

"Allotment Affidavits" folder 5

616-17-18-19

Susan Whitefoot makes application for the enrollment of herself and minor half brothers and sisters. Her affidavit shows that she is a full blood Indian 27 years of age, residing at White Swan, Wash, on the Yakima Reservation with her husband, Elias Whitefoot, a Yakima allottee, that her father, now deceased was a full blood Cowlitz Indian; that her mother was Mary Senatus, a full blood Indian 1-2 blood, Yakima and 1/2 Cowlitz and that she (Mary Setanus) had an allotment on the public domain; that the applicant's mother's mother was a full blood Yakima Indian who lived in the Cowlitz country, in Washington; that her father's father was a full blood Cowlitz Indian; that her father has relatives allotted on the Yakima reservation who are named in the application. She states she has been associated and affiliated with the Yakima Indians since removing to the reservation and at intervals when she visited said reservation; that she expects to make her home here continually and asks for enrollment. She also asks for the enrollment of her half brothers and sisters, namely John, Josie and Pete Setanus, aged 9, 5 and 3 years respectively. She states they had the same mother as she but different father and that the father and mother of the children are both dead. This application met with favorable action before the committee by unanimous vote. I recommend that the application be given favorable consideration/

(Dec. 11, 1911)

627

Aⁿnie M^Urris makes application for the enrollment of her minor son, James Morris, aged 10 years. Her application shows that she is 3/4 blood Indian 1/4 blood Palouse and 1/2 blood Yakima, residing on the Nez Perces reservation at Fort Lapwai; that her father is Felix C^Yrbett, a one-half blood Palouse Indian allottee and living on the Nez Perces Reservation; that her mother is a full blood Yakima Indian, now deceased, who was born and raised near the Nez Perces Reservation and died unallotted, and she was a first cousin of William Wanto, a Yakima allottee.

....I ~~deduced~~ The application received favorable action before the committee by a unanimous vote. I recommend that the application be given favorable consideration.

(Nov. 28, 1911.)

Cy's death =

no photo stat?

to show - no account taken in

agency records =

(Copy of unsigned memo in Tribal Council Enrollment committee folder)

1-Yakima--Union Gap and Mabton.

2-Palouse-Palouse pum.

3-Pisquose -----

4-Klikitat--Lyle

5

5-Klinquit--"enathpum.

6-

Priest Rapids on rolls

3155

3156

3157

2459

~~6086~~

2877

2284

3560

2281

2285

2828

2878

2892 or (2897)

4054

2283

2895

2894

2896

4345

3849

George Schappy ~~Grandchildren~~

1-Louie 4/4/ 1748

2-Elizabeth 4/4/ 490

3-Gladys (granddaughter) 4/4/ 4490

4-Louis (granddaughter) 490

5-Lucille (granddaughter) 2110

6-Mary 490

7-Ross 490

Application 321

Mary Wahwyser (Shock)	46	F	Sept. 1902
Lillian Shock	20		Jan 9, 1928
Sam Shock	18		Feb. 13, 1930
Christine Shock	16		Oct. 4, 1932
Marcella Shock	15		April 12, 1934
Father	Charley Wahwyser	1/2 Nes Perz	1/4 Priest Rapids 1/2 Klamath

Mother	Emeline Wahwyser	1/2 Yakima	1/4 Wisham
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Grandparents

Father's side

Choo-likes ~~4000~~ 4/4 Klamath, ~~1/2 Nez Perze~~

Wee-whon-pum 1/2 Preist^{Sic} Rapids 1/2 Nez Perze

Mother's side

Benson 1/2 Puyallup, 1/2 Wisham

Unknown 4/4 Yakima.

INSTRUCTIONS, CEDED AREA CLAIM NO. 161
BEFORE INDIAN CLAIMS COMMISSION

I would like to have supplied to me the names of the eight (8) remaining Indians who claim to be full blood Priest Rapids Indians. Then investigate whether their brothers or sisters, sons or daughters, or any of their grandchildren are enrolled upon the Yakima Indian Reservation. If so, I would like to have certified copies of all the applications for enrollment showing the degrees of blood of the several fourteen (14) tribes that made up the Yakima Nation, particularly showing Priest Rapids blood, together with the action of the Tribal Council approving it; and if there is action of the General Council upon such enrollments, I would like to have a certified copy of the resolution approving the enrollment of these Indians as 4/4 Yakima. Also I would suggest that in this investigation all of the old letter books at the agency be carefully examined and if there are any references to Smohalla's Band, or Priest Rapids Indians, being entitled to enrollment upon the Yakima Indian Reservation, I would like to have certified copies of these letters.

