

T H E
P U Y A L L U P S
A H I S T O R Y

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TABLE OF CONTENTS

	<u>Page</u>
A - History	
I Northwest Exploration	1
II Northwest Land Apportionment	4
III Treaty of Medicine Creek: December 26, 1854	5
IV Aftermath of the Treaties: Indian Wars of 1855-1856	6
V Establishment of Reservation Land	6
VI Indian Reservation Land Allotted	7
1. General Allotment Act - 1887	8
2. Puyallup Reservation - Allotment - 1887	8
3. Puyallup Indian Commission - 1890-92	9
4. Puyallup Allotment Act - 1893	9
5. Indian Reorganization Act - 1934	9
6. Establishment of Puyallup Tribal Council - 1936	10
VII Indian Land Today	11
B - The National Scene	13
C - Current Issues	16
D - Chronology	18
E - Selected Bibliography	20
F - Text of Medicine Creek Treaty	22
G - Boundary Map	26

A - HISTORY

I. Northwest Exploration

The first contact between Europeans and Indians in present Pierce County occurred in the late Spring of 1792 when Captain George Vancouver of the Royal Navy explored Puget Sound for the British Government. In May of that year, Vancouver in exploring the lower reaches of the Sound met local Indians near Brown's Point. Several accounts exist of Vancouver's expedition all of which describe the Indians as being masterful boat handlers, having a subsistence level economy, a loose pattern of organization and differing from the near neighbors only in dialects of a mother tongue.

The Puyallups lived in a number of semi-permanent villages around Commencement Bay and on the lower reaches of the Puyallup River with some locations near the South Tacoma swamp and on Vashon Island. Their larger and more powerful neighbors to the south, the Nisquallys lived on the river that bears their name, on the upper reaches of the Puyallup, and at places on the islands that dot Puget Sound.

There is evidence that inter-group marriages were common as there is ample evidence of mixes between local tribes as far away as Whidbey Island and across the mountains into Eastern Washington.

The economy of the Puyallups was based mainly on what could be gathered from the sea with salmon taking first priority along with clams and other shell fish. The land provided berries, roots, and with the introduction of the potato, that tuber became important.

In 1833 the Hudson's Bay Company entered the area by constructing a facility near the mouth of the Nisqually River. Indians were invited

to trade furs, skins, fish, bark and other items for the blankets, axes, knives, and luxuries of the European civilization. It was during this period that the Indians experienced the most stability in their way of life. While not totally protected from the raids of northern Indians and conflicts between neighbors, the "Great Peace" nurtured by the Hudson Bay Company guaranteed protection to all who traded at Fort Nisqually, while at the Fort, and on the way home.

In 1841 it became apparent that the supply of furs was soon to be depleted. The Hudson's Bay Company attempted to gain control of the area by encouraging permanent settlement. It organized the Puget Sound Agricultural Company which introduced herds and flocks to the plains stretching inland from the coast. While the Puyallups were not directly affected, it soon became apparent that the style of life for all in the area was to change dramatically. Employees of the Hudson's Bay Company nearing retirement were encouraged to permanently settle on lands that would be provided while a group of nearly one hundred people were brought into the Puget Sound country from Manitoba to take up claims.

It was this group of Manitoba settlers who became the first to encroach on lands that could be considered as belonging to the Puyallup tribe. The Hudson Bay Company experiment was a failure in that by 1844 all of the Manitoba settlers had left the area abandoning their farms and homes.

On the international scene the joint occupancy of the Oregon Country between the United States and Great Britian ended with all territory south of the 49th parallel being United States territory and that

to the north belonging to England. While the rights of the Hudson's Bay Company were to be preserved it soon became apparent that their claim to nearly all of present Pierce County would be ignored.

In 1844, an Englishman named Joseph Thomas Heath arrived to found what he eventually called Steilacoom Farm on the flatlands above Steilacoom Bay. He hired local Indians to work the land for him and had contacts with nearly all local tribes. He was often involved in attempting to arbitrate the constant conflicts between local Indians and did what he could to stop the continual blood letting which was so common between the groups.

Heath died in 1848 and the Hudson's Bay Company took control of his property. Later that year a group of local Indians in an attempt to rid the area of white intruders staged an attack on the local symbol of white man's power, Fort Nisqually. The attack was a failure and the Indians were driven off although one white man was killed.

Since the territory belonged now to the United States, the Governor of the new territory of Oregon was called upon for assistance. Because there were only seven regular U.S. army soldiers in the whole region little could be done to provide for local defense except for the distribution of government weapons. Several months passed and finally in August of 1849, elements of the United States Army arrived, the attackers of Fort Nisqually were pursued and arrested and a relative peace restored. The handling of the captured Indians perhaps demonstrates the wide gap between the white culture and that of the Indians as evidenced by the details of the trial.

While the Indians may have considered themselves at war with the whites, the government viewed the death of the white man at Fort

Nisqually as murder, not an act of war. The reward offered for the capture of the Indians was deprecated by many for it was felt that such a rich reward, fifty blankets, would only lead to additional murders. One Indian who stood trial was not even present but he was a slave, who, it was thought, would serve as an adequate substitute.

