

Medicine creek to Fox Island: cadastral scams and contested domains.

Reddick, SuAnn M., and Cary C. Collins. "Medicine creek to Fox Island: cadastral scams and contested domains." *Oregon Historical Quarterly*. 106.3 (Fall 2005): 374. [Expanded Academic ASAP](#). Gale. University of Washington. 14 Apr. 2008
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RISING BLACK AGAINST THE HORIZON and fleetingly visible from the interstate highway that runs along the southern edge of Puget Sound north and east of Olympia, Washington, an old Douglas fir snag is nearly obscured by the riparian trees and brush. The Treaty Tree stands at the place where on a dreary Christmas Day in 1854 Governor Isaac I. Stevens negotiated terms for the Medicine Creek treaty with some seven hundred Nisqually, Puyallup, Squaxin, Steilacoom, and other landowners whose territory embraced four thousand square miles. Here was born a bitter conflict that erupted when Indian peoples in Washington and Oregon territories confronted the power of the U.S. government as it sought to move the Indians out of the way of white settlement. (1)

The treaty council was held near a stream known to the Nisqually as She-nah-nam, referring to a sacred space where shamans could go to derive their power from the water. Translated by the Americans as Medicine Creek, it was also called McAllister Creek because it flowed north into the Sound past a sawmill and cabin on land claimed by an early emigrant, James McAllister. West of the creek, hidden in the woods opposite the site chosen for the negotiations, was a Nisqually village; and to the southeast towered the great snow-covered mountain that the Indians called Tacobet and the Americans renamed Rainier. Although the settlers represented a minority of the territorial population, their dreams of expansion were already manifest in the growing number of farms scattered along primitive roads between the tiny towns of Olympia and Steilacoom. (2)

Medicine Creek was the first of seven treaties negotiated by Stevens in his role as Indian superintendent in present-day Washington, Idaho, and Montana. Combined with another eight treaties completed by Oregon's superintendent of Indian affairs, Joel Palmer, and three that Stevens and Palmer negotiated together, most--but not all--of the Indian peoples of the Pacific Northwest were brought into a complex legal relationship with the U.S. government. Not only did the eighteen treaties determine what lands the Indians relinquished and what they retained, but they also laid the cornerstone for Native sovereignty and self-determination--that is, the ability of Indians in the Pacific Northwest to execute control over their own affairs, land, and property through self-government functioning under tribal laws and leaders aided by the protection of the American government. The treaties initiated what is today the basis of tribal identity and legal existence. In the 1850s, however, the federal government regarded the treaties and reservations as provisional, the means by which Indians could be organized and contained until their land was allotted and people were assimilated. The one-sided and at times arbitrary nature of the Medicine Creek negotiations and the hostilities that followed served notice from the outset that anything close to Native sovereignty and self-determination would be a long time in coming and achieved only through grueling struggle at a heavy cost. (3)

The remnants of this story are paper, ink, and microfilm--scattered letters, maps, and reports gathered from the National Archives and Records Administration and various other libraries and repositories. The original transcription of the Medicine Creek council minutes no longer exists and later renditions are only incomplete abstracts of the primary source. With little hard evidence on which to rely, irreconcilable opinions have transformed the history of the Medicine Creek council and its aftermath into a disjointed collage of observations, assertions, and interpretations, rendering it almost impossible for researchers to discern a rational pattern of events and decisions. By using letters, surveys, and maps drawn at the time of the negotiations and a little-known account of the Fox Island council of 1856, along with Native testimonies and oral tradition, we can project possible scenarios that might shed light on the Medicine Creek treaty and its consequences, which are among the most perplexing, contentious, and disputed in Pacific Northwest Indian and white relations. (4)

The tragedy that transpired at the Whitman Mission in 1847 made it obvious that contention was increasing between the incoming settlers and the region's Indians. Oregon's provisional legislature petitioned Congress for immediate territorial organization. The bill that created the territory of Oregon was signed on August 14, 1848. It made Oregon's governor the ex officio superintendent of Indian affairs and defended the federal government's exclusive right to make and enforce laws and treaties concerning American Natives and their lands. (5)

IN 1850, Congress passed the Donation Land Act, which allowed settlers to claim up to 640 acres in the Oregon Territory. Migrating from the United States, Canada, Britain, and northern Europe, colonists and land speculators flooded into the region. In June, three federal Indian commissioners, John P. Gaines, Alonzo A. Skinner, and Beverly S. Allen, were appointed to treat with tribes west of the Cascades, purchase their lands, and move all of them east of the Cascades. The Indians agreed to sell but refused to relocate, and the treaties allowed them to stay in the foothills of the Willamette Valley. The commissioners justified their decision by the scarcity of white workers and need for Indian laborers. Nineteen treaties were negotiated, but none were ratified. The commission was abolished in February 1851, and Anson Dart was appointed superintendent of Indian affairs for Oregon Territory. Meeting with eastern tribes, Dart learned that the western Indians would be unwelcome east of the Cascades, so he retained the localized reservation policies in the treaties he negotiated with the valley tribes.

