speak to them in their own tongue. Mr Thomas Hughes was engaged for this service.

During the intervening time, up to the 25th, nothing more was done than to make preparation for the Council, which was arranged to commence on that day, the principal chiefs having

consented, that the Commissioners should address them, through the Interpreters then present; if Mr Whitman did not arrive by that time.

The friendly Indians, who constitute about of the entire tribe, frequently styled the Lawyer party, were continually coming in, and swelling the encampment, until they numbered upwards of souls. Of the Big Thunder party, there was a large number in the Valley near by. Big Thunders residence is in the Lapwai, and he claims the valley particularly as his own. His lodge, with those of his immediate band, is situated about half way between the Agency and Fort Lapwai, which is his regular residence. Towards the Commissioners none of the disaffected chiefs manifested any particular unfriendliness, but the contrary. It was evident that they had no desire to enter into any treaty arrangements, and the greater part of their people, under the direct influence of their chiefs, declined to receive rations, or presents of any other kind, than a little tobacco. Big Thunder himself was very sick, and was induced to con=

sent; to have the Physician employed by us visit and prescribe for him. He also received, and used the medicines which were furnished to him.

The bands under Quil-quil-se-ne-na, or Red Owl, Tipu-lana-kow-a-pow. or Eagle of the Light, Joseph, and Pu-pu-hi-hi or White Bird, with their respective chiefs, were on their way, but had not all arrived when the Council was opened. It was not however thought necessary, or proper, to defer the opening on that account, as they had received full notice of the first intention to open on the tenth of the month.

Besides the Nez Perces, we learned there were representatives from all the surrounding tribes, and some from a distance little short of five hundred miles, so that it is probable, that every tribe within a circle of that extent was represented;- Indians with whom treaties were already made, and those who were not parties to any treaty. Of the Palouse Indians, about fifty camped on the bank of the Clearwater, a few miles below the Agency. A part of these appeared in a body one day upon the council ground, but not in

council; and having shown their unfriendliness in a remarkably haughty manner towards the Commissioners, it was thought advisable to watch their movements. As they were found visiting Big Thunder's camp, we had reason to believe their presence boded no good, and as their manner had been insulting, the request was made of Col Steinberger, commanding Fort Laramie, to send a detachment of men to their camp, and order them to return to their homes, with which the Col immediately complied.

On Monday the 25th the Council was opened, at which all the friendly Indians of Lawyers party were present. There were also present some from Big Thunders Camp. The proceedings, from day to day, were had, as appears in the Synopsis herewith forwarded.

Difficulties, which had been clearly foreseen, daily became more manifest. The enemies of the Government, of which there were many, - pretended friends to the Nez Perces, but really their worst enemies too, were doing all in their power to prevent the consummation of a Treaty. Efforts were made through the influence of liquor,

and by false representations, touching the condition of the United States Government, to break up the Council, - and if it had not been for the force, which General Alvord had very considerately placed at Fort Lapwai, with orders to remain until the Council should be dissolved, it is highly probable, that we should have had serious difficulty before the close.

The great reduction in the size of their reservation was, at first, very unsatisfactory, their ideas being so different to ours, as to the amount of land sufficient to answer every needed purpose. It was very manifest, that, at the most, they had only thought of relinquishing a small spot of ground around Lewiston, and at a few points in the mountains, around the mining towns and camps, while the great body of the Reserve would still be theirs. They had not understood aught the former treaty, by which they had ceded their entire country to the United States, but supposed that they were still the owners of all, but that small and insignificant portion, lying outside of their reservation, the principal part of which was actually claimed by the Palouse Indians, in whose possession it was

at the time the Treaty of June 11th was made. The same region is still occupied by these Indians. Hence their opposition at first, and their distinct refusal, on two different occasions, to sell their country. The movement of certain parties in going on to the Lands of some of the Indians, at one of their villages near Lewiston, (it being understood to be outside of the proposed new reservation) had much to do, in inducing the first refusal to be made, so early and so decidedly. So soon as information reached us, we saw the necessity of taking prompt and decisive measures, - for the Indians were much excited in regard to it, - and therefore applied at once to Col Steinberger, to send a detachment of the force under his command, to remove the trespassers, and destroy any building or improvements of any kind, that might be in process of erection by them. If there had been failure in this respect, the Council would have been speedily broken up, and the Indians have returned in haste to their respective homes, fearing that during their absence, white men were settling upon their lands, and taking possession of their fields. The

promptness, with which the Col acted, in ordering the necessary force to execute the request, and their execution of the same, gave satisfaction to the Indians, quieted their fears, and soon restored their confidence. Similar efficiency in the arresting of whites, charged with selling and giving liquor to the Indians, together with the watchfulness which was employed to restrain it, tended to keep the matter within bounds, and caused such persons, as were engaged in the traffic, to carry it on in a more limited and clandestine manner. To stop it entirely was impossible, by reason of the too limited powers of a U S. Commissioner, and the manifest defects of the Law itself.