II. Northwest Land Apportionment

The gold rush in California temporarily slowed American migration to the Northwest. As late as 1850 less than 500 whites lived in the Puget Sound area. However, the Oregon Donation Land Act of September 27, 1850 quickly stimulated rapid settlement. Under this act, each adult U.S. citizen could receive 320 acres and made it possible for a man and wife to receive up to 320 acres each. Prior to this, Congress had followed a policy of recognizing Indian title to land, but the Indian claims had not yet been extinguished before the Land Act was passed and settlers began to move in. The same year Congress passed the Indian Treaty Act which authorized the purchase of the lands from the various North Coast tribes and the removal of the Indians to areas which were not wanted or needed by the settlers. In Pierce County, few accepted the provisions of the Donation Land Act, and even with an extension, slightly more than 100 individuals in present day Pierce County, availed themselves of the opportunity to secure free land.

On March 2, 1853, Washington became a territory of the United States without consultation with the Indians who still held title to the lands. A young army officer, Isaac Ingalls Stevens was appointed to serve both as Governor and Superintendent of Indian Affairs in the new territory. When he arrived on Puget Sound, Stevens did a number of things; he conducted a census, selected a capital and sought to write treaties with the local Indians.

When Stevens arrived, he proceeded immediately to extinguish Indian ownership to the territory. It is estimated that in less than a year, Governor Stevens made treaties with more than 17,000 Indians and in doing so, extinguished the Indian title to more than 100,000 square miles (64 million acres) of land now making up most of the territory of Washington, Idaho and Montana.

Although the Indians recognized the need to sell much of their country, they were adamant against being moved away from it, and refused to accept centralized reservations. White culture regarded land as a commodity to be owned, fenced, bought, and sold, whereas to the Indian, land was part of a religious heritage, not a chattel and not an article of trade. Stevens acceded to the reserving by tribes of a portion of their homeland. In so doing, he did not achieve the degree of concentration he had desired, though it was more than the Indians wished.

III. Treaty of Medicine Creek: December 26, 1854

In the winter of 1854, Stevens gathered all the tribes, bands and groups of Indians he could on the banks of a small creek near the mouth of the Nisqually River to develop a treaty. Stevens claimed representation from most of the tribes of the Puget Sound lowlands, and after several days of what was considered hard negotiation, a treaty was written. Stevens insisted that the transaction take place in the Chinook jargon, a trade patois of about 300 words from several Indian languages with additions from English and French. It is very probable that the Indians did not understand the full import of the treaty. On December 26, 1854, the Treaty of Medicine Creek, ceding the territory of the Nisquallys and the Puyallups, along with that of a number of other tribes and bands, was signed.

IV. Aftermath of the Treaties: Indian Wars of 1855-1856

Stevens soon left the treaty ground and continued to make treaties with other Indian tribes. While Stevens viewed the treaties as models of justice, the Puget Sound Indians were bitter with second thoughts. However, there was no time for reconsiderations. Settlers had already moved on to the lands even though the treaties were not supposed to go into effect until they had been ratified by Congress. While Stevens was treating with tribes still further east, war suddenly exploded in both the Puget Sound region and eastern Washington. The Indians were dissatisfied not only with the treaties themselves and the way they had been negotiated, but also with violations of their terms by the white settlers. The war consisted of the usual killings, destruction of property and attendant miseries. There was an attack on the village of Seattle, a series of raids in the White River Valley and the evacuation of the entire Puyallup Valley. At this time, there were only 79 white residents in the entire valley who all fled to be accommodated at the town of Steilacoom and at Fort Steilacoom, which had been built by the United States Army on the farm of Joseph Thomas Heath.

V. Establishment of Reservation Land

During the hostilities the noncombatant Indians were taken to Fox Island near Tacoma. Most of the Nisquallys and the Puyallups were among that group. In August 1856, Governor Stevens went to the island and held a council wherein changes were negotiated in the Nisqually and Puyallup reservation areas and the Muckleshoot reservation was established. The Indians viewed the council as another treaty/making, but there is no evidence of formal proceedings. Stevens negotiated the changes under the authority granted by Article VI of

the Treaty of Medicine Creek, and recommended that the President put them into effect by Executive Order. By the Executive Order of 1857, the Puyallup reservation was enlarged so that it contained 36 sections of land, approximately 23,000 acres of land on the east side of Commencement Bay. The area encompassed land in the vicinity of Puyallup Avenue; Portland Avenue to South of 72nd Avenue East; most of Fife and part of Milton; some of the Puyallup Valley; most of Browns Point and Dash Point; and part of Northeast Tacoma where it follows the King County-Pierce County line.

In 1873, President Ulysses S. Grant approved alterations in the reservation to permit the Northern Pacific Railroad free access across the reservation land, and in 1876, a branch line was approved. In 1888, a right of way was granted to the Puyallup Valley Railway and another agreement with the Northern Pacific Railway was ratified by Congress in 1893. The land once reserved for the Puyallups was becoming necessary as a byway to other white settlements. The Puyallup reservation was under special pressure because it was directly in the path of non Indian commercial and industrial development, lying entirely on land which has since been occupied by the City of Tacoma.

In 1871, Congress passed a law declaring that it would make no more treaties with Indian tribes which were no longer to be considered separate nations. The legislation specifically provided, however, the terms of all treaties which were then in existence were to be honored.

VI. Indian Reservation Land Allotted

At the time of the formation of reservations, the Indians held land

in common and there was no such thing as individual ownership. However, with the growth of population centers throughout the country, the pressure was on the legislators to change the laws so that the Indian land could be used by communities throughout the United States. This resulted in the General Allotment Act, or the Dawes Severality Act of 1887.