Communication problems pervaded the negotiation process. Edmund A. Starling, the first Indian agent in Puget Sound, wrote Dart in 1852 that he was having trouble even identifying Native leaders with whom Dart could deal and that enumerating the members of different groups was virtually impossible. Starling commented on the difference between Indians around the Sound and those who lived east of the mountains. He admitted that some Indians of the Sound were peaceful, generous, honest, neat, "comparatively industrious ... and very useful." He admired the easterners who raised "immense herds of cattle and horses," but he did not report that some Nisqually-speaking Sound Indians lived in similar fashion, raising horses on the upland prairies. Starling's observations laid the foundation for future decisions about the South Sound tribes. Dart negotiated thirteen treaties, but Congress declined to ratify them. Clashes between whites and Indians intensified. (6)

In March 1853, Congress separated Washington from Oregon Territory. Joel Palmer succeeded Dart in Oregon, and Isaac Stevens was appointed governor and ex officio superintendent of Indian affairs for Washington Territory. Upon his arrival in the territory, Stevens wrote the Office of Indian Affairs in Washington, D.C., suggesting that, to expedite the opening of lands, the Indians could be placed on a few small "temporary" reservations, later to be transferred to a "general" reservation somewhere in western Washington. (7)

Dubbed by his biographer as "a young man in a hurry," Stevens was small in stature and youthful in appearance. Brilliant, temperamental, aggressive, and obsessive, he was driven by arrogance and ambition and was unpredictable and unstable--hardly a diplomat or a peacekeeper. Yet, in an era of unbounded expansion, that combination may have been precisely what the country needed. Even before he received his appointment, Stevens had already envisioned a course for himself and his country, basing his grand design on the power of the railroad, settlement, politics, and the development of resources in the Pacific Northwest. (8)

In the 1850s, sawmills, gristmills, and fisheries dotted the Puget Sound landscape and Natives outnumbered whites by perhaps ten or even fifteen to one., U.S.

citizens, much to the annoyance of American officials, purchased tools, supplies, and manufactured goods from the British-owned Puget Sound Agricultural Company. Commodities imported from California and the eastern United States were expensive. By mid-century, however, local enterprises were beginning to thrive and San Franciscans gladly traded gold for Northwest lumber, oysters, and barrels of salmon. (10) Stevens was determined to eliminate British power in the territory, but he recognized, as had his predecessors, the potential value of Indian labor:

They are very useful in many ways for transporting persons about the Sound in their canoes, etc. Many of the men as laborers are very usefull, in chopping wood, plowing, driving wagons, etc. Some of the women wash clothes well, and in a variety of ways, make themselves useful; and if confined on reservations under the direction of Efficient agents, I am inclined to think that but little objection, if any, would be made by the whites. (11)

The governor believed that Americans were destined to displace both the British and the Indians, and he knew that citizens would require full access to the land. In the meantime, settlers could benefit from a conveniently located and well-controlled labor force until whites outnumbered Indian workers.

After completing the survey to determine a northern route for the Pacific railroad, Stevens reached Olympia in November 1853. He spent the next four months making contacts with important local whites whose political support he needed. In March 1854, he returned to his family in Washington, D.C., where he met with officials from the Office of Indian Affairs, lobbied Congress for funding to finance the treaty negotiations, and worked on his railroad survey reports. (12) The interim governorship passed to twenty-three-year-old Charles H. Mason, who was fresh out of law school, and Stevens appointed settler Michael T. Simmons as special agent to assume jurisdiction over Puget Sound Indians. Simmons had led the first group of American colonists into the East Sound eight years earlier. Though reportedly illiterate and a remarkably unsuccessful entrepreneur, he was popular around Olympia, knew most of the whites and many Indians in the region, and had been involved in business schemes, from sawmills and gristmills to shipping and oyster farming. (13)

Stevens directed Simmons to visit the various camps and villages where Indians might be found in western Washington, determine their populations, and compile the statistics so that family and village groups could be consolidated into tribes and placed on reservations. Agent Simmons was also assigned to appoint tribal leaders--chiefs and sub-chiefs--with whom the governor could negotiate treaties. Simmons hired his business partner, twenty-five-year-old Benjamin "Frank" Shaw, as an interpreter. Shaw had lived in the region since boyhood and claimed fluency in Chinook Jargon. Although the jargon was a trade language and limited as a means of communication, it was used by both whites and Indians and was chosen as the official device for treaty negotiations. (14) In their roles as agent and interpreter, Simmons and Shaw wielded enormous power over the lives and futures of the Puget Sound Indians. With Stevens absent from the territory, they were positioned to make most of the decisions about which groups were invited to the treaty councils and which individuals were designated as tribal leaders.

