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TERRITORY OF WASHINGTON.—TREATIES OF NEAH BAY AND POINT-NO-POINT,
1855.

Henry A. Webster, United States agent, to Calvin H. Hale, esq., superintendent of Indian Affairs for Territory of Washington.

SIR: In presenting this my first annual report I shall proceed to speak of those Indians parties to the treaties of Point-no-Point and Neah Bay, now under my charge.

The tribes included in the treaty of Point-no-Point are the S'Klallams, Chemakum, To-an-hooch, Sko-ko-mish and bands of the same, taking names from their villages, all numbering 1,200 to 1,500 souls, and all residing on the shores of the straits of Fuca and Hood's canal.

The treaty of Neah Bay includes the Makah Indians living at or near Cape Flattery, and who are, during the summer season, all within the boundaries of their reservation. There are two reservations under the two treaties, one at Neah Bay for the Makahs and one at the Sko-ko-mish river. Hood's canal, for the S'Klallams and associated tribes. On the former, no buildings have been erected nor any improvements made, with the exception of clearing a few acres of land, which has been done under my direction; measures, however, are in progress for the surveying and further clearing of land, and for the erection of a school-house and other requisite buildings, which I expect will be sufficiently completed before winter to enable the teacher to commence his in-door duties, and to furnish accommodation for the employes on the reservation. It is imperatively necessary to have shelter for the employes, and I recommend an appropriation as named in the estimate annexed.

The buildings on the reservation for the S'Klallams and associated tribes consist of a dwelling-house, store-house, and barn, all not worth one thousand dollars. But very little land has been cleared on this reservation, and the whole place is not much in advance of the primitive state it was in at the time the reservation was set apart by the treaty made in 1855. Twelve acres have been cleared, of which one-fourth of an acre has been planted with peas, two acres with oats, and two with potatoes.

The condition of the Indians under my charge is one of great demoralization, more particularly that portion of them named in the treaty of Point-no-Point. These Indians, as a general rule, reside as near the white settlements as possible, and having abandoned many of their old habits of procuring subsistence, care only how to obtain enough money to purchase such necessaries of life as they desire to add to their usual fare of fish and clams, or to gratify their inordinate appetite for intoxicating drink. This money is obtained by them from the whites, in some instances by labor, but in a large proportion by the prostitution of their women; and having once obtained it they find no difficulty in procuring whiskey from worthless white men, who gain a precarious living by this shameful means of traffic, productive of much disease, violent contests, and frequent murders among the Indians themselves, with similar risk to the whites. Although the laws of Congress as well as the territorial laws are very stringent in regard to selling whiskey to Indians, and although a larger proportion of convictions under these laws that have been had in the Territory has occurred among the offenders in this the third judicial district, yet the nuisance is in no way abated, and its baneful effects are seen in the rapid decrease in the number of the savages. The difficulty experienced in bringing offenders of this class to justice arises from various causes, one of which is a morbid sympathy with the whiskey seller, which seems to prevail in this Territory among a certain class of settlers, who think it no harm to sell an Indian anything he can

pay for, and who as jurors refuse to listen to any evidence, except the most positive, circumstantial, and corroborating testimony, that would be sufficient in any older civilized community to convict a man for murder, is totally rejected by these jurors in cases of whiskey selling—and although the laws of Congress made Indian testimony admissible in charges of this offence, yet no jury can be found who will convict the most notorious offender, unless some white witness will swear positively to the fact, not only that he saw the person charged with the offence give or sell an Indian liquor, but that he, the witness, actually tasted the same to prove that it was spirituous liquor or wine; as such can but seldom be had, convictions are very rare, though a considerable number are tried at every term of court. Another difficulty an agent experiences in dealing with this class of offenders is the extreme reluctance with which witnesses come forward to testify. The great distance they have to travel, in the district in which my agency is located, to attend court, with the vexatious delays, great expense and delays in obtaining the small amount of witness fees, (far below actual expenses,) makes voluntary evidence exceeding scarce, while that forced by a mandate from the court is generally so full of doubt and vagueness that juries fail to convict. The fees, as before named, to which witnesses are entitled for attending court are never paid promptly, but a certificate from the United States marshal or his deputy is given instead, which is usually negotiated at great loss to procure means for defraying expenses of living while attending as witnesses. This class of paper has not been paid for over eighteen months. I have reason to believe that public sentiment is in favor of the suppression of this traffic; but while the community is willing to assist me, so far as talk is concerned, individuals are not willing to take any steps or make any sacrifices, unless paid for their services; and I will state what is my firm conviction, that with proper means and prompt pay not only would witnesses be readily found, but the whiskey sellers would soon have to abandon their traffic. Without the means of paying these necessary expenses my exertions are powerless; but, with the means, I fully believe that this whiskey trade could be suppressed.

