

ANTHROPOLOGICAL REPORT ON THE IDENTITY AND TREATY
STATUS OF THE MUCKLESHOOT INDIANS

	Page
ABSTRACT	i-vi
THE PROBLEM	1
THE SOURCES	3
ABORIGINAL IDENTITY	5
TREATY STATUS	11
OPINIONS	41
BIBLIOGRAPHY	43
NOTES	45
APPENDIX 1. EXCERPTS FROM WATERMAN MANUSCRIPT	46

ANTHROPOLOGICAL REPORT ON THE IDENTITY AND TREATY
STATUS OF THE MUCKLESHOOT INDIANS

ABSTRACT

I. The Problem

To ascertain the relation, if any, of the Indians now known as Muckleshoot Indians to the treaties negotiated in western Washington by Governor Isaac I. Stevens in 1854-1855. Although no tribe or band is referred to by the name Muckleshoot in any treaty, the present Muckleshoot Tribe claims it is the successor to, and is made up principally of descendants of, three bands named in the preamble of the Treaty of Point Elliott. But no signer of that treaty has been identified as being a member of these bands. The answer to the problem involves consideration of the following questions:

- A. Was there a pre-treaty group of Indians known as Muckleshoot?
If so, was it a participant or nonparticipant in any of the treaties?
- B. Were the bands or villages from which the present Muckleshoot Tribe claims treaty status participants in any of the treaty proceedings?
- C. If so, why were not members of those bands or villages included as treaty signatories?
- D. Did anyone sign one of the treaties on behalf of those bands or villages?
- E. The Muckleshoot Reservation was established under the Treaty of

Medicine Creek, but was located on land ceded under the Treaty of Point Elliott. Why?

- F. The present Muckleshoot Tribe has, at different times, claimed treaty and nontreaty status. Is there an explanation for this inconsistency?

II. The Sources

- A. Anthropological publications and official records alone do not provide adequate information to resolve the foregoing questions.
- B. Contemporaneous documents and unpublished anthropological materials have been searched for added perspectives and missing pieces of information. This has been supplemented with data elicited in interviews with about twenty Muckleshoot Tribal members.

III. The Evidence

A. Aboriginal Identity

1. The term Muckleshoot was used as early as 1853 to designate a prairie lying between the Green and White rivers. The Indians of the district resided not on the prairie, but along the aforementioned rivers and were referred to as Green River and White River Indians or by native terms with the same meaning.
2. The name Muckleshoot was extended to include a military post established on the prairie. When the military post was abandoned and the place became an Indian reservation, the name was used to designate the Indian reservation and subsequently the term was extended to include the Indians who moved to that reservation.
3. The first recorded use of the term 'Muckleshoot Band' so far

discovered occurs in 1864, ten years after the treaty under which the reservation was established.

4. The annual reports of the Commissioner of Indian Affairs do not contain reference to 'Muckleshoot' Indians until 1868 when they are mentioned in connection with the report on that reservation. The annual report for 1870 contains the first reference to a 'Muckleshoot Tribe'.
5. The Muckleshoot district and the Indians living in that vicinity were well-known to white settlers prior to the first treaty negotiations. If a pre-treaty Muckleshoot tribe or band existed, this fact would be known to white residents of the area.
6. The Indians who were living near Muckleshoot prairie along the Green and White rivers at the time of the treaties have been identified as Skopamish, Stkamish, and Smulkamish. Muckleshoot Indians today can prove descent from members of these bands.

B. Treaty Identity

1. The Skopamish, Stkamish, and Smulkamish are listed among twenty-two tribes and bands named in the preamble of the Treaty of Point Elliott, but none of the Indian signatories to the treaty is identified in that document as representing any of the above three bands.
2. The Muckleshoot contend that Chief Seattle, who signed as representative of the Suquamish and Duwamish, signed for the Skopamish, Stkamish, and Smulkamish as well. This claim can be neither substantiated nor denied on the basis of any one document, but taken in combination, the body of relevant correspondence between

Governor Stevens, his superiors, and his subordinates confirms that this was the intent and understanding of the treaty commission.

3. The numbers and locations of Indian tribes and bands living in western Washington in 1854 was known only in a general way. It was understood that there were a great many politically autonomous village units situated along the coasts, rivers, and streams, and that there were no chiefs with authority over large numbers of people.
4. Governor Stevens was instructed to make as few treaties as possible, but to treat with all the Indians of the Territory in order to extinguish Indian title to the land. To effect this, he was told to unite small bands into large tribes and to appoint chiefs over the larger units in order to obtain their signatures on the treaties of land cession.
5. In conformity with these instructions, Governor Stevens
 - (a) included in the Treaty of Point Elliott all the Indians living on the eastern side of the Sound from the limits of American territory on the north, to the Cascades on the east, to the divide between the White and Puyallup rivers on the south.
 - (b) tried to list the names of all the Indian groups known to reside in the area covered by the treaty.
 - (c) appointed a head chief for each of the major rivers in the area and designated him chief over all the people living on that river and its tributaries, and

- (d) used the name of the group from which the head chief was appointed to subsume upriver groups to create larger political units.
6. In this manner, Seattle was designated chief of the Suquamish and Duwamish. Duwamish was used to include all the groups living along the Duwamish River proper, and all the lakes, rivers, and streams draining into it, which then included Duwamish Lake, now known as Lake Washington.¹
 7. Seattle's X mark on the treaty ceded all the land in the Duwamish drainage system.
 8. In the native political organization Seattle had no authority to sign for or cede lands of upriver groups such as the Skopamish, Stkamish, and Smulkamish.
 9. There is no evidence to suggest that either Seattle or any other Indians understood at the time that Stevens intended Seattle's mark on the treaty to signify assent of all the upriver groups on the Duwamish River system.
 10. The Muckleshoot have claimed that they did not cede their lands under any treaty on the grounds that their ancestors never signed any treaty and also on legal advice that they are not signatories to any treaty.
 11. The Muckleshoot have asserted that they are a treaty tribe because the United States has claimed that they are and for over one hundred years has administered them as such, and because they were considered to have ceded lands.
 12. The Muckleshoot reservation was established under the Treaty of Medicine Creek on land ceded under the Treaty of Point Elliott.

13. The people for whom the reservation was intended were drawn from both treaty areas.
14. The Treaty of Medicine Creek was ratified at the time the Muckleshoot reservation was requested. The Treaty of Point Elliott had not as yet been ratified.

IV. Conclusions

- A. There was never any aboriginal Muckleshoot Indian tribe or band and no Indians were known as Muckleshoot Indians prior to the establishment of an Indian reservation on Muckleshoot prairie.
- B. The present Muckleshoot Indians are descendants in whole or in part of people who were parties to the Treaty of Point Elliott and the Treaty of Medicine Creek.
- C. Seattle's X mark on the Treaty of Point Elliott was intended by Stevens to stand for all the people on the Duwamish river system, including the ancestors of the Muckleshoot.
- D. The inconsistency in Muckleshoot claims regarding their treaty status reflects an effort to relate 'facts' from the native point of view with 'facts of life' imposed by the non-Indians.
- E. Governor Stevens requested the Muckleshoot reservation under the Treaty of Medicine Creek because it was the only treaty which had been ratified at the time and thus was the only instrument available to him; perhaps also because it was intended for some people who were parties to that treaty.
- F. Bureau of Indian Affairs interpretation subsequent to the treaties has been that the Indians of the Muckleshoot Reservation were treaty Indians, and that this was a treaty reservation.

ANTHROPOLOGICAL REPORT ON THE IDENTITY AND TREATY STATUS
OF THE MUCKLESHOOT INDIANS

THE PROBLEM

The investigation reported here was undertaken to resolve questions concerning the aboriginal identity of people now known as Muckleshoot Indians and to ascertain the relation, if any, of these people to the treaties negotiated in western Washington by Governor Isaac I. Stevens in 1854-1855. The Muckleshoot Indians reside on the Muckleshoot Indian Reservation which is near the city of Auburn about 25 miles southeast of Seattle.

The Muckleshoot have attempted to assert treaty status, but no Muckleshoot tribe or band is named as a party to any treaty in western Washington. The first problem was to ascertain whether a Muckleshoot tribe or band existed at the time that the treaties were negotiated or whether the designation is a post-treaty phenomenon.

It was not possible to discover from the published anthropological literature exclusively whether or not the Muckleshoot existed as an identifiable group prior to the treaties. A

search through unpublished anthropological manuscripts and field notes undertaken in the course of the present investigation has brought to light new evidence on the identity of the Muckleshoot.