1. General Allotment Act - 1887

This act was passed by Congress in 1887 and stated that the Indian reservation land was to be allotted to individuals. The allotments were supposed to be sufficient to enable a family to make a living by farming. In practice little attention was given to the qualities of the land or the interests and talents of the families. Allotments were to be inalienable for twenty-five years, after which an allottee might apply to be declared "competent" to manage his affairs and to receive title in fee simple. On his receipt of such title, his land passed forever out of trust status, and he could sell it to whomever he wished or do with it whatever else he saw fit. The Bureau then had no further interest in it. The land also passed on to the tax rolls of the jurisdiction in which the reservation was situated.

In addition, the Act also provided that Indian land left over after the allotments had been made could be declared surplus and might be sold to the United States.

2. Puyallup Reservation - Allotment - 1887

The Puyallup reservation was allotted to 178 Indians holding individual tracts and 585 acres held in common for school purposes. Each family owned 40 acres of land, and was restricted for twenty-

five years from disposing of this land. The land held in common was known as the Agency Tract and was land in which the Cushman School, Indian cemetery, Indian hospital and Presbyterian Mission church were located. The Puyallups, however, claimed the map which contained the description of the land that they agreed to receive in lieu of that land released by them, and on which the City of Tacoma now stands, included all the land on the borders of Commencement Bay to low water mark.

3. Puyallup Indian Commission 1890-1892

Because of the extensive lobbying by Tacoma business men, in 1890 Congress appointed a three man Commission to investigate several areas of concern. The Commission is known as the Puyallup Indian Commission. Based on the findings of said Commission, in 1893, Congress passed a special Act for the Puyallups, the Puyallup Allotment Act, the purpose and result of which was to bring about the alienation of almost the entire reservation area.

4. Puyallup Allotment Act - 1893

It directed that all Puyallup lands not required for the allottees home, the school, and the burying ground were to be sold, and it provided that those lands remaining in Indian ownership could be alienated after ten years (instead of twenty five as provided in the General Allotment Act). By 1920, it became evident to the Bureau of Indian Affairs that the General Allotment Act had been a failure.

5. Indian Reorganization Act - 1934

In 1934, the further allotment of land still in tribal ownership was forbidden by the Indian Reorganization Act for those tribes

which voted to accept organizational provisions of the Act. While not all reservations had been individually allotted, all reservations in the State of Washington had been allotted to some extent, and most of those in western Washington had been allotted almost in entirety among them the Puyallup.

The Indian Reorganization Act allowed greater self government to tribes, forbade further alienation of land, and encouraged tribal consolidation of fractionated holdings. It established a revolving loan fund and provided financial assistance to cooperative enterprises, expanded educational opportunities and encouraged the trend from boarding to day schools, and supported craft development. For the first time Indians were protected in the exercise of their own religions and ceremonials. The revolutionary step allowed local option; Indian tribes voted on whether or not to accept those provisions of the Act which related to tribal organization.

6. Establishment of Puyallup Tribal Council - 1936

Although some tribes did not do so, the Muckleshoots, Puyallups, and Nisquallys each voted to organize representative tribal governments in accordance with the Act. The Puyallup tribal Constitution and Bylaws were approved by the Secretary of the Interior May 13, 1936. Article II provides that membership shall consist of all persons of Indian blood on the roll approved in 1929 and all children born to any member who is resident on the reservation or within a twenty mile radius of the Tacoma Hospital Reserve (i.e., Cushman Hospital, now Cascadia). The Constitution grants the tribe the authority to determine who exercises the tribal fishing right. The Puyallup tribe allows members and

spouses to fish. They have made regulations governing fishing, but the Bureau of Indian Affairs has not supported their authority over what the Bureau has considered to be off-reservation fishing. Tribal officials contend that reservation boundaries are still valid, that fishing rights are not limited to the reservation in any case, and that the tribe has authority to regulate the behavior of its members.

The Puyallup Tribal Council consists of five members elected for three year terms. There is no tribal economy in the accepted definition of economy. In March of 1972, the Bureau of Indian Affairs estimated the population of the tribe to be one hundred and seventy one (171). The total area owned by the tribe is 35 acres approximately.

VII. Indian Land Today

The Puyallup reservation today consists of about 35 acres of land. This land remains in trust status, as defined by the Bureau of Indian Affairs, although the Puyallups do not concur in the Bureau's position based on alleged irregularities in conveying some of the land out of trust status. About 200 to 300 acres of land still are owned by Indian heirs of the original allottees. None of the land officially defined as trust land touches Commencement Bay or the Puyallup River. The Puyallup Tribe has not accepted the legality of the condemnation procedure by which the tribal land was conveyed to the State for the construction of a highway across the Puyallup River. The bridge was built but the tribe contends that legally the land is theirs in trust status, since the tribe had never accepted payment from the State.

Indian reservation land is held in trust by the United States government for the Indian owners, with the Bureau of Indian Affairs as the Trustee Agent. Land so held is commonly referred to as trust land, land in trust status, or restricted land. Trust land is not subject to Federal, State, County, or Municipal Taxes; neither can it be sold, leased, or otherwise exploited without the approval of the trustee, the United States Government acting through the Bureau. It cannot be transferred to a non Indian and must remain in trust status. At the present time, part of the trust land of the reservations is tribally owned and part of it is owned by individual tribal members. The government, through the Bureau of Indian Affairs, is the trustee in each case.

