

# SURVIVAL OF AMERICAN INDIAN ASSOC. INC. P.O. BOX 719, TACOMA, WASH.

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Donation



"This is a great day for you and us,- A day of peace and friend ship between you and the whites for all time to come. You are about to be paid for your lands, and the Great Father has sent me today to treat with you concerning the payment- The Great Father lives far off- He has many children- some of these children come here when he knew but little of them, or of the Indians, and he sent me to inquire into these things. We went through this country last year, and learned your numbers and saw your wants. We felt much for you, and went to the Great Father to tell him what we had seen - The Great Father felt for his children - he pitied them and he sent me here today to express those feelings and to make a treaty for your benefit. The Great Father wishes you to have homes, pastures for your horses and fishing places. He wishes you to learn to farm and your children to go to a good school, and he now wants me to make a bargain with you, in which you sell your lands and in return be provided with all these things - you will have certain lands set apart for your homes and receive yearly payments of blankets, axes, ect. - All this is written down in this paper which will be read to you. If it is good you will sign it, and I will then send it to the Great Father - I think he will be pleased with it and say it is good: but if not, if he wishes it different, he will say so and send it back and then if you agree to it, it is a fixed bargain and payment will be made."

The treaty was then read section by section and explained to the Indians by the interpreter and every opportunity given them to discuss it.

Gov. Stevens then said, "The paper has been read to you, is it good? If it is good, we will sign it: but if you dislike it in any point, say so now - after signing we have some goods to give to you and next summer we will give you more: and after that you must wait until the paper comes back from the Great Father - the goods now given are not a payment for your lands: they are merely a friendly present."

The Indians had some discussion, and Gov. Stevens then put the Question, "Are you ready? If so I will sign it" there being no objections the treaty was then signed.

#### TREATY WITH THE NISQUALLI, PUYALLUP, ECT. 1854

Articles of agreement and convention made and concluded on the She-na-ham, or Medicine Creek, in the territory of Washington, this twenty six day of December, in the year one thousand eight hundred and fifty four by Isaac L. Stevens, Governor and Superintendant of Indian Affairs of the said territory, on the part of the United States, and the undersigned Chiefs and headsmen, delegates of the Nisqually, Puyallup, Steilacoom, Squawskin, S'homanish, Stehclass, T'Peeksin, Squi-aitl, and Sa-hewamish tribes and bands of Indians, occupying the lands lying round the head of Puget 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.

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 Elliot bays; thence running in a southeasterly direction, following the divide between the waters of the Puyallup and Dwamish or White river, 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 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 Vashion Island, easterly and southeasterly to the place of the beginning.

Reservations 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-chemin, situated opposite the mouths of Hammersley's and Toten's Inlets and separated from Hartstene Island by Peal's Passage, containing 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 She-na-ham Creek, one mile west of the meridian line of the United States land survey, and a square tract containing two sections of land, 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 superintendant or agent. (removal thereto) And the said tribes and bands agree to remove 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 and



occupied, if with the permission of the owner or claimant. (roads to be constructed)  
If necessary for 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 high way is secured to them.  
(rights to fish)

Article 3: The right of taking fish, at all usual and accustomed ground and stations is further secured to said Indians in common with all the 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 shellfish from any beds staked or cultivated by citizens, and that they shall alter all stallion not intended for breeding horses, and shall keep up and confine the later.  
(Payments for said cessions)

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 one thousand dollars each year, all which said sums of money shall be applied to the use and benefit of 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.

(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.

(Removal from said reservation)

Article 6: The President may hereafter, when in his opinion the interest 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 thereof.

(Annuities not to be taken for debts)

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

(Stipulations respecting conduct of Indians)

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 depredation 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 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 against 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.

(Schools, shops, ect.)

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 thereof, and to support, for a period of twenty years, and agricultural and industrial school, to be free to the children of the said tribes and bands, in common with those of the other



tribes of said district, and to provide the said tribes with a suitable instructor or instructors, and also to provide a smithy and a 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 advise to their sick, and shall vacinate them; the expense of the said school, shops, employees and medical attendance, to be defrayed by the United States, and not deducted from the annuities.

(Slaves to be freed)

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

(Trade out of the limits of the United States forbidden)

Article 12: The said tribes and bands finally agree not to trade at Vancouver's Island or elsewhere out the dominion of the United States; nor shall foreign Indians be permitted to reside in their reservations with out consent of the superintendent or agent.