The Makah Indians do not suffer from the effects of the whiskey trade as much as the Clallams, for the reason that they are not located where they can have such ready access to it. Still, there are occasionally certain white vagabonds who, under pretence of trading with these Indians for fish and oil, make no hesitation in bringing whiskey in their vessels, which they sell to these Indians when an opportunity offers. But such instances are of rare occurrence; and although the Makahs can and do obtain whiskey from other tribes, yet drunkenness, as a tribal fault, is not to be attributed to them.

The Makah Indians being the only tribe included in the treaty of Neah Bay, and a large portion of them already living on the land included in their reserve, there will not be the difficulty in carrying out the intentions of the government relative to their welfare, as may be the case where several tribes or bands have been named in one treaty, and who will have to move from a great distance to go to their reservation. As the buildings for the use of the agency and employes will be erected at Neah Bay, I think there will be little difficulty in ultimately inducing all the Indians of the tribe to make their winter residence within the limits of the reservation. That portion of the tribe living at Osett village, near Flattery Rocks, some fifteen miles south from Cape Flattery, although not on the reservation proper, yet, as there will probably be no white settlers on that part of the coast for years to come, there seems to be no pressing necessity to urge their removal on the reservation at present; and as there are no white settlements near them they may, in one sense, be considered as already on their reservation, since a portion of the year they reside for fishing purposes at the villages of Arch-a-wat and Kiddicubbet, on the reservation, and at Tatoche island, off Cape Flattery.

I have been instructed by the superintendent to extend the boundaries so as

to include some arable land; and in obedience to such instructions I have defined and advertised the boundary lines as follows: Eastward on the shore of Neah Bay, one mile or thereabout, to a small brook that empties into the bay, and which is laid down on the United States Coast Survey chart of Neah Bay harbor as about midway between Baadah Point and Neah village. I select this point as it will present an easily recognized landmark, and includes within its limits a portion of the only bottom land on the bay, or near the point selected for the reservation buildings. From this point I consider it expedient to continue the line south some four miles, more or less, thence west to the Pacific. This change in the boundary line will include some prairie land lying near the Indian village of Tsooess, as well as including that village, which I deem to be of importance, as by including it within the reservation limits the Indians residing there will not have to be removed from their old homes. The village of Osett, near Flattery Rocks, will then be the only Makah settlement not on or within the reserve.

I do not expect immediate results among this tribe, so far as inducing them to become an agricultural people, as they obtain their livelihood from the products of the ocean; their only attempt in cultivating the earth being in a very few potatoes, which some attempt to raise. But as they are intelligent and appear willing to learn, I have hope that eventually, with judicious management, I may induce them to raise not only enough for their own subsistence, but even to sell or exchange for other commodities of which they stand in need. These Indians have no wealth in horses, cattle, or crops, like those of the plains or interior; their possessions consist in rude, rived-plank houses, canoes, blankets, guns, and Indian *slaves*, which they procure by barter with the products of their fisheries. It is difficult to estimate anything near what they are worth, either as a tribe or as individuals. Their wealth is in the ocean, and when they have occasion for any of its products, either for food or purposes of trade, they readily procure them; hence, while they may be said to be rich in that they can easily supply all their wants, they have little ostensible wealth that can be estimated as of much value by white men.

The same remarks apply equally as well to all the Indians under my charge, with the exception that those who reside on the lands about Hood's canal are much more inclined to hunt. Those S'Klallams who reside at the various saw-mills earn money by working for the white men; but the money they earn is often gambled or else thrown away for whiskey. Whenever they do spend their money for useful articles of any kind they are generally kept for purposes of display till a sufficient quantity has been accumulated, when the whole is given away at once at a grand feast made for the occasion, and the Indian who was worth hundreds in the morning thus beggars himself before night; the person who can give the greatest amount being considered the greatest man. This giving of presents, termed by themselves "*potlatches*," increases the difficulty of estimating their wealth. I intend, however, to institute such inquiries hereafter as will enable me to give a general statement of the value of property belonging to these Indians.