The Indians, interpreting court decisions, maintain that the Puyallup reservation still exists even though much of the land was sold to non Indians; that the reservation includes a seven mile stretch of the Puyallup River between Commencement Bay and the City of Puyallup; and that the boundary lines of the reservation are still intact, as they were never extinguished by the Federal government which established them in 1873.

It has been asserted that the Puyallup-Nisqually culture is gone. The Puget Sound Indians do not ordinarily wear outwardly distinguishing articles of clothing or adornment. Few speak or know any Indian language, all speak English. The communal longhouse dwellings are gone, supplanted by conventional one family frame structures. Skiffs with outboard motors have replaced the canoes and highly efficient fiber nets have given away to equally efficient nylon nets. The question of the existence of a Puyallup culture is moot. In the Supreme Court decision of May 27, 1968 (unanimous), it is stated in

a footnote that the Puyallup Reservation had passed to private ownership except for two small tracts used as a cemetery, and that the Court does not decide whether the reservation has been extinguished. The Court thus recognized the Puyallups as a tribe.

B - THE NATIONAL SCENE

Maine - "As Maine goes so goes the nation." In 1975, U.S. District Court Judge Edward Gignoux issued a ruling that could void non-Indian title to more than ten million acres (about 50%) of the State of Maine. The Passamaquoddy and Penobscot Indians of Maine did not have treaties ratified by Congress. In fact they have only three small reservations in the eastern part of the State. The Indian plaintiffs argued that all treaties and agreements not ratified by Congress were null and void. They maintained that the original transfer of land from Indians to non-Indians violated the Indian non-Intercourse Act which in 1796, required that all State and local treaties be approved by Congress. The First Circuit Court of Appeals upheld the Gignoux ruling in December of 1975. The ruling by the Appeals Court was so definite that neither the State of Maine nor the Justice Department appealed to the U.S. Supreme Court. In fact, the Justice Department supported the Indians' claim. Early in 1977, the Indians returned to Court with an amended claim of about five million acres. Federal Judge Edward T. Gignoux allowed until June 1 to work out a legal strategy or reach an out of court settlement. The State continued to oppose the claim and hired Washington attorney Edward Bennett Williams as counsel. The Maine congressional delegation submitted legislation to eradicate the Indians' rights to the lands, although permitting them to seek compensation through civil suit. Meanwhile, municipal bonds in the contested areas are not marketable and titles to real

estate are not certifiable as the result of the decision and the uncertainty.

The Indians plan to file suits against a limited number of major land owners, including paper producers such as Georgia Pacific Corporation, Great Northern Paper Company, Diamond International Corporation and International Paper Company. But Congress may well legislate a compromise, leaving all or most of the land with current owners by providing Federal compensation for the Indians. The outcome - in either legislation or litigation - could set the pattern for the settlement of similar yet smaller Indian land claims in Massachusetts, Rhode Island, Connecticut, New York and South Carolina. The implication for Tacoma should be very obvious.

Massachusetts - The Wampanoag tribe of Mashpee on Cape Cod claimed the entire town of Mashpee (population 1288), an area of 17,000 acres.

The Wampanoags of Gray Head (population 118), on Martha's vineyard, claimed 5,000 acres in the town, which has already voted to return a 230 acre parcel.

Rhode Island - The Narraganset tribe claims 1300 acres in the town of Charlestown (population 2863).

Connecticut - The Schaghticoke tribe claims 1300 acres in the town of Kent (population 1990).

The Western Pequot tribe claims 1,000 acres in Ledyard (population 14,559), near Groton.

New York - The Oneida tribe claims 300,000 acres in and around the town of Oneida (population 11,658), between Syracuse and Utica.

Alaska - The Alaskan Native Claims Settlement Act of 1971 was thought to have answered most Indian problems which are now plaguing other states. Under the terms of this act, Alaska's qualified native inhabitants - now some 77,000 of the State's population of 370,000 received 40,000,000 acres of land and \$962,000,000 to be distributed over a 20-year period. The cash settlement was split - \$462,000,000 to be paid by the Federal government, \$500,000,000 by the State. Bulk of the funds is being dispersed to 13 regional corporations and 250 village corporations. At least 10% must be shared among individual stockholders. By the end of 1976, according to Alaska's State Department of Economic Development, the average individual payment will amount to \$762.00. By 1980, a total of \$548,000,000 will have been dispersed to native inhabitants and corporations. The Alaska Native Claims Settlement Act was six years in the making and was one of the most complex pieces of legislation Congress ever passed.

While not a perfect piece of legislation, ANCSA did answer the four main issues at the root of the Indian controversy throughout the states. These are:

1. Whether reservations are sovereign or should be tax paying bodies with no special rights over other political groups or individuals;
2. Who has the authority to manage fish, wild life and other natural resources;
3. Assuring Indians an adequate land base;
4. Guaranteeing Indians freedom to run their own lives in the cultural or religious ways they wanted.