Simmons was instructed to first contact the S'Klallams, a reputedly warlike people living in the North Sound. Instead, he approached the more amiable Indians living near him around Olympia in the South Sound. The agent's decision may have reflected his own interest in cultivating local economic development. He had been an activist for territorial status from his arrival in Washington and had tried his hand at politics and several businesses, developing personal and financial relationships with most of the entrepreneurial newcomers to the region. (15)

The Indians in the South Sound spoke related languages, but their lifeways differed from one group to another. Villages sat along many of the streams and rivers flowing into the Sound. Many Puyallup near Commencement Bay, and there were Nisqually homes on the Nisqually River and its tributaries. Other Indians who would be affected by the Medicine Creek treaty camped on islands in and waterways along the Sound and near Steilacoom. These groups, who depended largely on fishing and saltwater, were called "canoe Indians" by the whites. Other communities--referred to by some as the "horse Indians"--included members of the Nisqually and Puyallup. Their villages were near streams on the upland plateaus and near the White and Green rivers east of the Sound, where their herds grazed on the prairie grasses and hunting provided the main sustenance. Like Indians elsewhere in the Pacific Northwest, those on the Sound moved within their traditional territorial boundaries according to the seasons, plants, and animals and traded regularly with other Native groups. Some Indians worked for the British at Fort Nisqually. (16)

Southeast from Olympia, two brothers--Quiemuth and Leschi--lived with their families at a village on Muck Creek, a tributary to the Nisqually River. They were respected by all and had provided much-needed assistance to the Americans and British for over a decade. The brothers farmed their own land, raised horses, and worked occasionally for the Puget Sound Agricultural Company. When Simmons approached them about the treaties, Quiemuth and Leschi agreed to accept the designations of Nisqually chief and sub-chief and to come to a council at Medicine Creek. (17)

At Commencement Bay, west of present-day Tacoma, whites had begun to develop their community with a few mills, farms, and salmon fisheries, and Michael Simmons knew them all. One of them, John M. Swan, ran a small store and fish-processing station on the southwestern shore of the bay with his partner, Mr. Riley. The Puyallup Indians often sold salmon and labored for the partners, and Swan agreed to travel with some of them to the council at Medicine Creek. The treaty site was accessible by canoe across the Sound, down the Nisqually River, and by wagon road or water route from Olympia. Many upland Indians would face a long, wet winter trek on foot and horseback to attend the council. (18)

IN THE EARLY WINTER of 1854, Governor Stevens returned to Olympia and on December 7 convened a Commission to Hold Treaties with the Indian Tribes in Washington Territory and the Blackfoot Country. Members of the commission included Simmons, Shaw, and Mason as well as Hugh A. Goldsborough, another of Simmons's friends and business partners, who was chosen to take charge of the "commissary." The official surveyor was George Gibbs who, with the governor's young aide James Doty, had worked for Stevens on the Pacific railroad survey. Gibbs had categorized each of the Native peoples geographically and linguistically, and his studies of Northwest Native languages and cultures were incorporated into Stevens's railroad report. (19)

The Office of Indian Affairs sent the governor copies of treaties recently negotiated by Indian Commissioner George W. Manypenny with the Omaha, Otoe, and Missouri and two concluded by Joel Palmer with the Rogue River and Cow Creek Indians. These were to be used as models for Medicine Creek. In 1852, Starling had not known the number of Indians in the region, but at the commissioners' meeting, Simmons reported that the entire Native population to be dealt with at the Medicine Creek council comprised "638 souls." After the discussion, Stevens enjoined Gibbs to review the other treaties and "prepare a programme of a Treaty in accordance with the views of the commission." (20)

On December 10, Gibbs returned with a draft for the proposed treaty, which was discussed, revised, and accepted. Invitations to a "potlatch" on Christmas Day were issued to the Indians of the South Sound, and some local settlers were also asked to attend. Simmons and Shaw explained to the Indians that the American government was prepared to solve their troubles with whites, provided they would consent to trade their land rights for "reservations for their exclusive use" and "such other privileges as could be agreed upon at the council." American settlement could not be slowed, Shaw warned. The Indians' one option for survival was to cooperate, but they would have to come to the council to hear the details of the government's offer. (21)

On Saturday, December 23, Simmons, Orrington Cushman, Sidney S. Ford, Jr., and Henry D. Cock went to prepare the grounds for the formal negotiations. The next day, Christmas Eve, was dark, damp, cold, and miserable. The governor and his twelve-year-old son, Hazard, along Olympia in canoes in the morning and disembarked at the mouth of with Mason, Doty, Gibbs, and Olympia resident Edward Giddings, left Medicine Creek. Lt. William A. Slaughter of the Fourth Infantry from Fort Steilacoom accompanied the party, and Shaw and Goldsborough came later. James McAllister, whose cabin and mill were close by, attended with his cousin John McAllister, George Shazer, and several other locals who held claims in the area. (22) They had an important stake in the

outcome, having an interest in a larger white population and increasing income and property values. Whites had long depended on the local Indians, but that reliance was diminishing as the ratio of Indians to Euro-Americans shifted. While some traders and soldiers had taken Native wives, by the 1850s pioneers were arriving with entire families. Still, the Whitmans' fate had not been forgotten, and the control and location of the Indians were matters of great concern.