(Treaty, when to take effect)

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

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

Isaac I. Stevens. (L.S.)

Governor & Superintendent Territory of Wash.

Qui-ee-metl, his mark	X
Sno-ho-dunset, his mark	X
Lesh-high, his mark	X
Slip-o-elm, his mark	X
Kwi-ats, his mark	X
Stee-high, his mark	X
Di-a-keh, his mark	X
Hi-ten, his mark	X
Squa-ta-hun, his mark	X
Kahk-tse-min, his mark	X
Soman-o-yutl, his mark	X
Kl-tehp, his mark	X
Sahl-ko-min, his mark	X
T'bet-ste-heh-bit, his mark	X
Tcha-hoos-tan, his mark	X
Ke-cha-hat, his mark	X
Spee-peh, his mark	X
Swe-yah-tum, his mark	X
Cha-achsh, his mark	X
Pich-kehnd, his mark	X
S'Klah-o-sum, his mark	X
Sah-le-tatl, his mark	X
See-lup, his mark	X
E-la-kah-ka, his mark	X
Slug-yeh, his mark	X
Hi-nuk, his mark	X
Ma-mo-nish, his mark	X
Cheels, his mark	X
Knutcanu, his mark	X
Bats-ta-kobe, his mark	X
Win-ne-ya, his mark	X

Klo-out, his mark	X
Se-uch-ka-nam, his mark	X
Ske-mah-han, his mark	X
Wuts-un-a-pun, his mark	X
Quuts-a-tadin, his mark	X
Quuts-a-heh-mtsn, his mark	X
Yah-leh-chn, his mark	X
To-lahl-kut, his mark	X
Yul-lout, his mark	X
See-ats-so-soots, his mark	X
Ye-takho, his mark	X
We-po-it-tee, his mark	X
Kah-sld, his mark	X
La'h-hom-kan, his mark	X
Pah-how-at-ish, his mark	X
Swe-yehm, his mark	X
Sah-hwill, his mark	X
Se-kwaht, his mark	X
Kah-hum-klt, his mark	X
Yah-kwo-bah, his mark	X
Wut-sah-le-wum, his mark	X
Sah-ba-hat, his mark	X
Tel-e-kish, his mark	X
Swe-keh-nam, his mark	X
Sit-oo-ah, his mark	X
Ko-quel-a-cut, his mark	X
Jack, his mark	X
Keh-kise-bel-lo, his mark	X
Go-yeh-hn, his mark	X
Sah-putsh, his mark	X
William, his mark	X

Executed in the presence of us---

M.T. Simmons, Indian Agent.  
James Doty; Secretary of Comm.  
C. H. Mason, Sec. Wash. Terr.  
W. A. Slaughter, Fir. Lieut.  
James Mc Allister  
E. Ciddings, Jr.  
George Shazer  
Henery D. Cock

S. S. Ford, Jr.  
John W. McAllister  
Covington Cushman  
Peter Anderson  
Samual Klady  
W. H. Pullen  
P. O. Hough  
E. R. Tyerall  
George Gibbs  
Benj. F. Shaw, interpreter  
Hazard Stevens, 12 years old.



## Medicine Creek Council Reviewed.

The statement that Leschi did not assent to the treaty, although his name appears third on the list as having signed it, will no doubt at first thought be received with incredulity by the general reader. I can only say that I believe it is true, and the facts will be given supporting this belief.

It is not necessary to attack the credibility of the witnesses to Leschi's signature while saying he did not sign, although certified to by them. All know how careless we are in such matters. Besides the question of carelessness comes the fact that perhaps not more than two or three of the witnesses knew Leschi by sight, or for that matter, any of the Indians.\* Then the further fact that the council extended over a period of three days, and that the utmost confusion prevailed, with a babel of unknown tongues in several languages, to constantly distract attention. As to the particular parties having the treaty in their possession for signature, little can be said in extenuation.

We have one well authenticated case where the name of a noted chief was affixed to a treaty by another chief at the instance of Governor Stevens himself.