The Muckleshoot claim to be descendants of three of the twenty-two bands named in the preamble of the Treaty of Point Elliott, but none of the signatories to that treaty are identified in the document as belonging to any one of those three bands. The second problem was to examine the relationship of the Muckleshoot to those three bands and then to determine whether any of the Indian signatories to the Treaty of Point Elliott had represented the bands in question.

In order to arrive at an informed opinion on the latter issue, it was necessary to investigate (a) whether the three bands were also subsumed under some other name which was identified with one or more of the Indian signatories, (b) the nature of native political organization in the area at the time of the treaties, (c) the treaty commissioners' understandings of indigenous political organization, and (d) their instructions with respect to the adjustment of local realities to governmental needs.

The problem of Muckleshoot identity and treaty status is further complicated by the manner in which the Muckleshoot reservation was established. The reservation was authorized under the Treaty of Medicine Creek purportedly for the benefit

of parties to that treaty, but the reservation is located on land ceded under the Treaty of Point Elliott and clearly was intended for people drawn from the area dealt with in the latter treaty.

The Indians themselves have contributed to the confusion by claiming at times that they are descendants of parties to the Treaty of Point Elliott and at other times denying that the Muckleshoot were ever party to any treaty.

The apparent inconsistencies in Indian testimony as well as the somewhat irregular government arrangements relative to the Muckleshoot reservation are clarified by materials incorporated in the body of this report.

THE SOURCES

As noted above, the usual anthropological and official sources were inadequate and confusing as regards Muckleshoot identity and treaty status. In order to evaluate the ethnographic situation at the time of the treaties and the intent and understandings of the treaty-makers, it proved necessary to consult the private journals and unofficial correspondence of members of the treaty commission, diaries and memoirs of local residents, official records and private journals of employees of the Puget Sound Agricultural Company (Hudson's

Bay Company), and to scan the Washington Territorial newspapers for the period just preceding and for five years subsequent to the treaties. These contemporaneous materials provide critical data concerning the actual events and impressions as recorded by unofficial observers or officials writing in an unofficial capacity. These sources are critical in two respects: (1) they afford additional perspective, and (2) they provide key facts missing from the official record.

In addition to the contemporaneous materials, all relevant anthropological sources have been consulted. As noted above, unpublished anthropological studies have provided considerable data on the Muckleshoot. Most important have been manuscript materials by George Gibbs, the ethnologist and lawyer who served on the treaty commissions in western Washington and who had a major role in drafting the treaties; the field notes and unpublished data of Arthur Ballard who studied the Muckleshoot and other Indians of southern Puget Sound during a life-long residence in the Auburn area and who published several scholarly studies of these Indians in the 1950's; and a recently discovered manuscript by Professor T. T. Waterman, who did ethnographic field work in western Washington during 1917-1920. Only those materials actually cited in the report are listed in the bibliography.

The documentary sources were supplemented with information elicited during interviews with members of the Muckleshoot tribe relative to the history, settlement patterns and fishing practices of the group. In addition, genealogical data were collected from approximately twenty current residents of the reservation. Interviews were conducted by the writer intermittently in 1967, 1970, and 1971.

ABORIGINAL IDENTITY

The first point to be settled is whether there was a pre-treaty Muckleshoot tribe or band. The name Muckleshoot appears in various records in the 1850's as a place name designating a prairie lying between the White and Green rivers. Swanton (1952:428) says the name derives "From the native word o'kelcuŋ, significance unknown." Whatever the etymology and antiquity may be, certain facts are clear. The term Muckleshoot was in general use by the 1850's as a place name to designate the aforementioned prairie. When a military post was located there in the mid-1850's the name was used to refer to the military establishment as well. In 1859 the post was abandoned and the land and buildings turned over to the Indian Department to be used as an Indian reservation. This became known as the Muckleshoot Indian Reservation.

At the time that this Indian reservation was established, there were Indians living in the district whose ancestors had resided in that region for many years prior to white entry into

the territory. While they had some horses and may have grazed their animals on Muckleshoot prairie, these Indians depended on salmon for their staple food supply. Their villages and fishing sites were all located along the Green River and White River with the most important village lying at the forks of these two rivers. Throughout the 1850's and early 1860's the Indians of this district are always referred to either as Green River and White River Indians or else they are designated by native terms referring to their village locations on these rivers.

George Gibbs (National Anthropological Archives, Smithsonian Institution, Ms. #714), collected Indian nomenclature west of the Cascades in 1853-56. His list includes:

Sté-kah-mish	Indians of White R.
Smálh-ko	Ford on the Emigrant trail
Noos-cope or Scope	North fork of White R. called also Green R.
Mukl-shootl	Prairie between White and Green. U.S. Military Station

The suffix 'mish' (or ah-mish) which occurs in the first term above means 'people of', in this instance probably people of the Stuck River (a tributary of the White River). The same suffix serves to let the next two terms refer to the people of those localities -- thus Smulkamish means people of the ford on White River and Skopamish designates people living on Green River. In the suffixed form these three names occur in the preamble to the Treaty of Point Elliott and elsewhere

to designate the people living on the Green and White rivers. The term Muckleshoot never occurs with the suffix and seems never to have been used to refer to Indians prior to the establishment of the Indian reservation on the prairie of that name.

In a report prepared in 1854 Gibbs (National Anthropological Archives, Smithsonian Institution, Ms #2356), listed the names of all Indian groups of which he had knowledge and their locations. It is significant that the name Mukl-shootl is not included here, but the other three names in suffixed form are:

Smal-ka-mish	head of White river or Smalh-ko
Skope-ah-mish	Noos-kope or Green River
St-Ka-mish	main White river

In a report written after the treaties had been concluded and most probably during 1856, Gibbs (1877:179) again lists the above three bands as the sole Indian inhabitants of the Green River-White River area. Since he had previously recorded the name Mukl-shootl in referring to the prairie, we must conclude that so far as Gibbs was aware, there was no group of Indians at that time known as Muckleshoot. Gibbs did not have knowledge of all the bands west of the Cascades, especially in those districts which were unexplored and unsettled. The Muckleshoot area was not of this character. Apart from the military post, there were a number of white settler-farmers in the district, both on the prairie and nearby. The

emigrant trail through Natches Pass brought numerous people through the area and some of these had established farms on the White River. The region was well-known. The failure of Gibbs or any one else to associate the name Muckleshoot with Indians prior to the establishment of the Indian reservation makes it clear that the name was extended to the people only after they began to reside on the reservation.

The earliest use of the term Muckleshoot to designate Indians that I have been able to locate occurs in a deposition made in 1864 by one John Montgomery concerning his common-law wife whom he describes as "an Indian woman of the Muckleshute Band of the Klikitat Tribe." At that time, local whites referred to Indians east of the mountains rather indiscriminately as Klikitats. The Green River-White River people were in close contact with interior Indians by means of Natches Pass. Considerable trade, visiting, and intermarriage took place and many people of the upriver villages were bilingual. This accounts for the reference to the Klikitat Tribe. So far as I have been able to discover, this is the earliest recorded use of the designation 'Muckleshute Band'.

Four years later, McKenney (Annual Report - Commissioner of Indian Affairs, 1868:93) reported as follows:

Muckleshoot reservation.-- The Muckleshoots occupy the old military reservation lying between the White and Green rivers. . .

and two years after that Hill (Annual Report -- Commissioner of Indian Affairs, 1870:17), in returning census figures lists a Muckleshoot Tribe.

It is evident from the contemporary record that an aboriginal, pre-treaty Muckleshoot band or tribe never existed. Originally the term Muckleshoot was used only as a place name. The term was extended to refer to the military reservation and, still later, to the Indian reservation located at Muckleshoot prairie. The term later came to be applied to Indians assigned to or resident on the reservation. An Indian entity having a designation Muckleshoot people or Muckleshoot Tribe is clearly a post-treaty phenomenon, an artifact of governmental administration.

Having established that there was no aboriginal Muckleshoot band or tribe, the next problem is to determine the identity of people now known as Muckleshoot Indians. The people claim to be descendants of the three named groups already noted, Stkamish, Smulkamish, and Skopamish. In other words, they assert that their ancestors lived in the environs of the Muckleshoot reservation along the White and Green rivers.

This assertion has been investigated using four main sources of information. No single source is likely to be entirely accurate. However, with several independent sources of information, the greater the congruence between these sources, the higher the degree of confidence which can be placed in the data. One of the primary sources is the vital

statistics records of the Bureau of Indian Affairs, with other related official records such as land allotment and other property records which may serve as a cross-check. A second source is genealogical information elicited in interviews with individuals. Since members of the tribe tend to be related to one another, by collecting the family trees of a large number of individuals, it is possible to cross-check information where portions of these genealogies overlap. In the case of the Muckleshoot we are fortunate to have unpublished studies undertaken independently and at different times by two anthropologists who apparently had not seen one another's work. Both of these manuscript collections contain genealogical data which independently corroborate and support information derived from official records and Indian interviewees.