On Christmas Eve, according to Hazard Stevens, seven hundred Indians were camped with their horses across the stream from the American tents. At some point, James Doty began recording the minutes. He inscribed each of the tribes' names at the head of the treaty document, using phonetic spellings:

Nisqually Puyallup, Steilacoom, Squawskin, S'Homamish, Stehchass, T'Peeksin, Squi-aitl, and Sa-heh-wamish tribes and bands of Indians, occupying the lands lying round the head of Puget's Sound and the adjacent inlets, who, for the purpose of this treaty, are to be regarded as one nation. (24)

In the eyes of Stevens and his commissioners, the assembled group of at least nine autonomous communities was a single tribe. In reality, they represented only a fraction of the indigenous peoples who lived in the South Sound. Stevens's report to the Office of Indian Affairs after the meeting stated that only seven hundred Natives lived in the region and that all but a handful were present at Medicine Creek. Years later, an investigation would prove that the Stevens's figures represented less than half of the indigenous population. (25) The treaty terms, reservations, and annuities agreed to at Medicine Creek would be based on grossly miscalculated statistics, the arbitrary conglomeration of diverse groups, and an assumption that the Natives were nearly extinct. (26)

On Monday, Christmas morning, the Americans presented their offer, announcing that the Indians were "about to be paid" for their territory. Through Shaw's translation from English to Chinook Jargon, and thence to Nisqually and the other Native languages, the assembly was told that all their lands must be ceded but that some would be set apart for their "exclusive use." The Great Father would also provide an annual supply of goods such as "blankets, axes, etc." In return, all groups named in the treaty were to abandon their homes and farms and move to Klah-the-min Island, also known as Squaxin Island. Twelve miles from Olympia across the Sound, the island was isolated from white settlement and reportedly contained some land suitable for agriculture. It held no value to the Americans but was convenient to the military outpost at Fort Steilacoom. In exchange for the 2.5 million acres where they had lived for generations, the Indians were being offered a forested island of about two square miles and the rights to fish, hunt, and gather as long as they did not interfere with whites. (27)

Quiemuth and Leschi had gained substantial experience and knowledge living among their British and American neighbors. It is likely that they and many other Indians were aware of just how much land white citizens had staked and claimed. They had been assured a just solution to the unjust treatment their people were enduring, and they must have been alarmed when they heard Stevens's plan for consolidation on Squaxin Island. The upriver peoples depended on pasture for their horses, and they would derive little benefit from an island surrounded by saltwater. Nearly half a century later, an elderly Benjamin Shaw recalled: "Leschi wanted all of Pierce County and a goodly part of King for a few Indian ponies to run on." To Leschi thousands of acres in present-day Pierce and King counties seemed reasonable, especially since that was where the Nisqually were already living and there were few white settlers. In 1903, however, Shaw explained: "That was out of the question. No one thought then, nor does anyone believe now, that such a concession ought to have been made." Governor Stevens knew it would be ill advised to give the Indians good farmland or to locate reservations on any lands that might be a future route for a railroad to a terminus on the Sound. (28)

The Nisqually John Hiton attended the treaty council in 1854. Fifty years later, he declared unequivocally that Leschi not only refused to sign the treaty but stood up before the governor and proclaimed that if he "could not get his home, he would fight." Hiton remembered that Stevens told Leschi, "[I]t was fight, for the treaty paper would not be changed." He described what happened next: "Leschi then took the paper out of his pocket that the Governor had given him to be sub-chief, and tore it up before the Governor's eyes, stamped on the pieces, and left the treaty ground, and never came back to it again." Historians have debated the truth of Hiton's statement, and the treaty minutes are silent on the issue. (29)

Christmas Day ended badly for both parties to the council. The Americans realized they would have to offer more than a single reservation, but by the time the last angry Nisqually had departed, daylight was gone and negotiations had to be continued the next day. Meanwhile, the commissioners regrouped, hoping to find a way to pacify the Indians and satisfy the government's mandate to establish as few reservations as possible. They discussed the tensions among the many independent groups and decided to keep Squaxin Island for the "saltwater" Indians, who seemed agreeable to living on the Sound. While the original idea had been to gather a newly formed "nation" onto an island, they would now need to find other small parcels of unclaimed land where the Nisqually, Puyallup, and others could live temporarily until a general agency could be created. (30)

Probably during the course of discussions that evening, two small rectangles were drawn on a rough tracing Stevens had made of a Charles Wilkes map of Puget Sound, indicating some new proposed sites. (31) One rectangle with the word Nisqually was placed at Sequelitchew Creek, near the Hudson's Bay Company's Fort Nisqually. An Indian village was already on the creek, but the land was claimed by the Puget Sound Agricultural Company. That rectangle was therefore scratched out and a square was inserted instead at the intersection of the Sound and the mouth of Medicine Creek. It was marked "Reserved Two Sections." For the Puyallup, a rectangle was drawn along the south shore of Commencement Bay at the mouth of the Puyallup River. (32)

