

*Treaty between the United States of America and the S'Klallams Indians.
Concluded at Point no Point, Washington Territory, January 26, 1855;
Ratified by the Senate, March 8, 1859; Proclaimed by the President of
the United States, April 29, 1859.*

JAMES BUCHANAN,

PRESIDENT OF THE UNITED STATES OF AMERICA:

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING: January 26, 1855.

WHEREAS a Treaty was made and concluded at Hahd Skus, or Point no Point, in Washington Territory, on the twenty-sixth day of January, eighteen hundred and fifty-five, between Isaac I. Stevens, Governor and Superintendent of Indian Affairs for the said Territory, on the part of the United States, and the hereinafter named Chiefs, Headmen, and Delegates of the different villages of the S'Klallams Indians, viz.: the Kah-tai, Squah-quaihtl, Teh-queen, Ste-tehtlum, Tsohkw, Yennis, El-hwa, Pishtst, Hunnint, Klat-la-wash, and Oke-no, and also of the Sko-ko-mish, Too-an-hooch, and Chem-a-kum tribes occupying certain lands on the straits of Fuca and Hood's Canal, in the Territory of Washington, on behalf of said tribes, and duly authorized by them; which treaty is in the words and figures following, to wit:

Preamble.

Articles of agreement and convention, made and concluded at Hahd-skus, or Point no Point, Suquamish Head, in the Territory of Washington, this twenty-sixth day of January, eighteen hundred and fifty-five, by Isaac I. Stevens, governor and superintendent of Indian affairs for the said Territory, on the part of the United States, and the undersigned chiefs, headmen, and delegates of the different villages of the S'Klallams, viz.: Kah-tai, Squah-quaihtl, Teh-queen, Ste-tehtlum, Tsohkw, Yennis, El-hwa, Pishtst, Hun-nint, Klat-la-wash, and Oke-ho, and also of the Sko-ko-mish, To-an-hooch and Chem-a-kum tribes, occupying certain lands on the straits of Fuca and Hood's Canal in the Territory of Washington, on behalf of said tribes, and duly authorized by them.

Contracting parties.

ARTICLE I. The said tribes and bands of Indians hereby cede, relinquish, and convey to the United States all their right, title, and interest in and to the lands and country occupied by them, bounded and described as follows, viz.: commencing at the mouth of the Okeho River, on the Straits of Fuca, thence southeastwardly along the westerly line of Territory claimed by the Makah tribe of Indians to the summit of the Cascade range; thence still southeastwardly and southerly along said summit to the head of the west branch of the Satsop River, down that branch to the main fork; thence eastwardly and following the line of lands heretofore ceded to the *the* United States by the Nisqually and other tribes and bands of Indians, to the summit of the Black Hills, and northeastwardly to the portage known as Wilkes' portage; thence northeastwardly, and following the line of lands heretofore ceded to the United States by the Dwamish, Suquamish, and other tribes and bands of Indians to Suquamish Head; thence northerly through Admiralty Inlet to the Straits of Fuca; thence westwardly through said straits to the place of beginning; including all the right, title, and interest of the said tribes and bands to any land in the Territory of Washington.

Cession of lands to the United States.

Boundaries.

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ante Treaties, p. 1.

Reservation.

ARTICLE II. There is, however, reserved for the present use and occupation of the said tribes and bands the following tract of land, viz.: the

amount of six sections, or three thousand eight hundred and forty acres, situated at the head of Hood's Canal, to be hereafter set apart, and so far as necessary surveyed and marked out for their exclusive use; nor shall any white man be permitted to reside upon the same without permission of the said tribes and bands, and of the superintendent or agent; but, if necessary for the public convenience, roads may be run through the said reservation, the Indians being compensated for any damage thereby done them. It is, however, understood that should the President of the United States hereafter see fit to place upon the said reservation any other friendly tribe or band, to occupy the same in common with those above mentioned, he shall be at liberty to do so.

Whites not to reside thereon.

Tribes to settle on reservation.