By checking various kinds of Bureau of Indian Affairs records, interviewing individual Muckleshoot about their own and other people's ancestry, and collating these data with genealogical materials recorded by T. T. Waterman in 1917-1920 and Arthur C. Ballard between 1920 and 1950, it has been possible to verify without doubt that many of the present Muckleshoot Tribe are direct descendants of the inhabitants of ilalco, the village at the forks of the Green and White rivers, and/or can be identified as Skopamish, Green River Indians. (See genealogical charts entered as exhibits in State v Moses et al. No. 44836, Superior Court of the State of Washington for King County [1968] .)

TREATY STATUS

The Skopamish, Stkamish, and Smulkamish bands identified by Gibbs as White River-Green River Indians are mentioned in the preamble of the Treaty of Point Elliott, but none of the Indian signatories to the treaty is identified with any of the three bands. The question has been raised as to whether these bands declined to sign the treaty and hence were not parties to it. There is no evidence on record to suggest that representatives of these bands were invited to sign and refused to do so.

In order to view this problem in proper perspective, the following facts need to be taken into account. First, out of twenty-two tribes or bands named in the preamble of the treaty, eight are not identified with any of the signatories. Of these eight, the above three and two others are located in the Duwamish drainage system. The latter two are the Samah-mish and the Sk-tahl-mish. Gibbs (National Anthropological Archives, Smithsonian Institution, Ms #714) identifies these groups as follows:

Samamish }
S'ke-tehl-mish } Dwamish lake

The other three groups which are not identified with any signatory lie outside the Duwamish area, viz. N'Quentl-ma-mish (on the north branch of the Snohomish River), Cho-ah-wa-bish (a Samish village), and the Stoluck-wah-mish (people of the Stillaguamish River). There is no evidence in the official record

of the treaty proceedings to suggest that representatives of any of these groups failed to attend. On the contrary, after earlier noting that the Nooksack were unable to attend as their 'country was inaccessible from ice in the river', the treaty record notes on the eve of the treaty:

Sunday, Jan. 21. The Snohomish and all the tribes expected at this place were now in.

and a little farther along in the same entry:

The number on the ground reached 2300, and sticks were returned for 700 absentees, chiefly old men, women and children.

The perfectly round figures of those present and absent and the neat total of a round 3,000 may reflect estimates rather than an exact count, but the record leaves no doubt about two facts: (1) except for the Nooksack, all the tribes expected were in attendance, and (2) there were over 2,000 Indians assembled at the treaty ground.

All the tribes known to reside in the treaty area had been invited to attend and there is no record that any group declined to do so. Given this, we must interpret the phrase 'all the tribes expected' to include all the groups known to the treaty commission. With the above in mind we may now turn to the possible implications of the omission of various groups from either the preamble or the close of the treaty.

The Lummi were an important and well-known group for whom a head-chief had been appointed (there were only four appointed for the entire treaty area) and for whom no less than

thirteen signatories were included. Only the Skagit were represented by a greater number of signatories. The conclusion seems inescapable that the failure to name the Lummi in the preamble was an oversight. Certainly given the circumstances -- the haste with which the treaty was drawn up and the distractions which must have attended the unprecedented gathering of over 2,000 Indians in one place, an oversight would be understandable.

The same circumstances may account for the apparently missing signatures for the eight groups named in the preamble but not identified at the close of the treaty. Altogether eighty-four Indians affixed their Xs to the document. In at least one case, that of the Sakumehu, members of the group later asserted that the named individual identified as signing for their group, in fact belonged to a neighboring group. The Sakumehu representative was apparently waiting to sign, but was not asked. If this testimony is correct, it suggests that a certain amount of confusion may have attended the procuring of signatures, a circumstance which would not be surprising. Unless by oversight, the failure to obtain a Stoluckwamish signatory seems inexplicable. Like the Lummi, this was an important and well-known group.

While it is possible that they were omitted inadvertently, another explanation more probably accounts for the omission of signatories for the five bands previously identified with the Duwamish river system -- the Skopamish, Stkamish, and Smulkamish

(Green River-White River groups) and the Samamish and S'ke-tehl-mish (Duwamish Lake groups).

The more likely explanation, in my view, is that Stevens considered all of these bands to be subsumed under the name Duwamish and that Seattle's signature, as head-chief of the Dwamish, was deemed adequate representation. The evidence on which this opinion is based concerns (1) the nature of native political organization in this area in 1854, (2) instructions given to Stevens relative to treaty negotiations, (3) the ethnographic data presented to Stevens by Gibbs, who helped to draft the treaties and was secretary of the treaty commission, and (4) statements and reports made by Stevens, Gibbs, Simmons, and other persons who witnessed the treaty signing.

In 1854 the nature of native Coast Salish political organization in the Puget Sound area was not well understood by non-Indians. There appeared to be a bewildering number of politically autonomous village units composed of one or more multi-family dwellings. A village group might consist of a few dozen or over a hundred people. The villages were only occupied by the entire village group during the winter season. At other times of the year, portions of the population de-camped in different directions to secure food and other supplies. The village group did not move as a unit; rather family groups dispersed possibly to camp temporarily with family groups belonging to other winter villages. The particular combinations of co-resident families at these seasonal camps and fishing

locations were not necessarily the same from year to year. The variations in size of winter villages and composition of seasonal camps made it impossible for outsiders to identify political units with any certainty.

Leaders were equally difficult to identify. They clearly existed, yet there were no village chiefs nor was any man chief over more than one village. Suttles (1963:513) describes the situation in the following manner:

It appears that at the time of white settlement the whole area formed a social continuum within which the village was only one of several equally important social groupings. On the basis of winter residence, we might distinguish four levels of discrete units: families, each occupying its own section of a cedar-plank house and maintaining its own domestic economy; house groups, each composed of several families (related through either males or females) occupying a plank house and co-operating as hosts of feasts and other ceremonies; villages, each composed of a group of such houses occupying a short stretch of beach or river bank and sharing a common name and identification with territory; tribes, generally composed of several villages occupying a longer stretch of shoreline or a drainage area and sharing a common name and, to some extent, forms of speech, subsistence methods, and ceremonial procedures. On the basis of kinship, however, we can distinguish at least one other kind of group: a nondiscrete, nonlocalized, property-holding kin group. It was this group or its head, rather than any of the residential groups,

that owned the most important ceremonial rights and the most productive natural resources. Finally, on the basis of participation in the yearly round of subsistence activities and periodic ceremonial activities, we might distinguish a number of other social groupings, none of them necessarily identical with the residential units or the kin groups, some of them necessarily differing from them.

Within this whole, the village was certainly not a self-contained social unit. Individual and family ties were as strong between villages as within the village. Individual and family status was as dependent upon ties of marriage and kinship with other villages as upon economic rights and traditional identity with one's own village. Within the village, people might co-operate in food-getting, exchange labor, and join in potlatching and mutual defense, but they were not obliged to do so by any formal village organization. There was no office of village chief and no village council. Co-operation was ad hoc. Leadership was for specific purposes and was exercised by virtue of specific skills, property rights, or supposed superhuman powers (see Barnett 1955:243; Duff 1952:81-82). Moreover, recognition of leadership came as much from outside the village as from within. Conflict within the village was often resolved by one party's leaving it.

Law and order were maintained in native Coast Salish society through a variety of social pressures, but these did not include exercise of authority by a "chief", "council", or policing group such as occurred among various Indian groups elsewhere. When friction occurred between individual Puget Sound

Indians and white settlers, there was no head man in the Indian community who had authority, for example, to turn over offenders to the non-Indian authorities or who could dictate rules of behavior to other Indians vis-a-vis the whites.

Gibbs (Defendant's Exhibit 52, State v Moses, et al.) sent a report dated Olympia, February 7, 1854, concerning the murder of Captain Jewell by Clallam Indians to Governor Stevens. At page 4 he advised Stevens of the limited authority of chiefs (called "tyees" in Chinook jargon) and recommended that the government take steps to alter the existing state of affairs.

The usual course has I believe been where a criminal could not at once be taken, to seize the chief to whose band he belonged and retain him as a hostage for the delivery of the actual offender, and such I believe to be good policy. Mr. Wilson whose knowledge of these Indians is unquestionable, states indeed that the influence even of the principal chiefs is very limited. But if they do not possess the power of punishing, they certainly have through their immediate followers, as well as through their wealth a certain control, and it is desirable to compel them to exercise it. The wisest course for the government to pursue seems to be to aggrandize a few principal chiefs at the expense of the petty tyees; to recognize the former alone and to hold them responsible for all acts committed by their people. They will thus be compelled to exercise an authority which they did not before possess.