We have no less authority than Hazard Stevens, son of the Governor, for the following account of how the signature to the Walla Walla treaty of one great chief Looking Glass, was obtained without his consent, and in fact, by means no less than forgery to be committed by another chief of another tribe, Kam-i-ah-kan:

"Looking Glass, just returned from the Blackfeet country, hearing that the Nez Perces were at a great council, and concluding a treaty without his presence (I quote Hazard Stevens' own words)\* pushed on with a few chosen braves, crossed the Bitter Root Mountains, where for some distance the snow was shoulder deep on their horses, and, having ridden three hundred miles in seven days, at the age of seventy, reached the council ground while Governor Stevens was urging Kam-i-ah-kan to give his assent to the treaty, for the Governor, hearing the arrival of Looking Glass announced, seized the occasion to call upon the Yakima chief to sign the treaty in the name of Looking Glass, there being great friendship between the two. Scarcely had he concluded when Looking Glass, surrounded by his knot of warriors, with scalps tossing above them, rode up, excited and agitated, received his friends coldly, and finally broke forth into a most angry philippic against his tribe and the treaty:

"My people, what have you done, While I was gone you have sold my country. I have come home, and there is not left me a place on which to pitch my lodge. Go home to your lodges. I will talk to you." And the council was immediately adjourned.

If the Governor could obtain the signature to the treaty of one chief, as here related, in one instance, we are justified in believing that he would do so in another case when met with obstinate opposition, especially where we have overwhelming testimony, even if the witnesses are Indians. We have the testimony of Leschi himself that he did not sign the treaty, and the testimony of numerous Indians present, who have uniformly, for forty-five years, declared that he did not sign it; of Dr. William F. Tolmie as Leschi's opposition to the treaty, shown in his letter to Governor McMullin; of Lieutenant A. V. Kautz, who wrote in February, 1858:

Kanasket was at the council (Medicine Creek) and was cognizant of the miserable piece of fir timber that was given to the Nisquallies. He saw how Leschi was spurned when he spoke up and protested. They told him to go away.. "You are half Klickitat; you have nothing to say; the treaty is made."

Senator L. F. Thompson, who at the time lived within two miles of the council grounds when the treaty was made, wrote:

"After the treaty was over the Indians came to me and said that Leschi would not sign the treaty for the Nisquallies and Puyallups. They were the Indians Leschi represented. But M. T. Simmons told Leschi that if he did not sign it he would sign it for him. From what the Indians told me at the time and from what the whites told me, I am positive that Leschi never signed the treaty."

\*To show the utter disregard as to the fitness of things, we have only to note the name of Hazard Stevens, then a boy of twelve years, to the treaty as one of the witnesses. Recently interviewing George Leschi and inquiring of him as to whether his uncle (Leschi) had signed the treaty, he said "Oh, I don't know; I was a boy then" about the size of Governor Stevens ten years old (Hazard Stevens), and we were having a good time eating black strap and playing jewsharps while the men were talking. We didn't know what they were talking about."

\*Life of Isaac I Stevens, by his son, Hazard Stevens, Vol. 2, page 54.



And finally, of the disappearance of the records of the council from the files of the Government at Washington, after the partisans of Governor Stevens had published garbled extracts from the proceedings but suppressed all reference to Leschi or to the speech he made, which we know was a matter of record.

I have recently interviewed John Hiton, an Indian, one of the five survivors of the signers, who steadfastly refused to go into the war. He says Leschi did not sign; that he stood up before the Governor and said that if he "could not get his home, he would fight, and that the Governor then told him it was fight, for the treaty paper would not be changed." Continuing, Hiton said, "Leschi then took the paper out of his pocket that the Governor had given him to be sub-chief, and tore it up before the Governor's eyes, stamped on the pieces, and left the treaty ground, and never came back to it again."

Hiton still lives on his own farm near Tenino, where his father lived before him, and is looked upon as a truthful man by all his neighbors amongst whom he has lived so long.

Subsequent to the penning of these lines and before the manuscript had been handed to the printer, I received the following interesting letter:

Olympia, Wash., Dec. 21, 1903.

Hon. Ezra Meeker, Seattle.—Dear Sir: In the Indian war of 1855-6 a family named King on White River, or thereabouts, was massacred. One boy was saved through the efforts of an Indian\* (Friendly) now living near here. The boy was adopted by a family named Gunn, and now lives in Connecticut. The Indian has property worth quite a little money and he wants to will it to this boy. Mr. Billings says he thinks you can give me the address of him or his people. Please do so, as it means a modest fortune to the beneficiary. Yours,

PHIL SKILLMAN.

Fortunately, I was able to give the desired information through John King, the only survivor of the massacre, but who is not of kin though of same name and at the time of the massacre lived on an adjoining claim. I happen to know all the parties, and also to know the property, which does mean a nice "modest fortune to the beneficiary" and feel extremely gratified to be able to record this generous impulse of my old friend Hiton, whom I have known so long and whom I have always known as a truthful upright citizen.