C - CURRENT ISSUES

Until recently, it appeared that the Alaska solution might be the best approach to Indian claims in the other 49 states. The American Indian Policy Commission, a Congressional Commission, has just issued a report that recommends that Indian tribes be eventually given increased legal powers over both Indians and non-Indians. The principle proposed by the Commission for adoption as Federal policy states: "The ultimate objective of Federal/Indian policy must be directed toward aiding the tribes in achievement of fully functioning governments exercising primary governmental authority within the boundaries of the respective reservations. This authority will include the power to adjudicate civil and criminal matters, to regular land use, to regulate natural resources such as fish and game and water rights, to issue business licenses, to impose taxes, and to do any and all of those things which all local governments within the outer states are presently doing."

The Commission report further states that: "The growth and development of tribal government into fully functioning governments necessarily encompasses the exercise of some tribal jurisdiction over non-Indian people and property within reservation boundaries." Issues raised by this proposed policy are ominous and are as follows:

1. Taxing authority and fiscal impact.
2. Political representation.
3. The Question of jurisdiction.
4. Land Use and Environment.
5. Building Codes.
6. City Services.

7. Schools and Education.
8. Non-Compliance with State Laws(i.e. Air pollution, clean water shoreline management, SEPA, etc.).
9. Law Enforcement.
10. Tribal Courts - Civil Litigation.

CHRONOLOGY

- 1792. Captain George Vancouver explores and maps the area for the British Government.
- 1833. The Hudson's Bay Company founds Fort Nisqually near the mouth of the Nisqually River.
- 1838. The Puget Sound Agriculture Company is organized by the Hudson's Bay Company to exploit the agricultural possibilities of the Northwest including the Pierce County area.
- 1841. Captain Charles Wilkes of the United States Navy maps and explores the area.
- 1841. Hudson's Bay Company employees from the Red River settlements in Manitoba are invited to settle in Pierce County.
- 1844. Joseph Thomas Heath founds Steilacoom farm and employs local Indians.
- 1849. Indians attack Fort Nisqually leading to the establishment of Fort Steilacoom by the United States army.
- 1850. Congress passes the Oregon or Donation Land Law which gives free land to white settlers who meet certain conditions.
- 1853. The Territory of Washington is organized out of portions of Oregon Territory.
- 1854. Territorial Governor Isaac I. Stevens negotiates treaties and agreements with Indians including the Medicine Creek Treaty which provides for the establishment of the Puyallup Reservation.
- 1855. The Indian War of 1855-56 began on both sides of the Cascades. After the defeat of Indian forces in the Puget Sound Country it was continued east of the mountains and not finally concluded until 1858.
- 1856. Governor Isaac I. Stevens holds a meeting with Indians at the temporary reservation on Fox Island.
- 1857. A presidential executive order enlarges the Puyallup Reservation.
- 1872. Indian Appropriations Act excludes Commencement Bay Tidelands.
- 1873. Changes are made in the boundaries of the Reservation which also allows railroads to be built.
- 1887. The Dawes Severalty Act is passed by Congress which allows a general allotment of reservation lands.
- 1890. The Puyallup Indian Commission is organized by Congress.
- 1893. Congress passes the Puyallup Allotment Act.

1924. Congress grants citizenship to all Indians.
1934. The Indian Reorganization Act is passed by Congress.
1936. The Puyallup Tribal Council is established with a Constitution and By-Laws approved.

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by the Indians the "Islands;" thence west to the western boundary of the country hereby ceded; thence in a northerly course with said western boundary ten miles; thence east to a point due north of the starting point, and ten miles therefrom; thence to the place of beginning.

And whereas, upon exploration of said reservation by the said confederate tribes, it was found that they had been mistaken as to the location thereof, much the larger portion, or nearly the entirety of it, being to the west of the Big Blue River, and without sufficiency of timber, and they being dissatisfied therewith, and the United States being desirous of removing all cause of complaint, this article is entered into.

ARTICLE. It is agreed and stipulated, between the United States and the said confederate tribes of Ottoo and Missouri Indians, that the initial point of their reservation, in lieu of that stated in the treaty, in the caption hereof mentioned, shall be a point five miles due east thereof, thence west twenty-five miles, thence north ten miles, thence east to a point due north of the starting point and ten miles therefrom, thence to the place of beginning; and the country embraced within said boundaries shall be taken and considered as the reservation and home of said confederate tribes, in lieu of that provided for them and described in the first article of said treaty.

Boundary of their reservation.

In witness whereof the said George Hepner and the undersigned chiefs and head men of the said Confederate tribes of Ottoes and Missourias, have hereunto set their hands and seals, at the place and on the day and year above written.

George Hepner, [SEAL.]
United States Indian agent.

Hick Kapoo, his x mark. [SEAL.]

Bil Soldier, his x mark. [SEAL.]

Chi-an-a-ka, or Buffalo Chief, his x mark. [SEAL.]

Missouri Chief, his x mark. [SEAL.]

White Water, his x mark. [SEAL.]

Executed in the presence of—
Lewis Bernard, his x mark,
U. S. interpreter.

H. P. Downs.
John Baulware.

TREATY WITH THE NISQUALLI, PUYALLUP, ETC., 1854.

Articles of agreement and convention made and concluded on the She-nah-nam, or Medicine Creek, in the Territory of Washington, this twenty-sixth day of December, in the year one thousand eight hundred and fifty-four, by Isaac I. Stevens, governor and superintendent of Indian affairs of the said Territory, on the part of the United States, and the undersigned chiefs, head-men, and delegates of the Nisqually, Puyallup, Steilacoom, Squawskin, S'Homamish, Stehchass, T'Peek-sin, Squa-aitl, and Sa-heh-wamish tribes and bands of Indians, occupying the lands lying round the head of Puget's Sound and the adjacent inlets, who, for the purpose of this treaty, are to be regarded as one nation, on behalf of said tribes and bands, and duly authorized by them.