In a separate report prepared in January or February, 1854, Gibbs (1855:424) pointed out the difficulties in trying to control

an indigenous population without strong chiefs and centralized authority. His earlier suggestion to aggrandize chiefs is repeated and to it he adds the recommendation to amalgamate small bands under a single head.

One principle of policy, in particular, should be observed-- the union of small bands under a single head. The maxim of divide and conquer does not apply among these people. They are never so disposed to mischief as when scattered and beyond control; whereas it is always in the power of the government to secure the influence of the chiefs, and through them to manage their people. Those who at present bear the name have not influence enough, and no proper opportunity should be spared of encouraging and supporting them in its extension.

Stevens evidently took up the suggestion, because the following month he proceeded on an expedition to arrest the murderers of a Mr. Young and took the occasion to appoint a number of chiefs and sub-chiefs. Evidently Gibbs accompanied the Governor and kept notes of the proceedings (Defendant's Exhibit 53, State v. Moses, et al.). This record is of crucial interest because it sets out plainly the manner and circumstances in which three of the four head chiefs and a number of sub-chiefs who later signed the Treaty of Point Elliott were selected.

March 10th. Started for Seattle accompanied by the troops. Col. Wallace also went as a volunteer. Reached Seattle toward evening and met

Mr. Tobin and other citizens who commenced preparations for an expedition against the Indians. Dr. Maynard had represented that the wish of the Citizens was that no troops should be employed, but no such sentiment had been expressed, or as far as we could learn existed.

March 11th. The Indians were called together for a talk. There were present Patkanam with part of the Snoqualmoos and Seattle with those of the Dwamish in town, also George Seattle his son who is in effect chief of the Suquamish his father's tribe proper. The Citizens likewise attended. Mr. Collins of the Dwamish river acted as interpreter, into Chinook and an Indian translated as he went on.

Gov. Stevens explained who he was, and why he was there. Several murders had recently been committed and should be punished. He would not punish the innocent for the guilty, but he should consider all as guilty who should assist or conceal the murderers. They were to understand that the whites would combine to punish all the Indians who were guilty of these crimes. The whites were as many as the trees and could kill them all. If the whites wronged the Indians, they were to come to him and he would set them right; they were not to revenge themselves. He would hold Patkanam and Seattle responsible for the good behavior of their respective people, and would appoint sub-chiefs to support them in their authority. The other Indians should remain at the place and keep quiet till his return. The Governor added that he had many Indians to attend to besides them & he had therefore appointed Col. Simmons agent or Chief

over them to act in his place.

Patkanam said in reply that he was grieved on account of his own people, two of whom had been hung. That he was now afraid of the whites and should behave well. He and Seattle gave as the names of Cherry's murderers (?Young's)

Sléh-ho-haat }
Slach-ka-nam } Snohomish Indians

(Note. The persons alluded to by Patkanam were the ones hung at Stilacoom for the murder of an American named Wallace at Fort Nisqually, as detailed in Gen. Lane's report 1850.)

The following were then selected jointly by Col. Simmons & Patkanam as Snoqualmoo sub-chiefs.

Patkanam Head Chief

Squush-um

Klmsh-Ki-lum

S't-how-ah

Ne-quéh-wis-atl

Tah-te-tum or John Kanam

St-méh-luch

Táh-ta-qualth

Sim-ka-méh-us

Te-uch-ke-lún-hoo

Swéh-le-quatl

Ye-tak-kwoo

Squul-la-kum

Governor Stevens ordered all to remain except those whom he should select to accompany him. The following were then recognized as Chief and Sub-chiefs of the Dwamish, Suquamish, and other tribes connected with them.

Seattle, head Chief

Schwoo-yehm or George Seattle

Sgoo-dáhtl or Jake

Náh-wa-chais

Wil-lak or Jack

Sem-a-hahts-oot or Jack

S'he-doke-stan or Jim

Sma-keh-let-hoo

Sah-look-taw or Charley

S'hoo-dahch-tan

We-hehl-choo or John

Klow-is-sa

Stéh-hum

Klim-shult-hoo

Se-guk-a-kwus

Kah-ka-hus

Kwah-ke-koo or Tom

Kwul-at-sut-hoot

Sul-a-whé h-oos

Also See-áh-num-kan

Yup-a-nee-chin

The two latter being particular followers of George Seattle, Suquamish, and

Nuk-shehm or John

Sto-daht or Bill

Dwamish Indians, strikers of old Seattle.

.....

March 17th. Part only of the Skagits attended.

George's courage failed him and he ran off. Governor S. addressed the Skagits to the same effect as the other tribes and informed them that they must have chiefs who should be responsible if any thing was wrong. They should choose a head chief and he would appoint 15 good men to support him. They must obey the chief and the others stand by him. Mr. King, a citizen, acted as interpreter. The Indians seeming unwilling to make a choice, Gov. S. appointed

Goliah head Chief
and Kwal-lat-ta or Gen Pierce
Geo. Sneetlum
Squai-a-qui
Schee-ap-kee
Ha-lo-mits
Tenass George Sub-Chiefs

This document is revealing in that it clearly shows that the designation of chiefs and sub-chiefs had little or nothing to do with indigenous political authority, but was dictated by the exigencies of the moment. The 'recognition' of Duwamish chiefs and sub-chiefs, of particular interest to us, apparently depended on which Duwamish happened to be in town. Gibbs notes that Stevens had to appoint the Skagit head chief and sub-chiefs because the Indians seemed unwilling to make a choice. The same circumstance was later met with the Makah.

Apart from Seattle, who signed the Treaty of Point Elliott as head chief of the Suquamish and Dwamish, only three sub-chiefs are identified on that document as Dwamish. One of them is Now-a-chais, clearly the Náh-wa-chais whose name is listed in second place on the roster of Suquamish and Dwamish sub-chiefs in the above journal record. The other two signatories identified on the treaty as Dwamish do not seem to be represented on this list.

After returning from the above expedition, Stevens (Defendant's Exhibit 54, State v. Moses, et al.), issued written instructions to Col. M. T. Simmons as Special Indian

Agent for Puget Sound District relative to preparations for treaty negotiations.

You are expected to enter forthwith upon a tour through the various tribes embraced within your District. For the purpose of acquainting yourself thoroughly with their condition, instructing them as to their relations with the citizens, and preparing the way to future negotiations. For this purpose you will organize small bands, not at present united, by gathering them into tribes, having reference to their general affinities, and by procuring the selection of head Chiefs and of assistant or lesser tyees, over the larger existing tribes you will also direct the appointment of head and Sub-Chiefs, taking care that in every case they be persons who, in your opinion will control them to best advantage. To these respectively you will issue commissions of the forms enclosed, filling up the blanks & making a record of the persons to whom they are given.

In commissioning those persons, whom you shall determine to recognize as chiefs or petty tyees, you will explain to them that hereafter they will be held responsible in the first place for all offences committed against citizens by Indians of their tribe, that the head Chief will in such cases be called upon for delivery of offenders, and the smaller chiefs looked to for his support, but that should they be unable without assistance from the government to make arrests, such aid will be given at their request. You will likewise inform them that on failure to do their duty, they will be removed and others appointed in their place, and that

in every case of resistance by a tribe to the authorities, it will be dispersed by force and not considered in any future treaties or in payments for lands.

Stevens received his official instructions to negotiate treaties with all the Indians of Washington Territory in a letter dated August 30, 1854, from Charles E. Mix, Acting Commissioner of Indian Affairs. These instructions give official sanction to the policy which Stevens had already initiated of creating fictitious tribes by appointing head men. The government clearly wished to avoid having to treat with 'each of the forty or fifty separate bands'.

Sir: * * * In concluding articles of agreement and convention with the Indian tribes in Washington Territory, you will endeavor to unite the numerous bands and fragments of tribes into tribes and provide for the concentration of one or more of such tribes upon the reservations which may be set apart for their future homes.

The formation of distinct relations with each of the forty or fifty separate bands of Indians in Washington Territory would not be as likely to promote the best interests of the white settlers or of the Indians as if the latter could be concentrated on a limited number of reservations, or on contiguous reservations, in a limited number of districts of country, apart from the settlement of the whites.

Unless some such arrangement can probably be effected you will at present conclude treaties with such tribes or bands only as are located immediately adjacent to the settlements of the

whites, and between whom and our citizens animosities prevail, or disturbances of the peace are reasonably apprehended, and in entering upon the execution of the duty, with which you are hereby charged, you will turn your attention first to such tribes and bands.

It is desirable also that the stipulations to be fulfilled annually on the part of the United States be few in number, and that the Department retain the authority to apply the funds to a variety of objects, such as the circumstances of the Indians at the time of payment may require.

