

United States Indian Service,

The Waller Oregon Agency,

May 30, 1888

Captain Thos. Priestly }
N. I. Indian Agent }
Fort Dimock N. I. }

Dear Sir,

Yours

of the 5th current was handed me
on yesterday, and within an hour
thereafter I was on my way to
the Tum-water fishery in company
with Mr. C. D. Taylor, whom I in-
formed of the complaints that had
been made against him. He
asserted that he had not prevented
any Indian from taking fish, nor
given any instruction to his
foreman at the fishery to prevent

Agency,

, 188...

them. On our arrival at the fishing
the foreman, a Mr. Wheeland, denied
that he had prevented any Indian
from fishing, but said that he
had refused them the right to
camp on a certain part of the fishing,
not included in the triangular ten
acres referred to in the late decree
of the Court at Yakima, and had
also refused to allow them to possess
their ponies ~~on any other than the~~
on certain lands not included in
the ten acre tract. The Indians,
however, persisted to the last in
charging Wheeland with having
denied them the right to fish.

Agency,

, 188...

After hearing the Indians at length and in the presence of Mr. Taylor who then said to them that he was not preventing them from fishing, I told them that they could fish now and on any part of the fishing not occupied by Mr. Taylor's men, and that they must not crowd his men out of the places where they might be found fishing. This seemed to reassure and greatly pacify them. But they had another ground of complaint against Taylor, and that was for fencing up the main road to and from the

United States Indian Service,

4.

Agency,

, 188

fishery and which has very recently been fenced. Mr. Taylor seems to have fenced this road to prevent the Indians from taking their wagons to the fishery also to prevent white men from coming to the fishery with wagons. It appears that Mr. Taylor apprehends that if Indians get their wagons to and from the fishery that they will catch fish and haul them away for sale which he claims they have no right to do. Mr. Taylor also claims that this road is not one of the Colvett trails referred to in the decree. The Indians have previously, and again today, inform

United States Indian Service,

5.

Agency,

, 188.

and that it is one of the original
Calumet trails. But not to go further
into detail about ^{it}, I informed Mr.
Taylor, this morning, that I now had
one way to satisfactorily determine whether
the Indians had a right of ingress and
egress to and from the fishery by this
road, and that now to take the
matter before the District Court
that had rendered the decree. And
it was my purpose to do this by a
"contempt proceeding", had not Mr.
Taylor said that some of the citizens
who pass to and from their homes by this
road were talking of asking the County
Court to open this road, and that he

United States Indian Service,

Agency,

188...

would see that the road was opened immediately after the 1st Monday in June. Whereupon I said, if you will see that this road is opened at that time, I will not institute proceedings to have it opened, but added, "I wish you to understand that by this I do not concede that you have a right to keep it closed". And so, I have informed the Indians, that after the first Monday in June, that road will be opened. That is the day on which the county Court, which has jurisdiction of road matters, meets in Goldenslee.

United States Indian Service,

7.

Agency,

, 188

If this road is not opened at the time stated, I shall ask that Mr. Taylor be cited before the District judge for contempt. I regard the closing up of this road as an outrage and a violation of the decree. The object seems to me to be, to embarrass and harass the Indians in every possible way with the view finally to deprive them of the fishing privileges altogether. And yet, Mr. Taylor professes to desire to do nothing but what is right and in no way to violate the letter or spirit of the decree. His acts do not harmonize with the beauty of his words.

Mr. White. W. O. Atty. for Prob.

United States Indian Service,

8

Agency,

, 188...

Mr., promised to give me a written interpretation of the decree in this matter when I was at Fortina and not hearing from him on the subject I wrote him about ten days since reminding him of his promise and requesting a compliance. If he does so, I will send you copy of his construction of this, to me, translucent document. As we anticipated, trouble under this decree ^{has} ~~is~~ already commenced and will in all probability continue until the case is again taken before the court. I will endeavor to keep matters smooth as long as I remain here and when I leave, it is now my

United States Indian Service,

Agency,

9

, 188

intention to request the department
to appoint a special Agent at
this place, with a small salary,
say \$25⁰⁰ per month or \$300 per
year to look after this fishing
question on both sides of the river.

You mention in your letter
that the Indians say they don't see
why they are not allowed to fish as well
as white men. Taylor denies the
right of white men altogether to take
fish at this place. They have attempted
it, but he says that he has prevented
it and that the mention in the treaty
with the Indians that they have the right
to take fish in common with the

United States Indian Service,

10.

Agency,

, 188.

whites, confer no right upon white
men to take fish where, what was then
public lands, have become private
lands. I do not think the whites will
attempt to enforce this right, though
it is a nice question of law - especially
if they fish on points below high-water
mark. But I have already written
enough to worry you and have been
thus tedious that you may be fully
informed of the situation.

Yours very truly & respectfully
Geo. W. Gordon
Special Indian Agent.

The Dalles Oregon
May 8th 1888

Geo. M. Gordon

Concerning fishing
in the Columbia River.