Dec. 26, 1854.

10 Stat., 1132.
Ratified Mar. 3, 1855.
Proclaimed Apr. 10,
1855.

ARTICLE 1. The said tribes and bands of Indians hereby cede, relinquish, and convey to the United States, all their right, title, and interest in and to the lands and country occupied by them, bounded and described as follows, to wit: Commencing at the point on the eastern side of Admiralty Inlet, known as Point Pully, about midway between Commencement and Elliott Bays; thence running in a south-

Cession to United States.

easterly direction, following the divide between the waters of the Puyallup and Dwamish, or White Rivers, to the summit of the Cascade Mountains; thence southerly, along the summit of said range, to a point opposite the main source of the Skookum Chuck Creek; thence to and down said creek, to the coal mine; thence northwesterly, to the summit of the Black Hills; thence northerly, to the upper forks of the Satsop River; thence northeasterly, through the portage known as Wilkes's Portage, to Point Southworth, on the western side of Admiralty Inlet; thence around the foot of Vashon's Island, easterly and southeasterly, to the place of beginning.

Reservation for said tribes.

ARTICLE 2. There is, however, reserved for the present use and occupation of the said tribes and bands, the following tracts of land, viz: The small island called Klah-che-min, situated opposite the mouths of Hammersley's and Totten's Inlets, and separated from Hartstene Island by Peale's Passage, containing about two sections of land by estimation; a square tract containing two sections, or twelve hundred and eighty acres, on Puget's Sound, near the mouth of the She-nah-nam Creek, one mile west of the meridian line of the United States land survey, and a square tract containing two sections, or twelve hundred and eighty acres, lying on the south side of Commencement Bay; all which tracts shall be set apart, and, so far as necessary, surveyed and marked out for their exclusive use; nor shall any white man be permitted to reside upon the same without permission of the tribe and the superintendent or agent. And the said tribes and bands agree to remove to and settle upon the same within one year after the ratification of this treaty, or sooner if the means are furnished them. In the mean time, it shall be lawful for them to reside upon any ground not in the actual claim and occupation of citizens of the United States, and upon any ground claimed or occupied, if with the permission of the owner or claimant. If necessary for the public convenience, roads may be run through their reserves, and, on the other hand, the right of way with free access from the same to the nearest public highway is secured to them.

Removal thereto.

Roads to be constructed.

Rights to fish.

ARTICLE 3. The right of taking fish, at all usual and accustomed grounds and stations, is further secured to said Indians in common with all citizens of the Territory, and of erecting temporary houses for the purpose of curing, together with the privilege of hunting, gathering roots and berries, and pasturing their horses on open and unclaimed lands: *Provided, however,* That they shall not take shell-fish from any beds staked or cultivated by citizens, and that they shall alter all stallions not intended for breeding-horses, and shall keep up and confine the latter.

Payments for said cession.

ARTICLE 4. In consideration of the above cession, the United States agree to pay to the said tribes and bands the sum of thirty-two thousand five hundred dollars, in the following manner, that is to say: For the first year after the ratification hereof, three thousand two hundred and fifty dollars; for the next two years, three thousand dollars each year; for the next three years, two thousand dollars each year; for the next four years fifteen hundred dollars each year; for the next five years twelve hundred dollars each year; and for the next five years one thousand dollars each year; all which said sums of money shall be applied to the use and benefit of the said Indians, under the direction of the President of the United States, who may from time to time determine, at his discretion, upon what beneficial objects to expend the same. And the superintendent of Indian affairs, or other proper officer, shall each year inform the President of the wishes of said Indians in respect thereto.

How applied.

Expenses of removal.

ARTICLE 5. To enable the said Indians to remove to and settle upon their aforesaid reservations, and to clear, fence, and break up a sufficient quantity of land for cultivation, the United States further agree

to pay the sum of three thousand two hundred and fifty dollars, to be laid out and expended under the direction of the President, and in such manner as he shall approve.

ARTICLE 6. The President may hereafter, when in his opinion the interests of the Territory may require, and the welfare of the said Indians be promoted, remove them from either or all of said reservations to such other suitable place or places within said Territory as he may deem fit, on remunerating them for their improvements and the expenses of their removal, or may consolidate them with other friendly tribes or bands. And he may further, at his discretion, cause the whole or any portion of the lands hereby reserved, or of such other land as may be selected in lieu thereof, to be surveyed into lots, and assign the same to such individuals or families as are willing to avail themselves of the privilege, and will locate on the same as a permanent home, on the same terms and subject to the same regulations as are provided in the sixth article of the treaty with the Omahas, so far as the same may be applicable. Any substantial improvements heretofore made by any Indian, and which he shall be compelled to abandon in consequence of this treaty, shall be valued under the direction of the President, and payment be made accordingly therefor.

Removal from said reservation.

Ante, p. 612.

ARTICLE 7. The annuities of the aforesaid tribes and bands shall not be taken to pay the debts of individuals.

Annuities not to be taken for debt.