This suggestion you will regard particularly, if you are unable to effect the combination of all the bands into six or eight tribes, or to arrange half a dozen treaties, or less, so that every one of the tribes shall be a party to them.

Stevens was faced with what appeared to be a large number of politically autonomous groups whose leaders seemingly had little authority to direct the behavior of others or to command a large following. He had official approval to create larger political entities, and by implication at least, to appoint head chiefs over these since the object was to have as few treaties and reservations as possible and to have 'distinct relations' with a smaller number of tribes. At the same time he was directed to include all the Indians in the treaties.

Once these problems and policies are understood, the plan for the Treaty of Point Elliott becomes clear. The treaty area extends from what is now the Canadian border, bounded on the east by the crest of the Cascade Mountains and on the west

by the divide between the White and Puyallup rivers. It included several thousand people living along the bays and islands in the Sound and Straits and along the rivers which drain into the eastern half of Puget Sound. It included speakers of Straits Salish in the north, Puget Sound Salish on the south, and a variety of sub-cultures. Stevens' solution in creating larger tribes out of the widely dispersed and somewhat heterogeneous congeries of people was to divide the area geographically by drainage system. He appointed a head chief for each of four of the largest river systems: the Lummi-Nooksack, the Skagit, Snoqualmi-Snohomish, and Duwamish. Each head chief was represented by Stevens to be chief over all the people on that drainage system, upriver groups being represented as subordinate bands of the new super-tribes.

In a report prepared for Stevens in 1856 (although it was published much later), Gibbs (1877:179-80) makes the plan explicit.

Below these is the division of which the Dwamish and Sūkʷamish are the principal bands, occupying Elliott Bay, Bainbridge Island, and a portion of the peninsula between Hood Canal and Admiralty Inlet. Their head chief is Se-āā-thl, or, as it is usually pronounced, Seattle, from whom the town on Elliott Bay has been named. In this connection are also the Samamish, Skopahmish, Sk'tehlmish, St'kamish, and other small bands lying upon the lakes and the branches of Dwamish River, who are claimed by the others as part of their

tribe, but have in reality very little connection with them. A very few of these last possess horses, but the majority are river Indians. The aggregate number of the whole was by census 807, which probably falls a little short of the truth. They differ but slightly from the Niskwalli in language. These tribes were included with all the others of the eastern shore and the islands in the treaty of Mukleteoh, or Point Elliott. A reserve of two sections was retained for them at Port Madison.

3d. The Snohomish, with whom are included the Snokwalmū, Skiwhamish, Sk'tah-le-jum, Kwehtl-mamish, and Stolutswhamish, living on the Snohomish and Stolutswhamish Rivers. The Snohomish tribe itself occupies only the country at its mouth and the lower end of Whidbey Island; the upper part of the river belonging to the Snokwalmū, &c. They number 441 souls, and the other bands, collectively, 556. At the time of the treaty they were all placed under Patkanam, the chief of the latter. It is observable that though the connection between them is most intimate, the Snohomish assimilate in dialect to the next tribe, the Skagit, while the Snokwalmū speak the Niskwalli in its purity. In the treaty of Point Elliott, the reservation for this division was fixed at two sections on a small creek emptying into the bay formed by the mouth of the Snohomish River. A central reservation of one township, to include the former, intended for the general agency of the Puget Sound district, and as an ultimate home for all the tribes, was contemplated at the same place. The small bay known as Tulalip Bay, upon which is a saw mill, affords an excellent site for this purpose; and the land in the neighborhood, being

easily cleared and of good quality, would enable the Indians in a great measure to subsist themselves. The Snokwalmū and other upper bands of this division possess a few horses, and are much intermarried with the Yakama Indians, here indiscriminately called Klikatat. They hunt as well as fish; their neighborhood to the mountains and more active and energetic character giving them a superiority in this respect. One of the two principal trails across the Cascade Mountains, that by way of the main Yakama, passes through their country; the Nahchess trail leading from White River.

4th. The Skagits, including the Kikiallu, Nūkwatsamish, Tow-ah-ha, Smali-hu, Sakumehu, Miskaiwhu, Miseekwigweelis, Swinamish, and Skwonamish, occupy the remaining country between the Snohomish and Bellingham Bay, with the northern part of Whidbey Island and Perry Island. With them a different dialect prevails, though not so distinct but what they can be understood by those already mentioned. They altogether amount to 1,475, and have been assigned Goliah as head chief. This division have no horses, but are altogether canoe Indians. With the exception of the islands and the immediate shore of the main, their country is altogether unexplored. They formerly had some communication with the Indians beyond the mountains; but it is supposed to have been discontinued in consequence of obstructions to their trails. The Skagit reservation, as agreed upon in the treaty, was the peninsula forming the southeastern extremity of Perry Island.

5th. The Samish, Lummi, Nūksahk, living around Bellingham Bay and the Lummi River. The two former

are salt water, the last exclusively river Indians, who as yet have had very little connection with the whites. Collectively, these might be called the Nūh-lum-mi. Tsow-its-hūt was recognized as their common chief by the treaty, and a reservation made for them of an island at the forks of the river. Altogether they number 680. The languages of the Lummi, at the mouth of the river, and of the Nūk-sahk, a few miles higher up, differ so much as to be almost unintelligible to one another.

The chart accompanying his report (at p. 241), showing the relations of tribes mentioned in the report, was prepared by W. H. Dall, using Gibbs' data. The table graphically sets out the relations of the Duwamish river drainage groups as follows:

(Dwamish) { Sukwamish, Samamish
 { Skopamish, St'kamish, Sk'tehlmish

Either Dall or the printer who set type for the chart inadvertently omitted the Smulkamish, but it is patent that all these groups were being represented as Dwamish.

In addition to making the plan of tribal organization clear, the report is important because it contains Gibbs' explicit statement, recorded the year after the treaty, that the Skopamish, Stkamish, and Smulkamish were included in the Treaty of Point Elliott. If they had declined to sign, stayed away, or for any reason been omitted, it seems reasonable to suppose that Gibbs, as ethnologist and treaty secretary, would have noted it. He is careful to point out that although the Green River-White River groups are 'claimed by' the salt water

Duwamish as part of their tribe, the connection is fictive. The report makes it clear that the treaty arrangements as to tribal groupings and chiefs do not accurately reflect the realities of native political organization.

It seems evident that the intent of Stevens and Gibbs was to combine the five lake and upriver bands into a Duwamish Tribe with Seattle as head chief. Seattle's X on the treaty represented this Duwamish Tribe. One may still ask why Stevens did not appoint sub-chiefs from the Green River-White River groups and have them also sign the treaty. Explicit evidence on this question is lacking, but certain points may be noted. For one thing, the term Skopamish signifies Green River people, but this was not a single village group. Waterman (National Anthropological Archives, Smithsonian Institution, Ms #1864:84), says that there were eight or ten local groups who were collectively known as Skopamish or Green River people. (He uses the suffix -abc or -Ebc which is cognate to the suffix -amish, signifying 'people of'.)

Similarly, the people on Green River are known as Skop³a'bc, from a word Skop, "first big and then little," referring apparently to the habit Green River has of rising and falling suddenly. It is not a glacial stream, and the volume of water is quite variable, depending on the rains. The "tribal" name Skop³a'bc ("Skopamish") might accordingly be rendered "People of the Variable Stream." On closer examination, it develops as before that the people

so designated do not constitute a real unit. There are eight or ten additional names applied within this group. Thus the people at the forks of Green River and White River were the Ilalqo-abc. The people of Soos Creek were the Sus-a'bc. At Qwe'qult were the Qwe'quultabc; above them were the StEq^wdEbc; above them again the DutL³EpEbc. A small group camping at K³a'dEb on the Muckleshoot plateau were the K³adEba'bc. All these groups were to be found dwelling on a stretch of river about 15 miles long.

In the census estimate of January, 1854 (Gibbs 1967: 42), which was used as the basis for the treaties, the figures for the D'Wamish groups are given as follows²:

Names of tribes and bands	Where located	Men	Women	Total bands	Total tribes
D'Wamish	Lake Fork, D'Wamish river	89	73	162	
Sa-ma-mish } S'ke-tehl-mish }	D'Wamish lake, &c.	71	30	101	
Smul-ka-mish	Head of White river			8	
Skope-ah-mish	Head of Green river			50	
Se-ka-mish	Main White river			30	
					351

The figures are undoubtedly under-estimated and possibly Stevens was not aware of all the villages along the Green river. Assuming that he was aware only that there were two or three, he may well have thought it unnecessary to obtain signatures from such small groups. The same reasoning would apply to the other lake and upriver bands. This would be consistent with the pattern of signatory entries for the rest of the groups included in the Treaty of Point Elliott. The smallest group for which there is a separate census figure and a signer (one only), is the Kikiallus, whose population is given as 75.