By late that night, Stevens ordered the final treaty prepared. Article 2 allowed the Indians one year to move to the designated sites. Article 6 gave the U.S. president the authority to relocate the tribes at his discretion as well as to allot the reservation land to individuals and families. Article 10 included a provision that Congress, within one year of ratification, would establish a general agency at an unspecified location where all the tribes in the Sound would share "a school, a teacher and wife, a farmer, blacksmith, carpenter and doctor, along with medicine and necessary buildings." (33) Neither the minutes nor the final treaty language revealed that Stevens's intention was to amalgamate all western Washington Indians within that year at the new agency on the general reservation. Five decades later, Benjamin Shaw remembered:

... the designation of local reservations was wholly temporary, as there was no thought or expectation upon the part of Gov. Stevens in the capacity of superintendent of Indian affairs, or treaty commissioner, that these were to be the permanent homes of the respective tribes of Indians to whom they were allotted. (34)

Approximately 650 Indians remained at Medicine Creek until the morning of December 26, some fifty apparently having left with Leschi and Quiemuth. (35) Stevens's oration that morning was transcribed into the minutes. He assured the Indians that they could move their houses to the new reservations; travel, fish, and gather anywhere they wanted; and graze their horses on any unclaimed land "in common" with settlers. (36) According to one account, Stevens also promised "a steamer, a sawmill, cattle, mules, sheep, hogs and horses and 100 cooking stoves." (37) After a period of translation and discussion, Stevens assured his listeners, "If it is good you will sign it and I will send it to the Great Father—I think he will be pleased with it and say it is good; but if not, if he wishes it different, he will say so and send it back and then if you agree to it, it is a fixed bargain and payment will be made." (38)

With an offer of three separate reservations for their houses and the freedom to fish, hunt, and gather, some Indians inscribed "X" marks on the document next to their names. The tracing of the Wilkes map roughly illustrated that the Nisqually would stay near Medicine Creek and the Puyallup could remain on their traditional lands where the Puyallup River emptied into Commencement Bay. The Squaxin Island reservation would be retained, and people from other villages were expected to assimilate onto one of the three designated tracts. The treaty was to remain in effect for twenty years.

In about 1900, Nisqually Tyee Dick told Ezra Meeker that he was persuaded to sign and spoke about his difficult decision on that day after Christmas in 1854.

He remembered that Nisqually John Hiton was convinced that the Indians would be treated as equals with the whites.

Oh, John Hiton made a speech. This was the second day. Hiton he said we sign treaty, and then we take farms all the same as white man and then all the whites and the Governor took off their hats and cheered, and then the Olympia Indians began to sign, and the Squaxons they signed and I held back, but Simmons come and patted me on the back and told me "that's a good fellow, Dick, you go and sign, and I will see you are treated right and well taken care of," and I knew Simmons and thought him good man and signed. (39)

The final treaty language specified two sections of land--that is, two square miles for each reservation--for their "present use and occupation." The council minutes do not include any discussion about the dimensions of the proposed reserves.

On Tuesday evening, December 26, John Swan arrived with twenty-nine Puyallups and reported that twenty more had been thwarted by severe weather. The treaty council minutes do not record any discussion with the newcomers or indicate whether they were invited to see the map or sign the treaty. Stevens did offer to send them gifts, assuring them that the goods were "not a payment for your lands, but merely a friendly present." (40)

AFTER CELEBRATING SUCCESS Tuesday night, Stevens left on Wednesday morning, instructing Doty to travel over the Cascades and prepare the eastern tribes for treaty negotiations. Gibbs and Shaw were to "proceed with a preliminary reconnaissance of the reservations at the Meridian Line and on Commencement Bay." (41) Gibbs, Shaw, Swan, and Simmons had lived near the Sound for years and probably knew that the Nisqually and Puyallup reservations could not be put where they were shown on the Wilkes map. In November 1853, Shaw had secured a claim to 307.1 acres of land directly west of the Willamette Meridian. He built his home on the property, which stretched northwest along the edge of the Sound precisely where the location of the Nisqually reservation was proposed. (42) At Commencement Bay, claims were already staked in the area chosen for the Puyallup.

