

Yakama Agency  
May 21<sup>st</sup> 1881

James H. Wilbur  
U.S. Indian Agent

Sir

I have the honor to submit the following report of my recent visit to the Indians, parties to this treaty, who are located at the Tum-water fishery near the Dalles Oregon - In compliance with your instructions I visited them in company with Thomas Cree 2d Sert of the Police Force at this Agency - We found four white men engaged in fishing, between whom and the Indians there was much bad feeling, the Indians declaring that the whites monopolized the fishing stands, so that they were unable to lay in their customary stock of Salmon during the fishing season, which meant starvation for them and their families next winter.

These Indians have occupied this fishery for untold generations - it has been the home of themselves and their ancestors - from it they have always derived nineteen twentieths of their subsistence, and have heretofore lived an easy life, certain that as long as the Columbia continued to bring its usual

stock of fish, themselves and their families were sure of a sufficient support - When the treaty was made by which the Indians relinquished their rights to the Country, they expressly reserved the fisheries, which they positively refused to cede - Whether by accident, or carelessness, or because the matter was not thought of great importance, the treaty failed to give the Indians the exclusive right to the fishery, but instead provides that the right to "reside at the fisheries, take fish, erect necessary buildings" &c is secured to the Indians "in common with Citizens of the United States" &c, thus giving the whites equal privileges with themselves.

For many years this unfortunate wording of the treaty, did not materially affect the Indians, as the whites who desired to avail themselves of the privilege of the treaty were generally farmers living in the vicinity who came once a year to lay in their stock of Salted Salmon, and rented the nets, and fishing stands from the Indians <sup>for a few hours</sup>.

Some years since the land on which the fishery is located was preempted by a Mr Taylor, who asserts that he has a patent from the United States for the same - Mr Taylor (I was informed), has

for several years made efforts to lease the fishery to some white person, but as the occupation by the Indians was universally known, as also its absolute necessity to them to enable them to support their families, he has never succeeded in this, till the present season = To understand the situation it is necessary to remember that the Salmon have particular places where they pass up the rapids = Thus at Tum water, though there are probably ten or fifteen rocks jutting out into the river, there are only three near which the fish pass, (at this stage of the water), and of these only two are of much value, only small poor fish in comparatively few numbers passing near the other = On these three stands, the Indians and their fathers before them, for many generations, have each year taken their station, each occupying the stand about two hours, or till he had secured sufficient to employ him the remainder of the day preparing them for drying, and then giving place to his neighbor, and in this way each one secured a sufficient supply = When it is further understood that from sunrise till about 10 A.M., probably three fourths of the fish pass by the several stands, it will be seen how

three white men, taking possession of the two best stands, and only holding them one third the day, could virtually deprive the Indians of all their rights at the fishery - Such, the Indians declared was actually the case - Mr Taylor has as before stated leased the fishery to these white men, who have occupied the best stands, and (the Indians say), refused to allow them to fish, so that they are seriously concerned lest their subsistence fail them before the fishing season again comes around - The Indians have always regarded these fishing stands, as their own property, as much as the house or barn of any citizen; they never contemplated giving the whites the privilege of taking possession of them, but I believe when they signed the treaty supposed they were only giving the whites the privilege of taking fish at the fishery, from other stands -

To make matters worse, the Indians say that the Salmon are running in very much less numbers than formerly, so that the exclusive use of the three stands is absolutely necessary to enable them to secure sufficient fish for winter consumption - Difficulty had occurred

5  
on two or three occasions, I learned, the Indians declaring that the whites had taken away their dip-nets, and driven them from the fishing stands at the point of the revolver - The white men declared, that they had leased the fishery, as was their right, from the proper owner, that where they secured the first possession of the stand in the morning, they had kept it during the day, but if the Indians had first possession they had never molested them - After considerable negotiation, I finally succeeded in getting both parties to agree to the following compromise - the whites to have the privilege of occupying one of the stands for four hours every alternate day, and the Indians to have possession all the rest of the time - This at the best can only be a temporary expedient - It may be sufficient to preserve the peace, should Mr Taylor make no more leases to other parties, but as I understand he reserves the right to lease to others if they desire - If so the Indians will be driven away altogether, or there will be trouble - perhaps bloodshed - In my judgement the Department could make no more beneficial investment than to purchase this fishery for the exclusive use of these

Indians - I called on Mr Taylor<sup>who</sup>  
I found very ill, and able to talk but  
little - He said he had secured a pat-  
ent from the United States to the land -  
that the fishery was his property, which he  
considered himself perfectly justified in  
using to the best advantage, and had  
therefore leased, - that while he recogni-  
zed the right of the Indians to take fish,  
his right was equally good or better - that  
he considered the property a very val-  
uable one, but in view of the necessity  
of the fishery for the Indians he would  
dispose of his interest to the Department  
for \$3000<sup>00</sup> which he considered much  
below its real value &c - Some steps  
should certainly be taken in this matter - As  
it now stands, it is impossible to avoid  
trouble - It is possible that the arrange-  
ment which I made, may carry it through  
this season, but next year it must be much  
worse - As you are aware, besides the  
one or two hundred who live at the fishery,  
and subsist almost exclusively on fish,  
nearly every Indian family on this Res-  
ervation goes once a year to the Tumwater  
to lay in a supply of fish for winter use -  
In view of the necessity of the fishery

7  
to these Indians, it seems to me that three thousand dollars could hardly be expended more advantageously than in making this purchase

I also desire to call your attention to another matter affecting these Indians - I found there was considerable feeling <sup>among</sup> them on account of having been required to pay taxes on their personal property in Klickitat County, in which the fishery is located - On inquiry I found that the most persistent efforts have been made by some one in Goldendale - presumably the County Officials of Klickitat Co to "take out" what they call "Citizen papers"; whatever that may mean - Many Indians claim to have done so, some of whom say they have located land, and others who have not - As I did not get an opportunity to examine one of these papers I am not able to say what force they may have -

The Indians say that last season the County Assessor of Klickitat Co came round and took the number of horses owned by each one, together with any other property he might own, and this Spring the Sheriff came and collected the taxes on the same - I saw several who had paid these taxes, who said they had

never made application for "Citizen papers",  
and was informed that there were many  
more - I took the names of six, all of  
whom declared they had never made such  
application - viz Skow - paid cash \$5.00  
Solomon - had no money and was compelled  
to work on the County road to amount of  
\$6.00 - Son-ne-waw pd cash \$2.00 - Siim-den  
cash \$2.00 - Soh-koh-lee pd cash \$4.87 -  
Mat-teo - pd cash \$2.00 - It was my inten-  
tion to call on the Sheriff as I returned, to  
learn by what authority these taxes were  
collected, but he was absent, and I was  
unable to see his deputy the evening I  
was in Goldendale, and being pressed  
for time was compelled to come away  
without seeing him the next morning  
as I desired -

Very Respectfully  
Your Obedient Servant  
J. H. Fairchild  
Clerk

May 20/81  
Report  
on the  
Condition of Indians  
at Tumwater

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