The location of the Makah tribe, being immediately upon the Pacific coast, enables them to be of service in rescuing and aiding shipwrecked persons and in securing such property as may be cast ashore by the waves. Hitherto this tribe, in common with all other Indians on the sea-coast, have considered all waifs of the ocean, whether persons or property, that might be thrown upon their shores, to belong to them. Goods were indiscriminately appropriated to the finder's use, and individuals thrown among them by the tempest, or strangers casually landing on their coast, were forced to ransom themselves or live a life of servitude till rescued by their friends. Although of late years this tribe has altered their behavior so as to have rendered assistance to distressed mariners in several instances, they still consider they have an undoubted right to every-

thing cast ashore, and expect to be paid for every service they render in rescuing shipwrecked persons or property. In my opinion they are justly entitled to salvage on property saved, equally with white men; but all such adjustments of claims should be settled by the agent, and not by every person who may choose to interfere. The territorial law makes this duty devolve on the wreckmaster of the county; but that officer resides some seventy miles up the Straits of Fuca, and can render no assistance in case of emergency. In my judgment the agent is the proper person to arrange all matters relative to shipwrecks between the Indians and persons whom they may succor; but as no instructions have been given me from the Indian department relative to this peculiar service, I would respectfully call your attention to the matter, to the end that definite instructions be furnished me, so that the Indian may feel a confidence that he has a truthful protection in obtaining rights under civilization which heretofore were the savage portion in larger gains; that he may know that he is the ward of a great and protecting guardian.

I respectfully call your attention to a deficiency which has occurred in the annuities which have been sent to the Indians under my charge. Two annuities have been distributed to the Makahs, and one to the S'Klallams and associated tribes by Agent Paige, as follows: one to the S'Klallams, at the Skoko-mish reservation, in September last; one to the Makahs, at Neah bay, in December last; and one during the month of May to the same tribe. In all these payments, as well as in the invoice turned over to me by Agent Paige, and the second instalment of annuities for the S'Klallams, which has not yet been distributed, there has been a large deficiency from the amounts promised by the treaties. The first payment to the Makahs was short of the invoice five hundred dollars and upwards, and in the second instalment due the S'Klallams, turned over to me, the deficiency is two thousand dollars less than promised by the treaty, and less than the invoice some two hundred dollars; making a total deficit in the treaty of Point-no-Point of two thousand two hundred dollars, and in the treaty of Neah bay of five hundred dollars. These short-comings, in addition to others, on the part of the government, necessarily weaken the influence we have over these Indians, and I therefore earnestly recommend that this deficit be made up, so as to be distributed as early as practicable, and suggest that payment of the same be made in flour or some equally useful article.

I also further suggest that hereafter no Indian receive any annuity who does not reside on the reservation for a certain length of time during the year, and that the amount so withheld be appropriated for the benefit of the agricultural and industrial schools.

I would also respectfully call your attention to the description and quality of goods sent out by the department for distribution among the Indians of this part of the country, Puget sound. Although the quality of the articles was superior in some respects to the trash I have seen given to Indians heretofore as presents, yet it was far from being of first quality, and was in no respects what a merchant would receive as worth the prices at which the goods were invoiced. The contrast between the "King George" and the "Boston" blanket, when good, is sadly against us, but when "cultus" we are *humiliated* before the Indian. I have before remarked that these Indians are not an agricultural people but derive their subsistence from the ocean; such articles, therefore, as are suited to the wants of the Indians of the interior are not appreciated by the Makahs, consequently the annuities they received, consisting, in part, of shoes, coats, pitchforks, sickles, scythes without snaiths, frying pans, and other loose odd ends of New York stores, and bartered off to white men on every opportunity. The articles that would be acceptable to them are such as are useful to the inhabitants of any fishing village; but I doubt the practicability or economy of sending goods from the Atlantic States for the Indians of this coast. There

are peculiar articles they require, and their wants will be various and changeable, that can be furnished in this Territory or Oregon better adapted to their wants and far cheaper to the government than any goods purchased in New York; and I respectfully suggest that if the funds were placed in the hands of the superintendent upon which the agent could draw to pay for the purchases of goods here, that better satisfaction would be given to the Indians and a great saving be made to the government; and it would be still far more satisfactory to the Indians and economical to the government if the amount due each person in payment of annuities was paid in coin. With the exception of blankets, there is scarcely an article which has been sent to these Indians that they care to keep, they are certain to barter or trade them off for things they want; and as they are so near the Indians of Vancouver's island and other of the British possessions, it is impossible to enforce the laws preventing their trading off their annuities whenever they have opportunity.

Under the treaty of Point-no-Point, on the Skokomish reservation, there is now in faithful service a blacksmith, farmer, and carpenter, and at Port Townsend, the most central point till the tribes can be removed fully upon and to the reservation, a physician and interpreter.