We have already noted that Gibbs reported in 1856 that the Skopamish, Stkamish, and Smulkamish were included in the treaty. Stevens reported the same information to his superiors in Washington City. He wrote to Commissioner of Indian Affairs Manypenny August 30, 1855, stating that he was about to conclude treaties in eastern Washington after which a "few small bands on the Columbia River, and on the waters of the Cowlitz and Chehalis" would be "the only Indians in the Territory with whom treaties will remain to be made." (These were the people with whom Stevens had an abortive treaty meeting the previous February at the Chehalis River.) Stevens' letter clearly states that all the Indians of western Washington except these had been included in treaties.

In an official report to Manypenny, April 30, 1857, Stevens transmitted a "Map of the Indian Nations and Tribes of the Territory of Washington". The map was prepared under Stevens'

direction in March, 1857. Lettered across the top of the map is a tabular statement listing for each treaty the tribes included, their census figures, and reservations. The "Duwamish, Suquamish & allied tribes" are listed as parties to the Treaty of Point Elliott with reservations near Port Madison and at Muckleshoot. (The Muckleshoot reservation was an additional reservation established especially for the White River, Green River, and upper Puyallup Indians.)

The tabular statement also includes an entry for "Tribes with whom Treaties have not been made". Listed are the Chehalis, Cowlitz, and Chinook groups referred to earlier. Their individual numbers are given and the total is entered as 1115. Also noted is the total number of Indians west of the Cascade Mountains. This figure occurs twice; once it is entered as 9722, elsewhere as 9712. The total number of Indians with whom treaties have been made is given as 8597. The number with whom treaties have yet to be made is given as 1115, which corresponds exactly to the total figure given for Chehalis, Cowlitz, and Chinook. Clearly Stevens is saying again that all Indians except these few groups have been included in treaties. This can be verified by simple arithmetic. If we take Stevens' figure for the total population, 9712, subtract those not yet treated with, 1115, we are left with 8597, precisely the number 'with whom treaties have been made.'

Evidence that Stevens considered the Green River people to be under treaty occurs again in the following letter dated

October 4, 1856, addressed to Col. G. Wright, Comdg. Columbia River District, Fort Dalles, Oregon Territory.

Sir: I have received your letter of this date, in answer to my requisition for the delivery of Leschi, Nelson, Quimuth, Kitsap and Stehi, to be sent to the Sound to be tried by the civil authorities.

These men are notorious murderers, and committed their acts of atrocity under circumstances of treachery and blood thirstiness almost beyond example. All belong to bands with whom treaties have been made, and in the case of all, except Nelson, the treaty has been sanctioned by the Senate, and the execution of the treaty has been placed in my hand.

Whether a treaty has been made or not, I am of the opinion that men guilty of such acts should at least be tried, and if convicted, punished, more especially, should this be done in cases where, by treaty stipulations, provision is made for the punishment of such offenses.

The Nelson referred to was a well-known Green River Indian referred to frequently in contemporaneous documents and in histories of the "Indian war" in Washington Territory. The other men were Puyallup-Nisqually whose Treaty of Medicine Creek had at that time been ratified. Nelson, of course, as a Green River Indian was under the Treaty of Point Elliott, which had not yet been ratified.

I find the foregoing, and similar documentation which would merely be repetitive, conclusive evidence that both Gibbs and Stevens regarded the Skopamish, Smulkamish, and Stkamish

as signed for by Seattle and treated with at Point Elliott.

Seattle, of course, had no authority, apart from that bestowed on him by Stevens, to sign for or cede the lands of the upriver groups. In the native scheme of things he had no real connection with these people, certainly none of a political nature. Quite aside from this, it is debatable that any of the signatories either had authority to cede land or that they understood what was conveyed by the treaties. Euro-American notions of land tenure were foreign and there was no precedent in native experience of extinguishing title to land or of signing documents. The treaties were conducted in English, translated into Chinook jargon which most people did not understand, and then translated into the various Indian languages. Chinook jargon was a trade idiom with a simple grammar and a vocabulary of only a few hundred words. It was certainly inadequate for treaty purposes and it must be concluded that most people would not have understood the legal implications of the treaty language or of making an X on the treaty paper. There is no indication in the record that either Seattle or any other Indian realized that when Seattle made his mark on the treaty, it conveyed all the land in the Duwamish drainage system.

The Muckleshoot have claimed non-treaty status on various occasions. In my opinion this claim is explicable on several counts. First, as already discussed, from the Indian point of view Seattle had no authority to sign for them, nor is it evident that he or they knew that he was doing so. Second, the

Muckleshoot in recent years have asserted non-treaty status on legal advice that they are not a treaty tribe. Third, in my opinion, it is entirely possible that, given the dozen or more Green River-White River groups, some of those villages may not have been represented at the treaty meeting. Their descendants would quite properly hold, at least from the Indian side, that they were not parties to any treaty.

The Muckleshoot have also claimed that they are a treaty tribe and that Seattle signed for them at Point Elliott. In my opinion, this claim is explicable on at least two counts. The United States, through its representatives, has stated on numerous occasions that the Muckleshoot were parties to the Treaty of Point Elliott and for over one hundred years the Bureau of Indian Affairs (and predecessor agencies) have administered the Muckleshoot as a treaty tribe. It is my opinion that the reversals and inconsistencies in the Muckleshoot claims relative to treaty status must be viewed as an effort to adjust 'facts' from the native point of view to 'facts of life' as imposed by the non-Indians.

The Muckleshoot reservation was established under the Treaty of Medicine Creek although it was located on land ceded by the Treaty of Point Elliott. This created confusion within the Indian Service as to whether the reservation was under the jurisdiction of the Tulalip agency or the Puyallup agency. The arrangement for the reservation was anomalous but the explanation seems evident. The Muckleshoot reservation was agreed on at the

Fox Island conference during the period of hostilities (the so-called Indian War). It was established for the 'horse Indians', the upriver Puyallup, and the White and Green river people, who refused to abandon their farms and fishing places to live on the salt water reservations. At the time, the only treaty which had been ratified was the Treaty of Medicine Creek and therefore that was the only legal instrument available to create a new reservation. I think this probably accounts for the unusual procedure.

On November 15, 1856, in a letter to Agents R. H. Lansdale, M. T. Simmons, and W. B. Gosnell, Governor Stevens requested their recommendations concerning removal of Indians to the four reservations established under the Treaty of Medicine Creek. That letter reads in part:

Gentlemen,

The time has come for carrying into effect the treaty with the Indian Tribes at the Head of Puget Sound.

There are four reservations -- near Olympia, on the Nisqually, on the Puyallup and at the Muckleshoot.

The funds applicable to removal amount to \$16,000 of which sum, \$3,500 have been applied to the reservation near Olympia.

The whole fund should be applied to the benefit of the Indians in the pro rata proportion of their numbers on the several reservations.

Please report,

1st The probable number that will be placed on the several reservations and the sums of money that should be allotted each reservation. . . .

Lansdale, Simmons and Gosnell reported to Governor Stevens on November 29, 1856 (National Archives Microcopy No. 234, Roll 907) in part:

Sir:

Under your instructions of the fifteenth instant, the four reservations provided for in the Treaty with the Indians at the Head of Puget Sound have been visited and viewed, and the undersigned now have the honor to submit the following report. . . .

On the Muckleshoot reservation Nelson's band of about one hundred and fifty persons should be placed.

On March 31, 1857, Local Agent G. A. Page of the Fort Kitsap Reservation, reported to Stevens (National Archives Microcopy 234, Roll 907):

.

I have just returned from the visit which you directed me some time since to make to the Indians in the vicinity of Muckleshute.

On the 25th inst in company with Lieut. McKibben, I visited Nelson's Camp on Green River. . . .

. . . . they want to come in. . . .

McKibben says about 40 men. I think whole band not over 100. . . .

On the 26th while at the post I was visited by several Indians from the Upper Puyallup who requested permission to move over to Green River and put in a crop with the others.

Page's report estimates that the Green River population in 1857 was about 100, whereas the 1856 report estimated them at 150. Page's report is of further interest in noting the request of Upper Puyallup Indians to reside with the Green River people.

In 1857 Gosnell (Annual Report -- Commissioner of Indian Affairs, 1857:338) reported as follows:

The Muckleshoot is also provided for in the treaty of Medicine creek, and is the proper locality of the Tooahk or Upper Puyallup, the S'Balahco or White River, and the Nooscope or Green River Indians; being in all about three hundred souls. Treaty stipulations have not been attempted to be carried out at the Muckleshoot, and these Indians have heretofore been, and are now, in the temporary charge of Local Agent Page, who has furnished them this spring with some seed potatoes, and a small crop will be raised on the reservation. As soon as the United States military post (Fort Muckleshoot) now in command of Lieutenant McKibbin is discontinued, which I understand will be the case in a few weeks, I shall notify you of the fact, and await your instructions in the premises.