Also it would be well to examine into the records made during the early enrollment period, and during the later enrollment under the Act of 1946, and any record that refers to the Wanapum or Priest Rapids Indians' rights to be enrolled upon the Yakima Indian Reservation should be copied and certified. Also, if in the examination of these records an official statement of the Department or any other official of the agency shows that these Indians are definitely related to the Yakima Tribe and were represented at the treaty, I would want copies of these records properly certified so that I can file them in the record of this case.

Also I would like to have photostat copies of pages of the old roll showing where the Priest Rapids Indians were enrolled if this old enrollment record shows

it. Give me every page of the old enrollment showing where Priest Rapids Indians were enrolled on the old roll. Also make a list of all Indians enrolled whose applications show that they have any degree of Priest Rapids blood and furnish photostat copies of all of these applications, with the action of the Tribal Council thereon. I will need three (3) photostat copies of each of the above records.

Marriage customs

Ed L & O- file 075 Indian Custom marriage

May 18, 1925

Mr. Donald F. Kizer, U.S. Attorney Eastern District of Washington, Spokane

Dear Mr. Kizer:

Your letter of May 6 relating to the validity of Indian Custom marriages is received.

The Department recognizes Indian Custom marriages and divorces as valid. However, no definite rule applicable to all cases can be adopted. Each case must be considered in the light of the facts as well as the circumstances and conditions surrounding it. It is suggested, however, that single or frequent acts of immorality, without any evidence of an intention to enter into the marriage relationship, should not be considered as a marriage.

The following are some of the court decisions on the subject:

James vs Adams (155 Pac. 1121)

Kebogum vs Jackson Iron Co (43 N.W. 602)

Boyer vs Dively (58 Mo. 510)

Kalyton vs Kalyton (74 Pac 491)

Henry vs Taylor (93 N.W. 641)

~~O'Henry~~ Earl vs Godley (44 N.W. 254)

Sincerely Yours

Signed Chas. H. Burke. commissioner

5 tjb 16

Carbon to Yakima Agency.

(Frontice)

Treaty Centennial
1855 1955

THE YAKIMAS

(First Edition June 9, 1955 copyright)

Dedicated to the
Treaty Chiefs and
Yakimas Yet Unborn

~~ANKKE~~

Published by authorization of The Yakima Tribal Council

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(drawings)

(Imprint)

ONE-HUNDRED YEARS OF HERITAGE

A heritage born one-hundred years ago when the treaty makers assembled in a cottonwood grove at Walla Walla is a precious possession of the Yakima.

They had one heritage so old that no one knows when it was born. It was a heritage of a religion that recognized a Creator who gave life to the Earth and its possessions.

The Treaty of 1855 has matured into a heritage for those living and yet unborn.

The wise old chiefs, with a power born only to gifted leaders, realized that the future life must change for their people when the unwanted treaty was thrust upon them. It was ratified by the Senate, the president proclaimed its existence and it became the law. Grandfathers clinging to the old ways, and the young people struggling to learn the new, held it in solemn and highest respect.

The written history of all tribes commenced with the advent of the Europeans in North America. Of the earlier, the Pre-Columbian era, only fragmentary tales survive the dim mists of the unrecoverable years. So the Indian story became the very history of America through continuing episodes. It was that way in the Yakima Valley.

The Europeans found the original inhabitants possessed tribal governments and were self sustaining. Many conceptions of a Creator flowed from their worships. They had a faith that death is not the end. It was not unsimilar to the belief in human hearts today wherever there are men free to worship. It was a faith intermixed so deeply with nature that it has never been uprooted.

When treaty making first began the occupants were peaceful until the westwardly migration changed the tribes into fierce aggressors, fighting to preserve their homes. The Yakima, being human, were no different.

All this had a beginning.