ARTICLE 8. The aforesaid tribes and bands acknowledge their dependence on the Government of the United States, and promise to be friendly with all citizens thereof, and pledge themselves to commit no depredations on the property of such citizens. And should any one or more of them violate this pledge, and the fact be satisfactorily proved before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the Government out of their annuities. Nor will they make war on any other tribe except in self-defence, but will submit all matters of difference between them and other Indians to the Government of the United States, or its agent, for decision, and abide thereby. And if any of the said Indians commit any depredations on any other Indians within the Territory, the same rule shall prevail as that prescribed in this article, in cases of depredations against citizens. And the said tribes agree not to shelter or conceal offenders against the laws of the United States, but to deliver them up to the authorities for trial.

Stipulations respecting conduct of Indians.

ARTICLE 9. The above tribes and bands are desirous to exclude from their reservations the use of ardent spirits, and to prevent their people from drinking the same; and therefore it is provided, that any Indian belonging to said tribes, who is guilty of bringing liquor into said reservations, or who drinks liquor, may have his or her proportion of the annuities withheld from him or her for such time as the President may determine.

Intemperance.

ARTICLE 10. The United States further agree to establish at the general agency for the district of Puget's Sound, within one year from the ratification hereof, and to support, for a period of twenty years, an agricultural and industrial school, to be free to children of the said tribes and bands, in common with those of the other tribes of said district, and to provide the said school with a suitable instructor or instructors, and also to provide a smithy and carpenter's shop, and furnish them with the necessary tools, and employ a blacksmith, carpenter, and farmer, for the term of twenty years, to instruct the Indians in their respective occupations. And the United States further agree to employ a physician to reside at the said central agency, who shall furnish medicine and advice to their sick, and shall vaccinate them; the expenses of the said school, shops, employées, and medical attendance, to be defrayed by the United States, and not deducted from the annuities.

Schools, shops, etc.

Slaves to be freed.

Trade out of the limits of the United States forbidden.

Foreign Indians not to reside on reservation.

Treaty when to take effect.

ARTICLE 11. The said tribes and bands agree to free all slaves now held by them, and not to purchase or acquire others hereafter.

ARTICLE 12. The said tribes and bands finally agree not to trade at Vancouver's Island, or elsewhere out of the dominions of the United States; nor shall foreign Indians be permitted to reside in their reservations without consent of the superintendent or agent.

ARTICLE 13. This treaty shall be obligatory on the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof, the said Isaac I. Stevens, governor and superintendent of Indian Affairs, and the undersigned chiefs, headmen, and delegates of the aforesaid tribes and bands, have hereunto set their hands and seals at the place and on the day and year hereinbefore written.

Isaac I. Stevens, [L. s.]

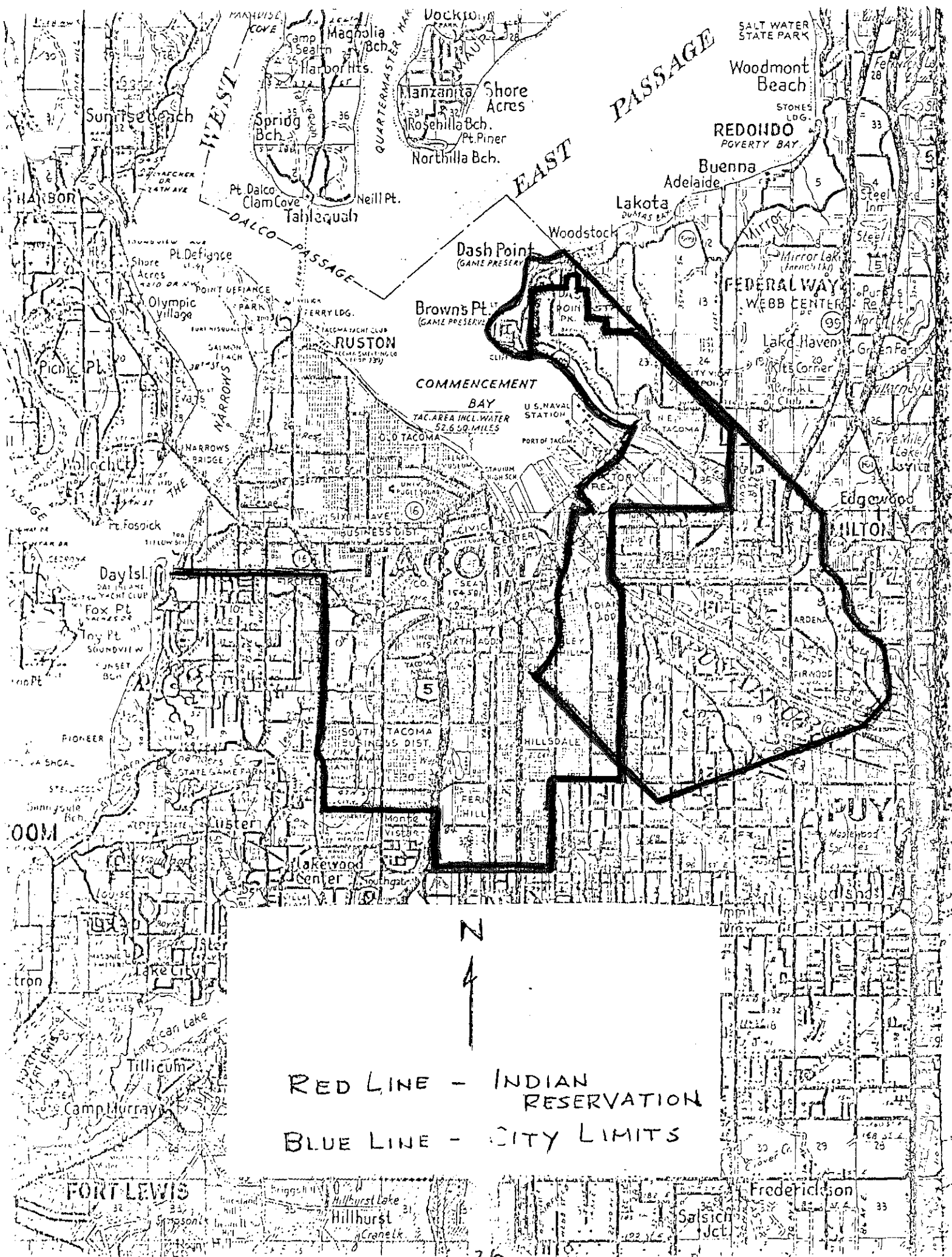
Governor and Superintendent Territory of Washington.