ARTICLE III. The said tribes and bands agree to remove to and settle upon the said reservation within one year after the ratification of this treaty, or sooner if the means are furnished them. In the mean time, it shall be lawful for them to reside upon any lands not in the actual claim or occupation of citizens of the United States, and upon any land claimed or occupied, if with the permission of the owner.

Privileges to the Indians.

ARTICLE IV. The right of taking fish at usual and accustomed grounds and stations is further secured to said Indians, in common with all citizens of the United States; and of erecting temporary houses for the purpose of curing; together with the privilege of hunting and gathering roots and berries on open and unclaimed lands. *Provided, however,* That they shall not take shell-fish from any beds staked or cultivated by citizens.

Payments by the United States.

ARTICLE V. In consideration of the above cession, the United States agree to pay to the said tribes and bands the sum of sixty thousand dollars, in the following manner, that is to say: during the first year after the ratification hereof, six thousand dollars; for the next two years, five thousand dollars each year; for the next three years, four thousand dollars each year; for the next four years, three thousand dollars each year; for the next five years, two thousand four hundred dollars each year; and for the next five years, one thousand six hundred dollars each year.

How to be applied.

All which said sums of money shall be applied to the use and benefit of the said Indians under the direction of the President of the United States, who may from time to time determine at his discretion upon what beneficial objects to expend the same. And the superintendent of Indian affairs, or other proper officer, shall each year inform the President of the wishes of said Indians in respect thereto.

Appropriation for removal, &c.

ARTICLE VI. To enable the said Indians to remove to and settle upon their aforesaid reservations, and to clear, fence, and break up a sufficient quantity of land for cultivation, the United States further agree to pay the sum of six thousand dollars, to be laid out and expended under the direction of the President, and in such manner as he shall approve.

Indians may be removed to other reservation.

ARTICLE VII. The President may hereafter, when in his opinion the interests of the Territory shall require, and the welfare of said Indians be promoted, remove them from said reservation to such other suitable place or places within said Territory as he may deem fit, on remunerating them for their improvements and the expenses of their removal; or may consolidate them with other friendly tribes or bands. And he may further, at his discretion, cause the whole or any portion of the lands hereby reserved, or of such other land as may be selected in lieu thereof, to be surveyed into lots, and assign the same to such individuals or families as are willing to avail themselves of the privilege, and will locate thereon as a permanent home, on the same terms and subject to the same regulations as are provided in the sixth article of the treaty with the Omahas, so far as the same may be applicable. Any substantial improvements heretofore made by any Indian, and which he shall be compelled to abandon in consequence of this treaty, shall be valued under the direction of the President, and payment made therefor accordingly.

Lands may be surveyed and assigned, &c.

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Annuities not to be taken for debts of individuals.

ARTICLE VIII. The annuities of the aforesaid tribes and bands shall not be taken to pay the debts of individuals.

ARTICLE IX. The said tribes and bands acknowledge their dependence on the government of the United States, and promise to be friendly with all citizens thereof; and they pledge themselves to commit no depredations on the property of such citizens. And should any one or more of them violate this pledge, and the fact be satisfactorily proven before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the government out of their annuities. Nor will they make war on any other tribe, except in self defence, but will submit all matters of difference between them and other Indians to the government of the United States, or its agent, for decision, and abide thereby. And if any of the said Indians commit any depredations on any other Indians within the Territory, the same rule shall prevail as that prescribed in this article in cases of depredations against citizens. And the said tribes agree not to shelter or conceal offenders against the United States, but to deliver them up for trial by the authorities.

Tribes to preserve friendly relations,

to pay for depredations.

not to make war but in self defence.

To surrender offenders.

ARTICLE X. The above tribes and bands are desirous to exclude from their reservation the use of ardent spirits, and to prevent their people from drinking the same, and therefore it is provided that any Indian belonging thereto who shall be guilty of bringing liquor into said reservation, or who drinks liquor, may have his or her proportion of the annuities withheld from him or her for such time as the President may determine.

Annuities may be withheld from those drinking ardent spirits.