As early as the Revolutionary War provincial assemblies considered Indian affairs and the Continental Congress appointed a committee to "secure and preserve the friendship of the Indian Nations." Three departments of Indian affairs were created and men with no less ability than Benjamin Franklin and Patrick Henry were members.

In 1606 the London Virginia Company instructed its colonists: "In all your passage you must have great care not to offend the naturals..." And when Harvard College was chartered in 1650 it was for "education of ye English and Indian youths of this country in knowledge and Godlyness."

Although the Treaty with the Yakima Nation is just 100 years old, the first formal treaty in this country was with the Delawares, 177 years ago.

Commissioners were appointed in 1783 to treat with Indian nations and the system persisted until 1869 with the result that 360 treaties were made before Congress terminated the power in 1871, substituting a "wardship" policy. Reservations were created by executive order, authority of Congress and by treaty or agreement. They became small domains within the states. One document states: "Neither the lands, buildings, stocks, crops, in fact nothing in the reservation is subject to taxation."

The process of extinguishing title to all the land was outlined under the Articles of Confederation (September 22, 1783) which "...do hereby prohibit and forbid all persons from making settlements on lands inhabited or claimed by Indians..."

When the War Department was created August 7, 1789, supervision of Indian affairs was left to the Secretary of War.

With the dawning of migration, Congress created an officer for the Indian Service, July 9, 1832, naming Thomas L. McKenny commissioner. The organization of the Department of Indian Affairs was effected by the act of June 30, 1834. The Department of the Interior was created on March 3, 1849, and Indian affairs were transferred from military to civil control.

Previous to 1871 there were 1,000 laws concerning Indians but since then the complexity of perhaps 4,000 were added.

When Ulysses Grant became president, March 4, 1869, he appointed a board of Indian commissioners and inaugurated other new policies, many no doubt originating when he was a young officer at Fort Vancouver and traded in the Walla Walla Valley.

By 1890 allotments on definite areas tended to destroy the reservations, education of the people was stressed, and reservation Indians were enlisted as soldiers. Impoverishment was one result of the Enrollment Act.

The residue of land on some reservations was sold to the government for 75 cents to \$1.25 an acre and then disposed of to settlers.

By June 30, 1890, surrendered land amounted to 17,400,000 acres.

During this critical period, although opening of the Yakima and Umatilla reservations were frequently sought, the treaties remained inviolate

The Yakima Treaty created a reservation of approximately 1,200,000 acres or 1,233 square miles of farming and grazing land, forests, streams and lakes, ~~and~~ set aside for the 14 original tribes or bands for "as long as the mountain stands and the river flows." It has now shrunk to about 1,121,000 acres.

The comparatively small area was received for ceded territory estimated at 16,920 square miles of land or 10,828,000 acres. Besides there were promises, weakening with the years, that the government would protect the people, educate them to a new life, provide them with farming equipment, hospitalize their ill and infirm, and forever offer guardianship.

Treaty making moved from east to west with the sun.

The Organic Laws of Oregon Territory, adopted August 14, 1845, and embracing what is now the state of Washington prescribed that the "utmost good faith shall always be observed towards the Indians, their lands and property shall never be taken from them without their consent...but laws founded in justice and humanity shall from time to time be made for

preventing injustice."

The Organic Act creating Washington Territory was passed March 2, 1853. The northernmost line was determined by the Treaty with Great Britain which established a boundary between this country and the British Possessions or the Forty-Ninth degree of North latitude.

So while it was not until November 11, 1889, that the territory was admitted to the Union, the pre-treaty impact of migration and Indian dealings in the Oregon country was germinating from a strong seed.

The act that established the territorial government of Oregon, January 29, 1847 also declared: "Nothing in this act shall be construed to impair the rights of persons or property now pertaining to the Indians in said territory, as long as such rights shall remain unextinguished."

The path of migration first led south of the Columbia River, leaving the tribes to the north untouched for a time.

There is no parallel of so many people travelling over such a distance excepting that of the conquering Mongols- as that of the movement over the Oregon Trail which eventually brought about the treaty.

This is the Sesquicentennial of the year that Lewis and Clark traversed a part of the trail. The Hunt expedition helped open it in 1811-12 and ten years later trappers located and crossed the South Pass. Others followed.