Three years later the suggestion was made that the Duwamish Indians from the lower part of the drainage system, who did not want to move across the Sound to the Port Madison Reservation, should be located on the Muckleshoot Reservation. Michael T. Simmons, who had been an official member of the treaty commission at Point Elliott, was Indian Agent for Washington Territory when he made the foregoing suggestion to Edward R. Geary, then Superintendent of Indian Affairs for Oregon and Washington Territory (Annual Report -- Commissioner of Indian Affairs, 1860:193-194). In speaking of the Port Madison Reservation, Simmons noted:

There will be some trouble probably in prevailing upon the Dwamish who inhabit the east side of the Sound to come over to this reservation; but their objections must be overcome, or a course pursued with them that I will here explain. The Dwamish

Indians live on a river of that name, which is formed by the junction of White and Black rivers. White river has a large tributary, called Green river, and between these two streams, seven miles from the fork, is the Muckleschute reservation. This reservation is secured to the Indians, parties to the treaty of Medicine creek, but is not in the territory ceded by them, has never been occupied for their use, nor does Sub-agent Gosnell, who has charge of those tribes, consider it necessary for them. On the other hand, it is in the limits of the territory ceded by the treaty of Point Elliott. The Indians living there, and in the vicinity, are parties to that treaty, and it is a convenient and excellent place to locate them. Formerly it was a military post, and has fifteen good log buildings upon it, in tolerable repair. These buildings are situated in a fertile prairie that is now ready for the plow, and when cultivated will produce good grain and grass. So it is evident that to make this reserve available no expense is required except to put the stock and tools necessary for labor upon it. I recommended to you, and with your acquiescence advertised in the newspaper, that all the land from this reserve to the junction of White and Green rivers would probably be reserved for the use of the Indians. Whether this will meet the approbation of the department I am unable to say; but I still consider it advisable; for the Dwamish Indians, who object to go across the Sound, could, I think, be persuaded to come up and settle here; the only difference between this and their present location is, that it is a little higher up the same river. Here, with a fine range for stock summer and winter, warm bottoms for vegetables, and a fertile prairie for grain and grass, besides a

river on each side of them teeming with salmon in the proper season, they must surely be self-supporting in a short time. As no impediments are in the way, I advise that farming operations be commenced on this reservation as soon as funds applicable to that purpose be received; and I also recommend that it be considered, (as it geographically is,) within the treaty of Point Elliott.

It is unclear from the records at my disposal how many Indians from lower parts of the Duwamish drainage system eventually moved onto the Muckleshoot Reservation. A letter from the Assistant Secretary of the Interior to Senator Jackson, a copy of which is on file at the Everett office of the Bureau of Indian Affairs under date of September 27, 1966, notes in part:

Although the Duwamish were signers of the Point Elliott Treaty of 1855 and were scheduled to be moved to the Port Madison Reservation, only a few of them actually moved and were allotted lands on that reservation. Others were allotted on the Muckleshoot, Lummi, Swinomish, and Tulalip reservations.

OPINIONS

On the basis of the foregoing evidence and similar documentation which is not presented here because it would be merely repetitive, I have arrived at the following opinions:

There was never any aboriginal Muckleshoot Indian tribe or band and no Indians were known as Muckleshoot Indians prior to the establishment of an Indian reservation on Muckleshoot prairie.

The present Muckleshoot Indians are descendants in whole or in part of people who were parties to the Treaty of Point Elliott and the Treaty of Medicine Creek.

Seattle's X mark on the Treaty of Point Elliott was intended by Stevens to stand for all the people on the Duwamish river system, including the ancestors of the Muckleshoot.

The inconsistency in Muckleshoot claims regarding their treaty status reflect an effort to relate 'facts' from the native point of view with 'facts of life' imposed by the non-Indians.

Governor Stevens requested the Muckleshoot reservation under the Treaty of Medicine Creek because it was the only treaty which had been ratified at the time and thus was the only instrument available to him; perhaps also because it was intended for some people who were parties to that treaty.

The Muckleshoot Reservation was originally established for the benefit of Green River, White River, and Upper Puyallup Indians. Later, Indians from the lower parts of the Duwamish drainage system were located on the Muckleshoot Reservation.

The Bureau of Indian Affairs and predecessor government agencies have always regarded the Muckleshoot Reservation as a treaty reservation and the Indians of the Muckleshoot Reservation as treaty Indians.

BIBLIOGRAPHY

- Gibbs, George. Indian Nomenclature of Localities in Washington and Oregon Territories, 1853. Smithsonian Institution, National Anthropological Archives, Ms #714.
- Gibbs, George. Indian Tribes of Washington Territory. Reports of Explorations and Surveys. . . . Executive Document #91, H.R., second session, 33rd Congress, 1855.
- Gibbs, George. Indian Tribes of Washington Territory. Fairfield, Washington: Ye Galleon Press, 1967.
- Gibbs, George. Letter to Governor Isaac I. Stevens, dated February 7, 1854. Defendant's Exhibit 52, State v. Moses, et al.
- Gibbs, George. Notes Regarding Expedition to Arrest the Murderers of Young. March 9, 1854. Defendant's Exhibit 53, State v. Moses, et al.
- Gibbs, George. Report on the Indian Inhabitants of Washington Territory, 1854. Smithsonian Institution, National Anthropological Archives, Ms #2356.
- Gibbs, George. Tribes of Western Washington and Northwestern Oregon. Washington, D. C.: Department of the Interior, U. S. Geographical and Geological Survey of the Rocky Mountain Region, 1877.
- Hill, George D. (in) Report of the Commissioner of Indian Affairs, Washington, D. C.: 1870.
- McKenney, T. J. (in) Annual Report of the Commissioner of Indian Affairs. Washington, D. C.: 1868.
- Mix, Charles E. Letter to Governor Isaac I. Stevens, dated August 30, 1854. Defendant's Exhibit, 51 , State v. Moses, et al.
- Montgomery, John. Deposition sworn before John Latham, Auditor, Pierce County, Washington Territory, November 8, 1864.
- Records of the Proceedings of the Commission to hold Treaties with the Indian Tribes in Washington Territory and the Blackfoot Country. Washington, D. C.: National Archives Microfilm Publication 5.

Stevens, Isaac I. Letter to Col. M. T. Simmons, dated March 22, 1854. Defendant's Exhibit 54, State v. Moses, et al.

Stevens, Isaac I. Letter to George W. Manypenny, Commissioner of Indian Affairs, Washington, D. C., dated August 30, 1855. Defendant's Exhibit 55, State v. Moses, et al.

Stevens, Isaac I. Letter to Col. G. Wright, dated October 4, 1856. (in) The Official History of the Washington National Guard, v. 2., Washington Territorial Militia in the Indian Wars of 1855-56. Camp Murray, Tacoma, Washington.

Stevens, Isaac I. Map of the Indian Nations and Tribes of the Territory of Washington, March, 1857. Defendant's Exhibit , State v. Moses, et al.

Suttles, Wayne. "The Persistence of Intervillage Ties among the Coast Salish." Ethnology, 1963, 2(4), p. 512-525.

Swanton, John R. The Indian Tribes of North America. Smithsonian Institution, Bureau of American Ethnology, Bulletin 145, 1952.

Waterman, T. T. Puget Sound Geography. Smithsonian Institution, National Anthropological Archives, Ms #1864.

NOTES

1. The drainage system has been considerably altered since the 1800's. For a description of the system as it existed in 1854-55 see my separate report on The Traditional Fisheries of the Muckleshoot Indians at pp. 9-12.

2. Note also, relative to the D'Wamish section of the chart reproduced on page 31, that the D'Wamish, Sa-ma-mish, S'ke-tehl-mish, Smul-ka-mish, Skope-ah-mish, and Se-ka-mish are listed as one tribe, the census figures for each being listed in the "Total bands" column and the total of these being entered in the "Total tribes" column.

Excerpts from Waterman Manuscript

Names of Places along Green River

250. Name of the site of the place now owned by John Seattle, an aged informant, Tetä'lqs, said to mean "back-water." The river is very deep and quiet there.

251. A place on the N. bank of the river. Old George (Sla'xEb), fishing here a few years ago, caught so many kinds and colors of fish that he became frightened and stopped. The place was regarded for a time as supernatural.

251a. The mouth of a little stream coming from the shingle mill above Auburn, Kwa'tstcutsid.

251b. An eddy or backwater in the river, Papa'lok, "swamps", muddy place."