ARTICLE XI. The United States further agree to establish at the general agency for the district of Puget's Sound, within one year from the ratification hereof, and to support for the period of twenty years, an agricultural and industrial school, to be free to children of the said tribes and bands in common with those of the other tribes of said district, and to provide a smithy and carpenter's shop, and furnish them with the necessary tools, and employ a blacksmith, carpenter, and farmer for the term of twenty years, to instruct the Indians in their respective occupations. And the United States further agree to employ a physician to reside at the said central agency, who shall furnish medicine and advice to the sick, and shall vaccinate them; the expenses of the said school, shops, persons employed, and medical attendance to be defrayed by the United States, and not deducted from the annuities.

United States to establish school.

Mechanics' shop.

To employ a physician.

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

Tribes to free slaves and not to acquire others.

ARTICLE XIII. The said tribes and bands finally agree not to trade at Vancouver's Island, or elsewhere out of the dominions of the United States, nor shall foreign Indians be permitted to reside in their reservations without consent of the superintendent or agent.

Not to trade out of the United States.

ARTICLE XIV. This treaty shall be obligatory on the contracting parties as soon as the same shall be ratified by the President of the United States.

When treaty to take effect.

In testimony whereof, the said Isaac I. Stevens, governor and superintendent of Indian affairs, and the undersigned chiefs, headmen, and delegates of the aforesaid tribes and bands of Indians have hereunto set their hands and seals at the place and on the day and year hereinbefore written.

Signatures, January 26, 1855.

ISAAC I. STEVENS, *Governor and Superintendent.* [L. S.]

CHITS-A-MAH-HAN, the Duke of York, his x mark. [L. S.]
Chief of the S'klallams.

DAH-WHIL-LUK, *Chief of the Sko-ko-mush.* his x mark. [L. S.]

KUL-KAH-HAN, or General Pierce, his x mark. [L. S.]

Chief of the Chem-a-kum.

HOOL-HOLE-TAN, or Jim, *Sko-ko-mish sub-chief.* his x mark. [L. S.]

SAI-A-KADE, or Frank, *Sko-ko-mish sub-chief.* his x mark. [L. S.]

LOO-GWEH-OOS, or George, his x mark. [L. S.]

Sko-ko-mish sub-chief.