Hiton has always been friendly to the whites and steadily refused to go into the war but he feels deeply the injustice done his race, yet he condemned the acts of the Indians in murdering those poor, innocent people, and now, at the age of seventy, wants to make amends for the wrongful acts of his race. I had heard that Hiton was unfriendly towards Leschi, but I found this was a mistake; that his sympathies were with Leschi, but his judgment was that it was useless to make war as they were certain to be overcome in the end.

I introduce this incident here to show the character of the man and to ask the reader candidly, whether the utterances of such a man are not worthy of credence even if he is an Indian.

Hiton, though shrewd enough to obtain an allotment on the Puyallup Reservation, never made that his real home, but obtained title to land twelve miles out from Olympia, where he has always lived and where his father lived before him.

I have visited Hiton twice in the preparation of this work and when he and his wife both told me that Leschi did not sign the treaty, but left the council grounds in a rage, I believed as I have said that they have told me the truth, and I believe so yet.

Tyee Dick, another signer of the treaty, recently told me that Leschi did not sign the treaty, and that Leschi told the Indians, "If you sign that paper, I will go away, but I will come back and get what I want."

"What did he mean by that, Dick?" I asked.

"O, he meant he would fight until he got his home."

I have quite recently interviewed Dick for three hours at one time, and tested his memory by asking about things I knew, and found his answers almost invariably correct.

Dick signed the treaty and then went in to the war "like a fool for singing," he said.

"Then why did you sign, Dick?" I asked.

"Oh, John Hiton made a speech. This was the second day. Hiton he said we sign treaty, and then we take farms all the same as white man" and then all the whites and the Governor took off their hats and cheered, and then the Olympia Indians began to sign, and the Squaxons they signed and I held back, but Simmons come and patted me on the back and told me "that's a good fellow, right and well taken care of, and I knew Simmons and thought him good man and signed."

"Did you understand what the treaty was?"

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\*Hiton is the Indian referred to. He has valuable land property, both at Tenino and on the Puyallup reservation, the latter worth several thousand dollars.



"No, I don't think any of the Indians did understand. Why would they agree to give up all the good land, and that was what we found afterwards the treaty read."

Hilton said, "The reservation was no good; all stones; all big timber; up on bluff; nobody live there; nobody live there now."

"Then why did you sign it?" I asked.

"Why, what's the use for Indians to fight whites? Whites get big guns; lots ammunition; kill off all soldiers, more come; better sign and get something some other way."

Old Pa-al-la hearing that I was on the treaty grounds searching for information, came to volunteer his testimony. This man went to the war with his three sons and was very bitter against the Governor.

Said he: "S'pose no Governor Stevens, no war. Leschi tear up the paper; I saw him do it, and then I knew he would fight," and much more in the same strain, but I forbear to record it. To my mind the fact is abundantly proven that the Indians **strenuously** objected to having all their land taken from them save a small area of heavily timbered upland, totally unfit for cultivation; that the Governor stubbornly refused to give way an inch, but insisted that they must submit to his will, and that not only did Leschi not sign the treaty, but many others whose names are attached as signers did not sign, or give their assent.

The question will naturally arise in the reader's mind, why was this done? It cannot be true! What object could Governor Stevens have in view to make him do such a thing? That it was preposterous to make such a statement, for it carries its own refutation by its improbability, and in fact, was impossible for men occupying such a position under our Government to do so.

I have racked my brain on this question a good many years, and confess that such thoughts would crowd upon me, and then I would awake to the cold fact that it was so; that it was written in Articles of the Medicine Creek Treaty; that the land described I knew was as I have said, totally unfit for occupancy or cultivation, and so would come back to the question, Why was it so? Then why was the quantity so restricted? Why less than four thousand acres allotted for nine hundred Indians of nine tribes? We know this is so, for it is so written in the treaty and signed, Issaac I. Stevens, Governor & Superintendent; ratified by the great United States Senate as attested by Asbury Dickens, Secretary, and finally, by no less august signature than that of Franklin Pierce, President of the United States, and attested by W.L. Marcy, Secretary of State.

So we must accept the fact as proven that out of the millions of acres of this broad domain, only these tracts, aggregating less than four thousand acres of the poorest land that could be found, were allotted to the original occupants of the district described.