Under the treaty of Neah Bay, at Neah Bay and on the reservation for the *Makahs*, a farmer, carpenter, and teacher are usefully and actively occupied. The teacher has been employed in surveying and teaching to clear and prepare the forest lands for cultivation, laboring in good example and industriously, thoroughly acquainted with their habitudes, and is an Indian linguist.

The S'Klallams and associated tribes, composed of sections residing at different places in bands, distributed at points from the Makah country to the head of Hood's canal, a distance of nearly 200 miles, are now where they were at the time of the treaty in 1855, excepting as they have been displaced by the white population. Their being now gathered to their reservation is imminently necessary and called for by every sentiment of humanity. They cannot be justly or properly so placed upon their reservation, as contemplated by the treaty, at any expense short of that named in the estimate annexed. Originally the few spots of prairie land in this country on the shores were used by this people in raising potatoes, which, with their fish, constituted nearly their entire food. The white man eagerly sought and used these prairies, and the Indian, as before named, commenced a subsistence by degradation from even what he then was, and today exists, in greater part, by the practice of the *grossest vice*. The reservation for the S'Klallams has but little prairie, and that a swamp. The clearing of land of these densely timbered districts costs more than \$100 to the acre, and, as before named, but about twelve acres have been cleared. How is the tribe to learn the arts of civilized life in a dense forest? Even the fishing grounds will be greatly circumscribed. We have deprived them of their cultivated prairies, is it just to require them to go into a forest?

The lands must be cleared and cabins erected, wherein they may go and to which they may carry their stocks of "*jetas*" from their old homes and fishing grounds.

They have ceded to us an *immense territory* of the most *valuable lands*; they abandoned buildings, rude though they be, shall we refuse now the small pittance we seven years ago agreed to provide them? as named in the 6th and in the last clause of the 7th article of the treaty. After the amounts called for in the annexed estimate shall have been expended for the benefit of these Indians, thereafter will be required annually the amount necessary for the support of employés and promised annuities only.

In conclusion I have to remark that I have not received from my predecessor any records of the agency, and am, therefore, not officially aware of what was the relation of this agency to the government in respect of previous orders and appropriations. I have as yet received but \$250 of departmental moneys and

not one of salary, though I have been actively employed for a year. I feel that I have done very little where a great deal is needed to be done; but I have not the means to do more, and consequently am working against very great odds, in an honest endeavor at least to fulfil my whole duty. A government great as the United States should faithfully fulfil her own and require a faithful performance of the promises of others. As the wards of the government, the Indians under my charge, intelligent and dissolute, know that promises made seven years ago have been broken, and they feel less respect and show less than is desirable. That portion living in proximity to whites is rapidly decreasing in numbers, and the vices of "civilization" has degraded them from their once proud pageantry of savage life. The question naturally arises, what is to be done? I have endeavored to answer this as my judgment has dictated, and having so performed an almost sacred duty, under the circumstances, shall leave the responsibility to my superior officers of the Territory and of the nation.

Subscribing myself, always, your obedient servant,

HENRY A. WEBSTER,

Indian Agent, Washington Territory.

Accompanying this report is a map of the Neah Bay reservation, and another map showing the government surveys, embracing the Skokomish reservation for the S'Klallams and associated tribes.

H. A. W., *Indian Agent.*

Estimates of appropriations required under treaty of Neah bay.

To enable the Indians to remove their houses to their reservation . . .	\$1, 000
To clear and drain lands for farming purposes	5, 000
For the erection of a school-house	2, 500
For the support of an agricultural and industrial school	2, 000
To erect carpenter and blacksmith shops	2, 000
To furnish tools and stock for the same	1, 000
To erect dwellings for agent and employés	8, 000
For pay of agent, teacher, physician, farmer, blacksmith and carpenter	7, 000
For transportation of annuities, building materials, &c.	3, 000
For general and incidental expenses	2, 000
To pay losses sustained by the Indians from depredations committed by whites since the treaty in 1855	2, 000
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Under treaty of Point-no-Point with S'Klallams and associated tribes.

To enable the Indians to remove to their reservation	\$1, 000
To clear, fence, and break up land for farming purposes	10, 000
To erect cabins for Indian families	20, 000
To erect a school-house	2, 000
To support an agricultural and industrial school one year	3, 000
To erect carpenter and blacksmith shops	2, 000
To provide tools and materials for the same	1, 500
To erect dwellings for employés	6, 000
For the pay of teacher, physician, blacksmith, farmer, and carpenter	5, 500
For transportation of materials	3, 000
For general and incidental expenses	2, 000
To pay losses sustained by Indians from depredations committed by whites from the time of the making of the treaty in 1855	10, 000
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