E-DAGH-TAN, or Tom, <i>Sko-ko-mish sub-chief.</i>	his x mark.	[L. S.]
KAI-A-HAN, or Daniel Webster, <i>Chem-a-kum sub-chief.</i>	his x mark.	[L. S.]
ETS-SAH-QUAT, <i>Chem-a-kum sub-chief.</i>	his x mark.	[L. S.]
KLEH-A-KUNST, <i>Chem-a-kum sub-chief.</i>	his x mark.	[L. S.]
HE-ATL, Duke of Clarence, <i>S'klallam sub-chief.</i>	his x mark.	[L. S.]
LACH-KA-NAM, or Lord Nelson, <i>S'klallam sub-chief.</i>	his x mark.	[L. S.]
TCHOTEST, <i>S'klallam sub-chief.</i>	his x mark.	[L. S.]
HOOT-OTE ST, or General Lane, <i>S'klallam sub-chief.</i>	his x mark.	[L. S.]
TO-TOTESH, <i>S'klallam sub-chief.</i>	his x mark.	[L. S.]
HAH-KWIA-MIHL, <i>S'klallam sub-chief.</i>	his x mark.	[L. S.]
SKAI-SE-EE, or Mr. Newman, <i>S'klallam sub-chief.</i>	his x mark.	[L. S.]
KAHS-SAHS-A-MATL, <i>S'klallam sub-chief.</i>	his x mark.	[L. S.]
S'HOTE-CH-STAN, <i>S'klallam sub-chief.</i>	his x mark.	[L. S.]
LAH-ST, or Tom, <i>S'klallam sub-chief.</i>	his x mark.	[L. S.]
TULS-MET-TUM, Lord Jim, <i>S'klallam sub-chief.</i>	his x mark.	[L. S.]
YAHT-LE-MIN, or General Taylor, <i>S'klallam sub-chief.</i>	his x mark.	[L. S.]
KLA-KOISHT, or Captain, <i>S'klallam sub-chief.</i>	his x mark.	[L. S.]
SNA-TALC, or General Scott, <i>S'klallam sub-chief.</i>	his x mark.	[L. S.]
TSEH-A-TAKE, or Tom Benton, <i>S'klallam sub-chief.</i>	his x mark.	[L. S.]
YAH-KWI-E-NOOK, or General Gaines, <i>S'klallam sub-chief.</i>	his x mark.	[L. S.]
KAI-AT-LAH, or General Lane, Jr., <i>S'klallam sub-chief.</i>	his x mark.	[L. S.]
CAPTAIN JACK, <i>S'klallam sub-chief.</i>	his x mark.	[L. S.]
HE-ACH-KATE, <i>S'klallam sub-chief.</i>	his x mark.	[L. S.]
T'SOH-AS-HAU, or General Harrison, <i>S'klallam sub-chief.</i>	his x mark.	[L. S.]
KWAH-NALT-SOTE, <i>S'klallam sub-chief.</i>	his x mark.	[L. S.]
S'HOKE-TAN, <i>S'klallam sub-chief.</i>	his x mark.	[L. S.]
PAITL, <i>S'klallam sub-chief.</i>	his x mark.	[L. S.]
WEN-A-HAP, <i>S'klallam sub-chief.</i>	his x mark.	[L. S.]
KLEW-SUM-AH, <i>S'klallam sub-chief.</i>	his x mark.	[L. S.]
SE-ATT-HOME-TAU, <i>S'klallam sub-chief.</i>	his x mark.	[L. S.]
TSAT-SAT-HOOT, <i>S'klallam tribe.</i>	his x mark.	[L. S.]
PE-AN-HO, <i>S'klallam tribe.</i>	his x mark.	[L. S.]
YI-AH-HUM, or John Adams, <i>S'klallam tribe.</i>	his x mark.	[L. S.]
TI-ITCH-STAN, <i>S'klallam tribe.</i>	his x mark.	[L. S.]
SOO-YAHNTCH, <i>S'klallam tribe.</i>	his x mark.	[L. S.]
TTSEH-A-TAKE, <i>S'klallam tribe.</i>	his x mark.	[L. S.]
HE-ATS-AT-SOOT, <i>S'klallam tribe.</i>	his x mark.	[L. S.]
TOW-OOTS-HOOT, <i>S'klallam tribe.</i>	his x mark.	[L. S.]
TSHEH-HAM, or General Pierce, <i>S'klallam tribe.</i>	his x mark.	[L. S.]
KWIN-NAS-SUM, or George, <i>S'klallam tribe.</i>	his x mark.	[L. S.]
HAI-AHTS, John, <i>S'klallam tribe.</i>	his x mark.	[L. S.]
HAI-OTEST, John, <i>S'klallam tribe.</i>	his x mark.	[L. S.]
SEH-WIN-NUM, <i>S'klallam tribe.</i>	his x mark.	[L. S.]
YAI-TST, or George, <i>S'klallam tribe.</i>	his x mark.	[L. S.]
HE-PAIT, or John, <i>S'klallam tribe.</i>	his x mark.	[L. S.]
SLIMM, or John, <i>S'klallam tribe.</i>	his x mark.	[L. S.]
T'KLALT-SOOT, or Jack, <i>S'klallam tribe.</i>	his x mark.	[L. S.]
S'TAI-TAN, or Sam, <i>S'klallam tribe.</i>	his x mark.	[L. S.]
HUT-TETS-OOT, <i>S'klallam tribe.</i>	his x mark.	[L. S.]
HOW-A-OWL, <i>S'klallam tribe.</i>	his x mark.	[L. S.]

Executed in the presence of us—

M. T. SIMMONS,
 C. H. MASON, *Secretary Washington Territory*,
 BENJ. F. SHAW, *Interpreter*,
 JOHN H. SCRANTON,
 JOSIAH P. KELLER,
 C. M. HITCHCOCK, M. D.,
 A. B. GOVE,
 H. A. GOLDSBOROUGH,
 B. J. MADISON,
 F. A. ROWE,
 JAS. M. HUNT,
 GEORGE GIBBS, *Secretary*,
 JOHN J. REILLY,
 ROBT. DAVIS,
 S. S. FORD, Jr.,
 H. D. COCK,
 ORRINGTON CUSHMAN,
 J. CONKLIN.