This chapter having been submitted to Thos. W. Prosh, of Seattle, for criticism, that gentleman, without the knowledge of the author, wrote to General Hazard Stevens with reference to Looking Glass and received the following reply and explanation, which is cheerfully here printed as follows:

Olympia, July 29th, 1903.

Thomas W. Prosch, Esq.—Dear Sir: I am astonished at your misconception of the sentence in the account of the Walla Walla council that you quote, viz: "The Governor hearing the arrival of Looking Glass announced, seized the occasion to call upon the Yakima chief to sign the treaty in the name of Looking Glass, there being great friendship between the two," etc. The meaning I wished to express is that the Governor called upon Kamiakan in the name of Looking Glass to sign the treaty for himself, Kamiakan. It seems to me the sentence is quite plain to this effect, although it would have been better had the clauses been transferred. To charge Governor Stevens with attempting such a fraud, and one so impossible to carry out with those intelligent and proud Indians, is simply preposterous.

My account is drawn almost wholly for the official\* journal, which is very full. Colonel Kipp's account is excellent, too. I am interested in what you say about the manuscript. I doubt if anything that I or any one could say would satisfy a writer who could seize upon the sentence you quote to support so outrageous a charge. If it is not a secret I would like to know who the writer is. As for any agitations, etc., I have no fears. Governor Stevens' record and character are proof against such imputations. Whatever else may be charged, no instance of double dealing or in-direction can be found in his entire career.

Should I publish another edition of the life I will certainly make this sentence clear by changing the clauses. I am exceedingly obliged to you for calling my attention to it.

Very truly yours,

HAZARD STEVENS

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\*The italics are the author's. The reader's attention is called to the fact that this "official journal" is not now to be found on file at Washington, although the journals of all the other treaties are there.



Whatever may be the true version of the incident at the Walla Walla Council, the facts as to whether Leschi signed the Medicine Creek Treaty remain unchanged. We have a right to weigh testimony by the rules of probabilities as well as by that of the respectability of witnesses. On the one side we have the signature of Leschi affixed to the treaty with the words, "his mark," while on the other we have the testimony of all the Indians that he did not in any way assent to the treaty, but on the contrary, that he vehemently opposed the treaty and finally left the council grounds, after tearing up his commission as sub-chief, in the presence of the Governor. This, it may be said, is assuming to accept as true, Indian evidence instead of the white man's testimony. Let us then look at the probability of the case. All agree, both Americans and Indians, that Leschi was a man of more than ordinary intelligence. He was wealthy beyond any of his tribe. He had his farm and substantial improvements, as shown by Wiley's letter quoted elsewhere, on the upper reach of the Nisqually River. He was a hunter, and lived by the chase and the products of his herds that pastured on the prairies of the Nisqually plains. He had numerous bands of horses at that very time, so numerous that when he finally started from home he could not take all of them with him, and fifteen head fell into the hands of the volunteers and were turned over to the Government. His wife, who is still living, told me recently, they had a "whole field full of horses" at the outbreak of the war, but they lost all of them. I judge from the manner she described them there were at least fifty head.

Is it at all probable that as shrewd a business man as Leschi had proved himself to be, would sign away his home, and agree to give up everything, and in company with four or five hundred Indians go upon a reservation of two section (1280 acres),\* of heavy timbered land, bordering on the salt water, where the soil was sterile, the timber so dense he could not even build a house without great labor of clearing off the tall giant trees likely to crush it, and finally where no pasturage existed on the reservation or even anywhere near it where he could keep his herds? This to me seems in the words of Hazard Stevens, "simply preposterous."

Such a grave charge as this should not be lightly made. Hearing that a record of the speeches made had been kept and forwarded with the treaty, I made an attempt to get a certified copy of the proceedings. The following letter is self explanatory:

Refer in reply to the following land: 45202—1903.

Department of the Interior, Office of Indian Affairs.

Washington, August 1, 1903.

E. Meeker, Esq., Puyallup, Wash.—Sir: You request in your letter of July 1, 1903, to be furnished with a copy of the proceedings of the Medicine Creek treaty, December, 1854, negotiated by Governor Isaac Stevens with the Nisqually and other tribes.

In reply you are advised that the proceedings of the treaty (council) to which you refer appear to have been mislaid or lost. Search has heretofore been made for them, but the office has been unable to find them. It is suggested that you read, for a full history of this subject, the life of Governor Stevens, by his son Hazard. The best account of the Medicine Creek treaty known to this office is given in the book referred to. It appears that you are seeking historical information and knowledge concerning the councils held and the proceedings reported concerning the negotiation of the said treaty. If so, the perusal of the Life of Governor Stevens by his son is respectfully recommended.\*

Very respectfully,

A. C. TOUNER.

Commissioner, Act.