After several days had been spent in Council, without arriving to any conclusions, or seeming to make any progress toward the negotiation, I became satisfied that the Chiefs were, to some extent at least, copying after the style of a certain class of politicians; they were making speeches in the Council for buncombe, out of which nothing would be likely to result. Instead of declaring their own views and opinions, as

to what would conduce most, to the interests and welfare of the tribe, they were doing little more than echo the opinions of the greater part of their people, who did not consider their future, or that of their children, and who, Indian like, were averse to any change that looked to the circumscribing of their boundaries. I therefore concluded to try private conferences with the Chiefs, where, by direct questions and answers, there would be better opportunity of ascertaining their true feelings, meeting their objections, removing their doubts, and explaining to them such matters as they were liable to misunderstand. The difference was soon perceivable. They had thought our speeches to them might mean something different; they had been afraid that we would deceive them. Private conversations, thus held separately with the chiefs of each faction, resulted satisfactorily. On the part of the friendly ones, an agreement to accept the terms proposed by the Commissioners, with some slight alterations as to boundary, and a few items in the way of further consideration, was at length had

In thus acceding to our propositions, they said, they would cast themselves upon the generosity and justice of the U. S. Government. On the part of the disaffected bands, their chiefs gave an unequivocal assent to the main features of the Treaty, so far as they were concerned, only that their pride would not permit them to come in with the Lawyer party, and sign the Treaty. Quil-quil-se-ne-ma, Eagle of the Light and Hin-ma-tute-ka-kike or Big Thunder, each came of their own accord, in private conference, and asked that it might be reported to their Great Father at Washington, that they did not refuse to sign the Treaty, out of any disrespect or want of friendly feeling towards him, to the Commissioners, or the people of the United States, but that their refusal was, solely, on account of difficulties amongst themselves. Besides, they alleged that it was not necessary for them to sign it, as they were not called upon, by the conditions of the Treaty, to surrender anything to the Government; as their lands were almost entirely included in the proposed new Reserva-

tion They did not need provisions or presents, they were not poor, they were rich. They wished the Treaty to be made, and expressed their belief, that it would be for their best interests as a people. After thus opening their hearts, in which they seemed to be sincere, manifesting nothing of that haughtiness which marked their behavior on their first arrival at the Council Ground, they took leave of us in the kindest manner.

It is truly to be regretted, that this people should be so divided. Whilst there we endeavored to reconcile their animosities, but without success. Their future depends much, very much, upon the faithfulness with which the U. S. Government shall fulfil the treaty made, if the same be ratified.— Should its provisions be fully and promptly carried out, as intended, it will doubtless operate, more effectually than any thing else, to heal their divisions, and make them a united and prosperous people. Failing to do this will widen the breach, and, in the end, be productive of more serious consequences.

Some of the features in this Treaty may be considered novel, and may therefore require some explanation. The first one will be found in Art 2°, which gives to the Indian a right, in advance of the Government making arrangements for the appraisal and purchase of improvements, to sell the same to any white person, being a loyal citizen of the U. S., under the protection, and with the consent of the Agent or Superintendent. This provision had great influence upon those Indians whose villages were outside of the proposed Reservation. They felt, that so soon as the Treaty should be made, their fields, improvements, and possessions connected with the soil, would be held by uncertain tenure, that they were liable to be dispossessed at any moment by the scrambling and cupidity of white adventurers and speculators, who were crowding upon them on every side. This provision gave hope of protection. They could demand and receive a valuable consideration. This recognition of their rights and frones, and the protection offered thereby, induced a consent, which otherwise would have been very difficult,

if not impossible to obtain. Numbers of them will thus be led to remove of their own free will to the new Reservation, before the Government will have made the preparations provided for in the Treaty, and will thus, by their own acts, be relinquishing their lands, peaceably and amicably, to the whites, who are rapidly spreading over that country. By this provision too, the Government will be relieved of much additional expense; as it is expressly provided, that no further payment shall be made for their improvements, when they have been already disposed of, in manner and form as above. As some indication of what will be saved to the Government by this provision, it may be proper to state, that on the second day after the signing of the Treaty, the improvements belonging to Renben, one of the chiefs who signed that instrument, were sold, with the consent of the Superintendent, for the sum of two thousand dollars.

The third Section in Art 4th provides for the building of a Mill at Kamia. This is requisite, as the Mill at the Agency cannot do all the work that

the Nez Perces will require. The distance is too remote to enable them to avail themselves of any advantage of the Saw Mill, - and the nature of the country is such between Kamia and Lapwai, that a good wagon road would cost vastly more than the erection of the Mill, if it would be possible to construct such a road. The same reasons apply for the erection of a Blacksmith's shop at the same point.