On the evening of December 27, Gibbs and Shaw boarded a chartered schooner, sailed up the Sound, and anchored across from Shaw's house. The next day in a raging storm they struggled through the forest that covered a rocky bluff on an unclaimed parcel west of Shaw's property. Gibbs wrote to Stevens on Friday, December 29, that to have "good ground" for the reservation, the swamps could be drained, but the back part of the acreage was "horrible." He remarked that the description and configuration of the Nisqually reservation written into the treaty was "an unfortunate one, but probably the result will be unimportant." Gibbs complained that the Wilkes map "gave us a very incorrect idea of the shore" and that the existing survey lines were badly run and marked. He drew an outline of the form the reservation would probably require to total two sections and asked Stevens to bring the section plat--the public surveyor's map--from the land office and to review Gibbs's outlines before the actual survey was done. Stevens wrote back but did not go up to meet with Gibbs. A report from the governor to Manypenny dated December 30 declared the negotiations successful and included maps of the new reservations, evidently tracing Gibbs's sketch over the public survey map of the region near Medicine Creek. Stevens related that there had been "disputed points" and explained that "in the first instance they desired more reserves and larger reserves." Nonetheless the outcome was satisfactory. (43)

These reserves have been so selected as to not interfere with existing claims or with the progress of settlement and yet at such points as would enable the Indians to catch salmon, gather roots and berries, pasture their animals on unclaimed land, and participate as heretofore in the labor of the Sound. (44)

The cadastral description, township, and section of the Nisqually reserve selected by Shaw and Gibbs was approved by Stevens and inserted into the treaty document sometime after the council at Medicine Creek.

Gibbs and his party abandoned the Nisqually survey, took the schooner to Steilacoom, and sailed to a site chosen for the Puyallup, a new location several miles west of the Puyallup River. On January 1, 1855, the crew began to survey what was now called the Choche-oot-luts reservation for the Puyallup at Commencement Bay. They had landed on the south shore of the bay, several miles northwest of the place marked on the Wilkes map at the mouth of the Puyallup River. Gibbs reported to Stevens on January 6, 1855: "the ground selected as the best lies adjoining & east of Swan & Riley's claim." The surveyed sections formed a rectangle with one short edge on the water. Gibbs later wrote that the lay of the land at the bay would "make the shape of this reservation still worse than the other." Like the Nisqually site, it was at the crest of a hill, heavily timbered, and miles from any prairie lands. "As the Indians will require the shore only," Gibbs noted, "this tribe being exclusively fishing Indians, it was not deemed advisable at this time to continue it [the survey] around the whole tract." He asked Stevens on Swan's behalf:

if you will let him have spades & axes to set the Indians at work at once upon their land & make them put up their houses there. He seems to take a good deal of interest in the matter & I think will manage it well. He says he means to make them build in a line & will burn clamshells & whitewash the houses ... They are of great use to him as they haul his seine and do his work generally. He keeps a store & sells flour, calicoes & the usual Indian goods.

While Gibbs was laying out the lines for the Puyallup reservation, he encountered some Indians who complained that they had not gotten a reservation in their own country. "We shut them up by telling them it was too late to talk about that," Gibbs reported to Stevens. "They should have mentioned it before signing the paper." (45)

For all of the Indians within the four thousand square miles ceded in the treaty, Stevens had approved three reservations--a small island and two tracts on land on the Sound, each approximately two square miles in size. Neither of the tracts Gibbs surveyed matched the locations marked on the map at Medicine Creek. That winter, Leschi complained to William Tolmie of the Puget Sound Agricultural Company about the reservations. Benjamin Shaw later recalled a conversation he had with Leschi in the spring of 1855 and remembered being surprised at the Indians' dissatisfaction with the reservations. Shaw promised to convey the Indians' distress to Stevens. This complaint was received too late to revise the treaty, Shaw recalled, as it was ratified in March. (46) Three separate reserves had been identified at Medicine Creek, but Commissioner Manypenny described the Medicine Creek treaty terms to the secretary of the interior this way: "This treaty cedes all the lands occupied by these tribes except a reservation therein named upon which they are to remove within one year from the ratification." (47)

Ratification came with remarkable alacrity on March 3, 1855. Stevens moved quickly when he learned that the treaty had been accepted and, on April 21, the Olympia Pioneer and Democrat published his announcement: "The following reservations for the Indians on Puget Sound having been surveyed, or having natural boundaries defining them, information is given to the public that settlers may take action accordingly in locating claims." The list included the Nisqually and Puyallup sites surveyed by Gibbs; Squaxin Island; a small part of the lands promised at a later treaty council, Point Elliott; and the reservation for the Makah at Neah Bay. Only the Medicine Creek treaty had been ratified. At the bottom of the page were instructions advising how claims could be filed against Indians who had taken land or property from residents of the territory. (48)

The Indians who were party to the Medicine Creek treaty were in a precarious position. Contending with land-hungry Americans, they were simultaneously forbidden by the treaty from dealing with the British. Although given a year for the transfer, they would be pressured to leave their homes for reservations that had been defined without their knowledge or assent and that were only temporary. Writing to Manypenny on May 11, 1855, Stevens recommended that the Indians be moved

on to each reservation in July, August & September under an agent, and that labor in all cases whenever practicable to be done by the Indians themselves ... It is believed that as soon as the Central Agency shall be under way, all the Special reservations can be dispensed with and the Indians consolidated on the general reservation. (49)

American citizens knew that their problems were solved and the authorities would recognize their land claims. The Indians of Puget Sound had been officially swindled and were beginning to realize it.