Probing of a new territory stimulated by the eternal lure of gold culminated in the great migration along the Oregon Trail from Independence, Missouri, to the Willamette Valley. There were so many that cholera and fatigue took 5,000 lives in one year.

Events closely related to the treaties were formulating, preparing the seedbed for the Indian war of 1855, and the report of J. Ross Browne, special Indian agent to the Secretary of the Interior, the late 35th Cong. 1st Sess. Executive Doc. No. 40:

"I..It was a war of destiny--bound to take place...

"The history of our Indian wars will show that the primary cause is the progress of civilization. As far back as 1835 the Indians west of the Rocky Mountains protested against the taking away of their lands."

In 1849 Samuel B. Thurston went to the Capitol as a delegate from the Territory of Oregon. The result was authorization by Congress, June 1850, for a commission to treat with tribes west of the Cascades.

Four months later the Donation Law stimulated migration, granting single persons 320 acres of land and married couples 640 acres. Browne said this was: "Unwise and impolitic to encourage settlers to take away the lands of the Indians...None of the so called treaties were anything more than forced agreements."

The President appointed General John P. Gaines, governor and superintendent of Indian Affairs for the Territory of Oregon; Beverly S. Allen, special commissioner, and Alonzo S. Skinner, Indian agent. They treated with tribes of the Willamette in March, 1851, but settlers who occupied land marked for reservations met, protested, and Congress decided against ratification.

Dr. Anson Dart was appointed superintendent for the Territory, receiving instructions from Commissioner Luke Lea that it was the "object of the government to extinguish the title of the Indians to all land west of the Cascade Mountains and if possible provide for the removal of the whole from the west to the east of the mountains."

Everyone in the villages and lodges north of the Columbia River and east of the Cascades of course knew what was taking place.

Dart, communicating with Elias Wampole at Oregon City, July 21, 1850, instructed him to locate on the Umpqua River at what is called the lower crossing of the Emigrant Road in the country claimed by the Cayuses or in their own language "aillatpu."

The same superintendent ~~advised~~ advanced misconceptions, long persistent.

"The agents under your supervision will find Christian missionaries engaged in extending the blessings of Christianity to an ignorant and idolatrous people and of civilizing and humanizing the wild and ferocious savage..."

The interior tribes were beginning to feel the effects of emigration and Dart informed the commissioner that the tribes "had become alarmed at report that the government intended to remove all Indians west of the Cascade Mountains and locate them among the tribes east of those mountains." He promised to meet them at The Dalles.

Dart left Oregon City, May 30, aboard the river boat Lot Whitcomb and reached The Dalles June 2. There he promised that there would be no removals of tribes without their consent and the land would not be taken from them without "a fair and just equivalent."

Wampole wrote from Umatilla Station, February 7, 1852, that "whites are telling Indians that the whites are going to take their lands from them. I find strong disposition of some to settle this side (east) of the Cascade Range."

He propounded a question:

"The Indians declare that all country belonging to the United States when the Indian title has not been extinguished to be Indian country. Can a person claim or settle this side of the Cascade Range?"

The first indication that treaties might be made with tribes east of the Cascades was November 28, 1852, and was contained in a letter sent by Captain Benjamin Alvord of the Fourth Infantry, commanding at Fort Dalles.

The next year Alvord inquired of Dart if there were any law to forbid settlement in The Dalles region. Later he sent a letter to Major General D. Townsend at San Francisco, the headquarters for the Pacific, pointing out his opinion of "entering as soon as practicable into treaties...to extinguish title and set up reservations."

That winter footholds were being established in the Walla Walla Valley. L. Brooke and George C. Bromford applied for a license to trade and to locate at the headquarters of the "Walla Walla River or "in the vicinity of the old Whitman Mission. "We are partners, the name of our firm being Brooke, Bromford & Co. or the "Walla Walla Trading and Farming Co.

And the following month one of the participants in the Treaty at Walla Walla and who negotiated the Treaty with the Tribes of Middle Oregon, June 25, 1855, was notified by Commissioner Lea that he was appointed superintendent of tribes in Oregon. He was Joel Palmer.

Not long afterwards another participant of the Treaty with the Yakima was following a trail that eventually led to the Council grounds.