Qui-ee-metl, his x mark.	[L. s.]	Klo-cut, his x mark.	[L. s.]
Sno-ho-dumset, his x mark.	[L. s.]	Se-uch-ka-nam, his x mark.	[L. s.]
Lesh-high, his x mark.	[L. s.]	Ske-mah-han, his x mark.	[L. s.]
Slip-o-elm, his x mark.	[L. s.]	Wuts-un-a-pum, his x mark.	[L. s.]
Kwi-ats, his x mark.	[L. s.]	Quuts-a-tadin, his x mark.	[L. s.]
Stee-high, his x mark.	[L. s.]	Quut-a-heh-muts, his x mark.	[L. s.]
Di-a-keh, his x mark.	[L. s.]	Yah-leh-chn, his x mark.	[L. s.]
Hi-ten, his x mark.	[L. s.]	To-lahl-kut, his x mark.	[L. s.]
Squa-ta-hun, his x mark.	[L. s.]	Yul-lout, his x mark.	[L. s.]
Kahk-tse-min, his x mark.	[L. s.]	See-ahts-oot-soot, his x mark.	[L. s.]
Sonan-o-yutl, his x mark.	[L. s.]	Ye-takho, his x mark.	[L. s.]
Kl-tehp, his x mark.	[L. s.]	We-po-it-ce, his x mark.	[L. s.]
Sahl-ko-min, his x mark.	[L. s.]	Kah-sld, his x mark.	[L. s.]
T'bet-ste-heh-bit, his x mark.	[L. s.]	La'h-hom-kan, his x mark.	[L. s.]
Tcha-hoos-tan, his x mark.	[L. s.]	Yah-how-at-ish, his x mark.	[L. s.]
Ke-cha-hat, his x mark.	[L. s.]	Swe-yehm, his x mark.	[L. s.]
Spee-peh, his x mark.	[L. s.]	Sah-hwill, his x mark.	[L. s.]
Swe-yah-tum, his x mark.	[L. s.]	Se-kwaht, his x mark.	[L. s.]
Cha-achsh, his x mark.	[L. s.]	Kah-hum-klit, his x mark.	[L. s.]
Pieh-kehnd, his x mark.	[L. s.]	Yah-kwo-bah, his x mark.	[L. s.]
S'Klah-o-sum, his x mark.	[L. s.]	Wut-sah-le-wum, his x mark.	[L. s.]
Sah-le-tatl, his x mark.	[L. s.]	Sah-ba-hat, his x mark.	[L. s.]
See-lup, his x mark.	[L. s.]	Tel-e-kish, his x mark.	[L. s.]
E-la-kah-ka, his x mark.	[L. s.]	Swe-keh-nam, his x mark.	[L. s.]
Slug-yeh, his x mark.	[L. s.]	Sit-oo-ah, his x mark.	[L. s.]
Hi-nuk, his x mark.	[L. s.]	Ko-quel-a-cut, his x mark.	[L. s.]
Ma-mo-nish, his x mark.	[L. s.]	Jack, his x mark.	[L. s.]
Cheels, his x mark.	[L. s.]	Keh-kise-bel-lo, his x mark.	[L. s.]
Knutcanu, his x mark.	[L. s.]	Go-yeh-hn, his x mark.	[L. s.]
Bats-ta-kobe, his x mark.	[L. s.]	Sah-putsh, his x mark.	[L. s.]
Win-ne-ya, his x mark.	[L. s.]	William, his x mark.	[L. s.]

Executed in the presence of us—

M. T. Simmons, Indian agent.
James Doty, secretary of the commission.
C. H. Mason, secretary Washington Territory.
W. A. Slaughter, first lieutenant, Fourth Infantry.
James McAlister,
E. Giddings, jr.
George Shazer,
Henry D. Cock,

S. S. Ford, jr.,
John W. McAlister,
Clovington Cushman,
Peter Anderson,
Samuel Klady,
W. H. Pullen,
P. O. Hough,
E. R. Tyerall,
George Gibbs,
Benj. F. Shaw, interpreter,
Hazard Stevens.



RED LINE - INDIAN RESERVATION
 BLUE LINE - CITY LIMITS