And whereas, the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the eighth day of March, one thousand eight hundred and fifty-nine, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit:

“IN EXECUTIVE SESSION,

“SENATE OF THE UNITED STATES, March 8, 1859.

“*Resolved*, (two thirds of the senators present concurring.) That the Senate advise and consent to the ratification of treaty between the United States and the S'Klallams Indians occupying lands in the Straits of Fuca and Hood's Island, in Washington Territory, signed 26th January, 1855.

“Attest: “ASBURY DICKINS, *Secretary*.”

Now, therefore, be it known that I, JAMES BUCHANAN, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the eighth of March, eighteen hundred and fifty-nine, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, and have signed the same with my hand.

Done at the city of Washington, this twenty-ninth day of April, in the year of our Lord one thousand eight hundred and fifty-nine, and of the independence of the United States the eighty-third.

JAMES BUCHANAN.

By the President:
 LEWIS CASS, *Secretary of State*.

Ratification,
 March 8, 1859.

Proclamation
 April 29, 1859.

Treaty between the United States of America and the Makah Tribe of Indians. Concluded at Neah Bay, Washington Territory, January 31, 1855. Ratified by the Senate, March 8, 1859. Proclaimed by the President of the United States, April 18, 1859.

JAMES BUCHANAN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING: January 31, 1855

WHEREAS a treaty was made and concluded at Neah Bay, in the Territory of Washington, on the thirty-first day of January, eighteen hundred and fifty-five, between Isaac I. Stevens, governor and superintendent of Indian affairs for said Territory, on the part of the United States, and the hereinafter-named chiefs, headmen, and delegates of the several villages of the Makah tribe of Indians, viz.: Neah Waatch, Tsoo-Yess, and Osett, occupying the country around Cape Classett or Flattery, on behalf of the said tribe and duly authorized by the same; which treaty is in the words and figures following, to wit:

Articles of agreement and convention, made and concluded at Neah Bay, in the Territory of Washington, this thirty-first day of January, in the year eighteen hundred and fifty-five, by Isaac I. Stevens, governor and superintendent of Indian affairs for the said Territory, on the part of the United States, and the undersigned chiefs, headmen, and delegates of the several villages of the Makah tribe of Indians, viz.: Neah Waatch, Tsoo-Yess, and Osett, occupying the country around Cape Classett or Flattery, on behalf of the said tribe and duly authorized by the same.

Contracting Parties.

ARTICLE I. The said tribe hereby cedes, relinquishes, and conveys to the United States all their right, title, and interest in and to the lands and country occupied by it, bounded and described as follows, viz.: Commencing at the mouth of the Oke-ho River, on the Straits of Fuca; thence running westwardly with said straits to Cape Classett or Flattery; thence southwardly along the coast to Osett, or the lower Cape Flattery; thence eastwardly along the line of lands occupied by the Kwe-déh-tut or Kwill-eh-yute tribe of Indians, to the summit of the coast range of mountains, and thence northwardly along the line of lands lately ceded to the United States by the S'Klallam tribe to the place of beginning, including all the islands lying off the same on the straits and coast.

Surrender of lands to the United States. Boundaries.

Treaties, ante, P. 7.

ARTICLE II. There is, however, reserved for the present use and occupation of the said tribe the following tract of land, viz.: Commencing on the beach at the mouth of a small brook running into Neah Bay next to the site of the old Spanish fort; thence along the shore round Cape Classett or Flattery, to the mouth of another small stream running into the bay on the south side of said cape, a little above the Waatch village; thence following said brook to its source; thence in a straight line to the source of the first-mentioned brook, and thence following the same down to the place of beginning; which said tract shall be set apart, and so far as necessary surveyed and marked out for their exclusive use; nor shall any white man be permitted to reside upon the same without permission of the said tribe and of the superintendent or agent; but if necessary for the public convenience, roads may be run through the said reservation, the Indians being compensated for any damage thereby done them. It is, however, understood that should the President of the United States here-

Reservation. Boundaries.

Whites not to reside thereon, unless, &c. Roads may be made.