The claim of the Nez Perces for horses furnished the Oregon Volunteers was a serious obstacle in the way of negotiation, and at one time threatened to be an absolute barrier in the way, unless the claims were first fully paid. To obviate this the provision in Art 7th was introduced. The amount specified, at the time it was inserted, was supposed to cover all the claims. Subsequently three certificates, No 61. 66 & 85 were presented, one for eighty, one for seventy and the other for forty dollars, which, in the appropriation for that purpose, should be added to the sum of $4.665.00 named, making a total of Four thousand eight hundred and fifty five.

dollars, it having been the intention to include these claims, as well as the others. In addition to the amount due Capt John, as per certificate No 85, he has another claim for service as a private in the Stevens Guards, having served his full term, and received an honorable discharge. The amount due him is not specified in the certificate. The returns in Washington, at the War Department, will no doubt show what amount is due him. Capt John has always been a faithful ally, and has more than once rendered valuable service to the United States in time of danger; his just claims ought therefore, in these respects, to be provided for, and paid with the others. Copies of these certificates are herewith forwarded. Capt John had looked upon his certificates as marks of honor, and had carried them so long, that they had been worn nearly out. To preserve them, he had secured copies of the same to be made, and certified to, by A. P. Dennison, formerly Indian Agent in Oregon. These copies, well worn, were presented to us, and we were well

satisfied that his claims are correct and just.

Article 9th provides for the United States to reserve all springs or fountains, not adjacent to, or directly connected with the streams or rivers within the lands relinquished, as watering places, for the use in common of both whites and Indians. This provision was felt to be one of great importance, in a country like that, where springs are not abundant. The few that do exist are, for the most part, situated in the midst of a region, valuable only for grazing purposes, and remote from any stream. Were these left to be taken by private individuals, they would give rise to the utmost extortion, in the sale of water to thirsty men and cattle, which would not regard the value of either life or property. The Indians had suffered, in this regard already, within the bounds of the Reservation, white men having selected some of these very spots, and enclosed them with substantial fence, would neither allow Indians or others to use the water, to allay their own thirst or that of their horses, without paying for the

same. To make it still worse, and for the purpose of securing other gains from an illicit traffic, they had connected therewith, in some instances, a grocery for the sale of liquors.

By introducing these various provisions, which met their views, and accorded with their ideas of justice, the Nez Perces were brought to consent to the relinquishment of so large a portion of their former Reservation, and that relinquishment is cheaply purchased by the U. S. for the consideration named in the Treaty. If this negotiation had failed, a collision between the whites and Indians was inevitable, the results of which, in the expenditure of lives and money, cannot be estimated.

From the accompanying map will be seen, at a glance, the relative difference in size between the new and the old Reservation, the latter having covered an area of ten thousand square miles, or six million four hundred thousand acres, while the former is reduced to a little over twelve hundred square miles, or about eight hundred

thousand acres. The amount thus relinquished is very nearly six millions of acres, and is obtained at a cost not exceeding eight cents per acre, when all the expenses, present and prospective on the satification of the treaty, shall have been met In the tract of country relinquished is much that is exceedingly valuable, by reason of its gold and silver mines, whilst many of its valleys, and much of its uplands, will be found desirable and necessary for agricultural and grazing purposes.

For the purpose of presenting the items of expense actually incurred in the negotiation of this Treaty, a statement of the same is herewith forwarded, from which it will be seen, that the sum total falls short of the amount appropriated. The expense would have been much less, but for the unfortunate condition of financial affairs, and the great difference which existed between the value of Gold, and the Government drafts and currency - Many of the purchases, and expenses, all of which were, under the circumstances, unavoidable, were incurred at the usual

coin rates, but being paid either in U. S. Treasury Notes or Checks, involved a discount of from 40 to 50 per cent, the value of the same being considered and estimated by the parties selling or rendering service, as will appear by reference to the bills and vouchers therefor, which have been duly rendered.

In closing this report, it is proper, that we should acknowledge the consideration, with which Genl Alvord had provided such a force at Fort Lapwai, as was adapted to the emergencies of the case; and to Col Steinberger, who was so prompt in complying with the requests of the Commissioners and rendering, at different times, the required aid.

Much credit is also due to Rev H. H. Spalding and P. B. Whitman, who acted as Interpreters, not only in the discharge of their duties in the Council, but in their labors in private, to explain fully to the Indians the matters proposed for their consideration, and the advantages to accrue to them as a people, by accepting the proposals made.

On the ninth of June the Treaty was signed, after which the

presents, together with the Annuity Goods were distributed. This occupied the afternoon of the ninth, and the tenth and eleventh of June. On the evening of the 11th, we bid adieu to the Council Ground, and retraced our steps homeward. As we had been so long engaged, Agents Hutchins and Howe felt it incumbent upon them to return to their respective Agencies, as speedily as possible, and therefore entrusted to my hands, the preparation and forwarding of this report. It is therefore respectfully submitted in their behalf, as well as my own.

I remain, Sir,
Your Obedient Servant
C. H. Hale
Supt Indn Affairs W.T.

Hon Wm P. Dole
Comr Ind. Affairs
Washington