Governor Isaac I. Stevens, who had been ordered to explore a route for a railway, was on his way and wrote that he would be unable to reach the territory before August. His oath as governor was signed on March 21, 1853.

The same summer, eyes were turning east of the Cascades where the Yakima chief, Kamiakin lived.

George B. McClellan, who later became general of the Army, writing from his camp on the "Wee-nass" (Wenas) August 22, 1853, while surveying the country, also indicated that treaty plans were then under consideration for Kamiakin's people.

"The bearer, Kamaiacan," he wrote, "is the head chief of all the Yakima Indians. He is by far the richest and most influential chief in this part of the country. You will find him the most proper person with whom to make any treaty."

But matters were not going well with the people east of the Cascades.

William Chinook, who had served with Brevet Captain J.C. Fremont on one of Fremont's explorations, writing from "Wasco Dalles of Columbia, November 5, 1853" to Superintendent Palmer, said:

"...We are tormented almost every day by the white people who desire

to settle on our lands and although we have built houses and opened gardens they wish to take possession of the very spots we occupy...

"Now we wish to know whether this is the law of the white man or the Indian. If it is the land of the white man, when did they buy it?

"If we lose our country, what shall we do? "

R.R. Thompson, Indian agent for Middle Oregon resided at The Dalles and represented the ~~kriks~~ people there.

The military station at The Dalles was garrisoned by two companies of the Fourth Infantry, 53 men, commanded by Major Gabriel Rains whose path was to cross that of Kamiakin in more ways than one.

The House of Representatives convened at Olympia, February 27, 1854, on the day designated by Stevens' proclamation of November 28, 1853. There were then 10,000 Indians in the territory "in about equal proportions east and west of the Cascades. " The non-Indian population was less than four thousand.

Among those entitled to vote from Clarke County (the official spelling before the "e" was dropped) was A.J. Bolon who was named to the territory's first Indian Affairs committee. Stevens told the Yakima that he would appoint Bolon their agent. It was Bolon's violent death in the Yakima country at Wahk Shum in the Simcoe Mountains that ignited the conflict.

Stevens, in his message to the Council stated: "I will recommend memorializing Congress to pass a law authorizing the President to open negotiations with the Indians east of the Cascades to provide for the extinguishment of the title to their lands."

Bolon was not appointed special agent for Washington Territory until March 17, 1854, but he wrote to Stevens at Olympia the previous month recommending that the valley "near the first camp of McAllister (James McAlister) after leaving the Yakima River is a suitable place for timber for building."

That September Palmer appointed Nathan Olney special agent for

Indian tribes in Oregon, while Olney was living at "Wascopam" Wasco County , the present Dalles, and revealed that Palmer contemplated entering into treaties with all tribes in Oregon" for the purchase of their country."

Bolon submitted an annual report for 1854 to Stevens for the Central "District" comprised between the Cascade and Bitter Root Mountains."

He wrote:"I directed my attention in the first place to the Yakamas. Of the five influential chiefs I succeeded in seeing but three, Shawawai (Shawaway), Skloom and Teias. Owhi, the brother of the last was in the buffalo country and Kamiyakan, the most important of all was not to be found. On parting with him (Shawawai) I offered some small payments. His people gladly accepted but Shawawai declined saying that he had been advised not to take any presents as it would create a lien on their lands. The idea is a very natural inference of the Indians from what they have seen in Oregon where small presents ~~were~~ were distributed on the negotiation of treaties which were afterwards repudiated while the lands remained in possession of the settlers."

Bolon went to the Antanum mission to talk to Kamiakin but that chief was in the mountains. He wrote "they will consent to dispose of the great part of their land. They raise a little corn and some melons and ~~pumpkins~~ pumpkins but chiefly potatoes and peas. Of the former I think they must have about 15,000 bushels. Shawawai has a patent churn and makes his own butter."

Stevens notified the Hudson's Bay Company that its trade with the tribes was to cease after July 1, 1854 and the same month the agent, Thompson, wrote from The Dalles that "rumors are rife that it is the intention of the whites as soon as spring opens to make an indiscriminate war on them."

So in such an atmosphere actual treaty negotiations were undertaken with the Yakima.