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\*The treaty called for 1280 acres for the Nisqually reservation, but then the final selection was made 1204 acres only were reserved, but none of it was ever occupied by the Indians.

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\*Subsequently, through the courtesy of Senator Foster of this State, a diligent search for the missing document was made in the sacred archives of the Senate, as it has been suggested the last proceeding had been forwarded with the treaty to the Senate and not returned, but with no better result. An attorney has been employed with directions to spare no time or expense until the lost document is found, if in existence, but the word comes back, "We can find no trace of them anywhere." And so it is to be feared they have been destroyed or carried away.



Turning to the book cited, I find the following:

The Indians had some discussion and Governor Stevens then put the question: "Are you ready? If so, I will sign it." There were no objections, and the treaty was then signed by Governor I. I. Stevens and the chiefs, delegates and head men on the part of the Indians, and duly witnessed by the secretary, special agent, and seventeen citizens present.

But not a word is said about what sort of "discussion" the Indians had. Upon what they said an ominous silence prevails, in view of the fact that the son of the Governor had access to these very papers during the preparation of his work. I have been equally unfortunate from Colonel B. F. Shaw, the interpreter of the Medicine Creek Council. Three courteous letters of inquiry remain unanswered, and hence we must look elsewhere for his testimony.

In a paper read before the Washington State Historical Society, October 9th, 1893, by Hon. James Wickersham, now United States Judge for Alaska, signed by that gentleman before filing in the archives of that society under the caption of "The Indian Side of the Puget Sound War," that gentleman after quoting numerous authorities tending to prove that Leschi did not sign the Medicine Creek Treaty, says:

Let us pass, however, for the sake of the argument, that they (the Indians) did sign the treaty. Did they understand it? Did it contain the contract agreed upon? Were they over-persuaded by their guardian? Were they deceived and mistaken. If so, it is not their contract and should be set aside as being obtained through fraud and intimidation. Let us continue our evidence on these points and call the interpreter at the Medicine Creek treaty, Col. B. F. Shaw, of Clark County, now a member of the State Senate. On the 11th of March, 1893, Col. Shaw made a statement in writing which I have in my possession touching these matters, and from it I make the following suggestive quotations. He said: "Leschi and Quiemuth did sign the treaty, The fault was in the treaty. They said: 'Can you get the Indians to sign this treaty?' I answered: 'Yes, I can get the Indians to sign their death warrant.' Their idea was that in a few years the Indians would die out and the reservations would be large enough. My opinion is that the treaties were humbugs—premature, and that the Indians did not understand them\*, although we endeavored to do it; they did not realize it. When they got home they were dissatisfied. Two or three days after the treaty was made I rode over to Nisqually and met Leschi and Stahi, and they were very much dissatisfied and they complained very much. I told them that if anything was wrong it would be fixed by the Government. They were very much excited and accused me of deceiving them. I denied it and told them that I had told them just what the Governor had said. They tried to get a new treaty. They asked me to report their dissatisfaction to the Governor. I told the Governor, but the treaty was sent to Washington. The Governor promised to get them other reservations. The trouble seemed to die out slowly until after the Walla Walla treaty; then there was dissatisfaction. Over-persuasion and persistency brought about the Walla Walla treaty. The Governor was a persistent man. It did not seem to dawn upon Leschi what the treaty was, what it meant. He was called a tyee, etc., and flattered."

"Now, this is the evidence of the interpreter, the mind through which the contracting parties made this treaty—the contract. The treaty or contract was prepared and given to the interpreter. "Can you get the Indians to sign this treaty?" "Yes. I can get the Indians to sign their death warrant." In this question and answer you have the whole injustice of the Medicine Creek treaty laid bare. It was a contract obtained through over-persuasion and deceit; through promises not in the record; by the imposition upon minds unaccustomed to written contracts; a contract obtained from the weak by the strong; from the ward by the guardian; from the child by the parent, and wholly without consideration—unfair, unjust, ungenerous and illegal. Any American court of justice would set such a contract aside as fraudulent and void because of the imposition upon the weak by the strong, and for failure of agreement of minds and considerations."

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\*How could they, when the Chinook jargon, containing only 300 words, was used as the medium to interpret the treaty?