251c. A place on the N. bank of the river, SkwElqwi'lyats, "a certain plant." The bark peels like that of the eucalyptus. The plant is a shrub eight or ten feet high and resembles the salmonberry bush. It grows in river bottoms. In winter they scraped the bark and soaked it in water for two or three hours, and drank the infusion. In the spring they mash up the sprouts without scraping. This was good to "clear up the chest."

252. Mouth of Soos creek, Su'sutsid.

252a. A place one-fourth of a mile above the railroad bridge, Sts/lō'sIdali, "place of the fish-weir."

252b. An old river channel below the Crisp place, Stca'gwaoats, "where a trail goes over a point and down on the other side." A water-monster, it is said, used to come up at night and call in this slough.

252c. A place where a steep cliff leads up to the plateau N. of the river, Sxweyuktsadi'o, "snail's sliding place." Snail, SwiuE'kw, was an ogress. Chipmunk once tricked the ogresses. Their dead sister slid down this cliff, so the others, thinking she was sliding for fun, slid after her and were killed.

253. An old village-site one mile above Soos creek, just above the Elliot bridge, SkqE'bEd, "to make something warm," (like a hen hovering her chicks).

253a. A waterfall from the plateau called K³adEb (Muckle-shoot hill), K³aka'dEbok. (See no. 290 below.)

254. An old village-site on Dog-salmon creek, at Mike Burns' place, Tca'kwab.

254a. An old village-site on a level flat at the mouth of a creek, Stsa'kwczd, "where a trail descends." Here the trail from the Muckleshoot plateau came down to the river.

254b. Mouth of a bayou or creek, TL³xwai'otsid. This bayou was known to the Indians as Dog-salmon creek. (See no. 255 below.)

255. The bayou or cut-off, mentioned just above, TL³hwai'lyats, "where dog-salmon spawns." This was formerly the main channel of the river.

256. Mouth of a creek, Ska'Ldu-tsid, "upper lip." The creek itself is SkaLd, mentioned below.

256a. A small flat at the river's edge, T³tsxe'bats, "where horse-tail ferns abound." This is the plant called xE'bxEb.

257. A place where some reddish rocks ran down to the river from the ridge, Li'Eq³tJdä'ts (li'Eq³tJd, 'face paint'). The people gathered the red material and baked it in the fire; the reddest part they selected and pounded up for painting. This place is on the S. bank of the river, the first large bluff S. of the Diamond mineral spring.

257a. The source of "Dog-salmon creek," where it branches from the main river (see no. 255), Tax'tutsid, "mouth of the stream which splits off." The stem tax- means "split open," or "divided."

258. Nuwaukum creek, Yelhw. The word Nuwaukum, which we apply to the creek, is really the name of the prairie from which it flows (see no. . below).

258a. Number not used.

259. A straight place in the river, Q³laxad, "fence," or "weir." A story recounts that the Transformer left his canoe-pole sticking in the river; the salmon jammed, and could not get by.

260. A small seasonal stream, draining from the northern bluff, Potco'bol-qo, "wildcat's water."

261. A riffle in the stream, Qklels "ugly stones."

261a. A small flat S. of the river, T³ela'qwats, "strawberry plants."

262. A place where a bend in the river has cut a rocky defile, S/sxwa'p, "jumping place." The stream is very narrow here, and has somewhat undercut the rocky bank on the W. side. A tradition recounts that Wolf and Mountain Lion once had a contest here, jumping back and forth. I do not know the details of the myth. The river formed a deep hole, in which salmon were plentiful.

263. Where the road goes up hill on the N. side of the river, BEss³se'yap, "cedar-bark."

264. The lower end of a large flat, Kakō'cld.

265. The site of an old and important village, TsEqw-tsqe'bats, "where a certain edible plant is found," the "fossil fern."

266. A deep hole in the river, with a clay bank, TsxE'los, "white clay." This place is known to the Yakima, who call it MExa'xac, a word with a similar meaning.

267. Cow lake, Q³ola'di, "ear".

268. A branch of Soos creek draining a long succession of swamps, Sea'loko. The name suggests to one informant Silal-qo, "edge of the water."

268a. Another branch of Soos creek, Sia'xgwEs.

269. Meridian prairie, E. of Kent, T³aka'adi, "salal-berry place."

270. Swan lake, Blxsuqid, "where there are swans."

271. Mud lake, TE'itkwid.

272. Spoon lake, T³o'kub, "dark."

273. Covington creek, Tup³i'tubutsld. The stem p³it means "spread all over." The word suggests "mouth of a broad expanse of water."

274. Lake Morton, Sxwiui'lds, "a rock flaked off so as to be sharp, used to skin a deer; a stone knife." The stem means "split" or "divided."

275. Sawyer Lake, Sq³e'il.

276. Jones lake, TsEx. This is near Black Diamond, and was formerly called Swan lake. There were formerly a great many ducks here.

277. Black Diamond lake, Absaiya'hos, "where there is an Aiya'hus, or horned snake."

Names of Places on the Upper Course of White River

278. The old channel of White River, where it cuts across the flat, near Auburn, Spoba'l-qa. This channel is now dry, since engineers have diverted the waters into Stuck river.

279. White lake, Ts' 'ts'g'L. This is really a lagoon, filled up by Stuck river at a time of high-water, years ago. The water-level has been much lowered by pumping for washing gravel. The Topographic Sheet shows an outlet to the north, which has no existence; it represents a creek as flowing up a hill and down again.

280. An old village-site, DExk. See list of villages above.

281. A big bluff on the side of the river, Eqwq³Ewas, "cliff". (EqwEq³Ewas, "white cliff?")

282. A streamlet running from Annie Jack's place into White river, P³ob, "to expel flatus." A story tells of an old slave woman who went to the spring at the head of this stream for water. Bending over the pool, she suddenly noticed that faces dimly reflected in the water. She wanted to make sure that they were real people, thinking that her eyes might be deceiving her. She did not dare look around directly at them, however, for if they were lurking enemies that act would let them know they were discovered. With her mouth she made a noise like passing gas. Looking in the water, she saw that the faces were all silently laughing; so she knew that she was not deceived. Taking her water back to the village she gave the alarm; nobody would listen to her so she took a few children whom she especially loved and hid with them in the woods. That night the people were all killed in an attack.

283. The mouth of the creek which drains down the hill from the place belonging to "Shaker Bob" James, TL³kEwa'dEb.

284. Number not used.

285. A place where the river sweeps along at the very foot of a high bluff, one mile below Buckley, HwE'tL³si. The stem hwEtL³ means "to break off." The term is probably descriptive of the appearance of the cliff.

286. The ford leading to Collins prairie, SqwōbsL, "high place."

287. The mouth of Boise creek, Sqw³alE'ttutsid.

288. An old village-site at Boise creek, Sqw³ElEts, "huckleberry bush."

Names of Places on the Plateau Known as "Muckleshoot Hill"

289. Place where the Adventist school stands, at Pleasant Ridge, Qwe'qwElt, "just a little warm." This was originally an open place or "prairie."

290. The site of Cameron's ranch, Q³a'dEb, "a pile." This was also a "prairie." It is now owned, I am told, by Charlie Osborn.

291. The third large "prairie" on this plateau, BEkElcuL, "where a certain medicinal plant grows." The term for this plant is bEqw; I never succeeded in identifying it. This word, transliterated as Muckleshoot, has been used as the name of the reservation. Meany prints a statement, quoting Victor J. Farrar and C. L. Willis, that this term means a river junction. This is certainly incorrect. There is a river junction nearby, called Ila'lqo (Map A, 229), where Green river and White river come together.

292. The place where "Stuck Jack" had his cabin, Tc/da'btid.

293. Site of Snohomish Joe's place, Kogwa'sid, "hedge fence."

294. A creek which runs into Green river, Yetudi'.

295. A small marsh and lake, with beavers in it, SkaLd, "lip." The term is often applied, as here, to the "lip" over which a cascade plunges.

296. The creek on Fred Ross' place, Wiya'los. This stream runs under a culvert near Daniel James' place and flows into White River.

297. Porter's prairie, Ko'ocL.

298. The "prairie" from which flows Nuwaukum creek, Duwo'kub. There are many blueberries here.

299. The "prairie" at the site of Osceola, TliLda'lts. There was formerly much kamass here.

Names of Places on Stuck River

300. Stewart creek, between Auburn and Sumner, Sxwe'tid, "red salmon."

301. Dieringer creek, Kak'eilti, "skunk-cabbage."

302. An old village-site on Stuck river, N. of the present town of Sumner, StEx. See list of villages above.

303. The sand-spit across Stuck river from the old village, Gwe'gwestolb, "sand place."

304. Lake Tapps, Staps.

304a. The stream from Lake Tapps, Qubi'Equd.