In late May 1855, before he left for Walla Walla to meet with Joel Palmer and negotiate treaties with the tribes east of the mountains, Stevens sent Simmons and Shaw to visit the Indians at their new reservations, where they had to be if they wanted to collect their "goods intended as presents." Another purpose of the trip was to ascertain the Indians' "numbers, their condition, [and] approbation of their treaties." The Nisqually were not mentioned, but Simmons found that the "Squaxhunes," who had not been required to relocate, were satisfied. Of the nearly four hundred Puyallups collected on the Choche-oot-luts reservation, not all were pleased with the treaty, but Simmons was unsympathetic:

A few of the old men expressed their disapprobation of the late treaty. They desired a different reservation with prairie land. I told them that they had been present at the treaty, had fully understood it, and had signed it, and now they must obey all its provisions unless changed by the President according to its articles. (50)

Throughout the summer of 1855, the Indians' anger and resentment intensified, especially among the upland peoples whose needs had been disregarded at Medicine Creek. During this time, Leschi made a trip into Oregon in a failed effort to find his bilingual cousin, who might help with negotiations with the government to sell Nisqually lands that Leschi did not yet consider relinquished. Upon his return, Leschi told Tolmie that he feared "agents in Olympia" who wanted to "incarcerate and perhaps hang him." (51) At the end of September, while Simmons was forcing other Indians on the Sound to move onto reservations, Shaw met again with Quiemuth and Leschi, intending, he claimed, to discuss a possible new reservation. By then the Indians knew what Simmons was doing around the Sound, and they rejected Shaw's overtures. Quiemuth and Leschi spoke with Charles Mason, the acting governor, but Mason wanted them to move to Olympia. Still convinced that they would be assassinated by whites, Quiemuth and Leschi abandoned their homes and sought refuge in the eastern mountains among their Yakama relatives. After the meeting with the Nisqually, Shaw rode straight to Olympia to warn Mason of their demeanor. (52)

IN THE FALL of 1855, land conflicts between Indians and settlers in eastern Washington Territory erupted into the so-called Yakama War. Whites throughout the Sound feared violence from the Indians who lived near them. On October 1, Acting Governor Mason ordered up a volunteer force to begin collecting and disarming all Natives living east of the Sound. In order to safely separate the noncombatants from those who were participating in the war, the Indians were coerced to gather at internment camps, what Hazard Stevens gently dubbed "temporary insular reservations." That winter, Simmons dispatched a "numerous corps of sub-agents," aided by an intimidating and occasionally murderous volunteer militia, to collect nearly five thousand Indian men, women, and children who lived on the South Sound. Most cooperated, but others escaped and some surrendered later. The temporary reservations, under the supervision of local settlers, were established at Squaxin and Fox Islands, Skagit Head, Whidbey Island, Port Madison, Chehalis River, and Cowlitz. Stevens's war policy both interrupted and expedited the removal process. The Squaxin reservation was on an island and usable for isolation purposes, but the Nisqually and Puyallup tracts selected in January were within the zone forbidden to Indians. (53) By the end of October, Indians and whites were killing each other throughout Washington and Oregon territories. James McAllister was among the first casualties, reportedly shot by Quiemuth. A. Benton Moses, a militiaman, died in a skirmish near White River. His death was blamed on Leschi. (54)

Stevens returned to Olympia on January 19, 1856, and sent Mason to Washington, D.C., to secure funding from Congress to care for and feed the prisoners of war. The governor told the Territorial Legislature that he had treated successfully with all the tribes in the territory. He did not acknowledge that the Medicine Creek treaty might have exacerbated conflicts in the Sound and relegated all responsibility to "evil disposed persons" and "restless Indians." Within days of Stevens's reappearance, some of the Indians gathered to make a futile attack on the little outpost recently named Seattle. Some claimed that Leschi led the assault. (55)

By August 1856, largely through the efforts of the regular army, peace more or less reigned in the Puget Sound area, although hostilities continued east of the mountains. Quiemuth and Leschi, now considered war criminals by Stevens, remained at large. Feeding, clothing, and caring for five thousand Indians on the "temporary insular reserves" was expensive and funding was scarce. On August 4, Stevens convened a conference at Fox Island, across the Sound from Steilacoom, where 806 Nisqually and Puyallup had been taken. The conference was purportedly to revamp the reservations that had been agreed upon at Medicine Creek. The governor came with Simmons and Tolmie as well as Colonel Silas Casey of the U.S. Army and the newly appointed surveyor general for Washington Territory, James Tilton. (56)

Following a ceremonial introduction, Stevens addressed the internees, accusing them of making poor choices on the location of the reservations:

Ye old men, ye are my Fathers. You middle aged men you are my brothers. Ye young men, ye are my children. We made a treaty some eighteen months ago. Why did you make it? You believed that there was a good Father across the two oceans, because you believed that he commanded me to make that treaty. Hence I tell you all that I am that Father. I made that treaty. I am glad to meet you today to talk about that treaty and to show you that that treaty shall be respected and that I still feel interested in your welfare. I am sorry that we have trouble and that we have had war. I am glad that the war is now over. We made a treaty and established Reserves at the Nisqually and Puyalooop. Those Res. were suggested by yourselves. I had those reserves surveyed. I found them not good. I sent word to Leshi that those Res. were not good and your brother Col. Simmons told all the Indians that the reserves should be changed. Are the reserves of the Treaty good for you? Or shall we select other reserves? If there be others on which you think you can do better, then your great Father will furnish you one. I shall talk but little more. (57)

For months, Stevens had been defending himself from criticism over the treaty negotiations and his war policies, even facing the threat of impeachment. Striving to shift the blame, he told his audience:

I never speak to my children about the reserved land without the record being kept. That record is sent to the Great Father & from that paper he will know who has lied. I believe there will be no lying. I am sure I will try not to lie. I believe you will act as you say you will act. (58)

Stevens believed that, at Medicine Creek, the Indians had agreed to place themselves under his paternal authority. To him, their rebellion was a blatant breach of faith. After chastising Leschi, who was still free, the governor got down to business:

You talked today of four reservations, one on the Nisqually, one at Steilacoom Creek, one at the Potato Ground and one at the Puyalooop ... Now I will agree to two reservations and no more. Those reservations shall be larger than the first selected. You shall have a large reservation at Nisqually, one large reservation on the Puyalooop. Those reservations shall give you ground enough for horses and to the Horse Indians, Muckleshook I will give land between White and Green Rivers and I will send a man with you to mark out the ground so that you may be satisfied. (59)

Ironically, with this new offering of a more reasonable amount of land for the Medicine Creek tribes, Stevens vindicated Leschi and Quiemuth's rejection of the treaty. The agreement at Fox Island finally recognized that the South Puget Sound Indians were a more culturally diverse and determined group of peoples than the U.S. government had anticipated.

The second Nisqually reservation was relocated and included a segment of ancestral lands along the river south of the Sound, on rocky ground so barren that no settler had bothered to take it. Its outlines extended across the Nisqually River into the region occupied by the Puget Sound Agricultural Company. Finally surveyed in 1870, after the United States had extinguished British property claims, the new reservation totaled 4,717 acres. (60) On Squaxin Island, an agency and a school were built and maintained for years, but the island proved uninhabitable and those amenities were abandoned. The Puyallup, few of whom participated in the war, received over 18,000 acres with some prime farmland at the southeast end of Commencement Bay. A fourth reservation, of 3,500 acres, was established for the "horse Indians" at Muckleshoot, near a military fort between the White and Green rivers. (61) The rest of the South Sound Indians either affiliated with one of the reservations or remained independent though landless and unrecognized by the federal government as tribes. Of the three reservations agreed to by the Indians at Medicine Creek, only one--Squaxin Island--remained at the location first proposed by Isaac Stevens.

In the century following the treaty negotiations, the South Sound Indians endured further destruction of their cultures and homelands. All of the land set aside for the Puyallup at Fox Island in 1856 was allotted in the 1880s, and within a few decades the tribe was considered by some observers to be extinct. At the beginning of World War I, much of the Nisqually reservation that had been promised at Fox Island was appropriated by the government to become Fort Lewis, an army base. Although they have faced countless challenges, the Indian peoples of the region never gave up the battle for sovereignty that began at Medicine Creek. Today, the Nisqually, the Puyallup, the Squaxin, and many other Puget Sound tribes are vital communities with impressive economic and political power. They are deeply involved in decisions related to their sovereign status, including fishing rights, land use, and many environmental issues throughout the state of Washington. Many of the tribes' greatest legal coups have been based upon commitments made by the U.S. government in the Medicine Creek treaty.

In the 1850s, few would have prophesied such a future for the Indians of Puget Sound. The Nisqually reservation placed next to Benjamin Shaw's claim remained as surplus federal land for several years. It is now the location of William Tolmie State Park. The Puyallup reservation adjacent to Swan and Riley's claim was acquired by whites sometime after the Fox Island council. It was used for many years as a lucrative, but toxic, industrial smelter. The council ground at Medicine Creek is now preserved as part of a wildlife sanctuary within federally protected wetlands, and the Treaty Tree will soon be gone. Two information kiosks are the only visible reminders of the human history there. No one lives on Squaxin Island. (62)

Notes

- (1.) A book-length history of the Medicine Creek treaty council has not been published. The most comprehensive study is Richard White, "The Treaty at Medicine Creek: Indian-White Relations on Upper Puget Sound, 1830-1880" (M.A. thesis, University of Washington, 1972). See also Robert I. Burns, *The Jesuits and the Indian Wars of the Northwest* (New Haven, Conn.: Yale University Press, 1966); Alvin M. Josephy, Jr., *The Nez Perce Indians and the Opening of the Northwest* (New Haven, Conn.: Yale University Press, 1965); Richard White, "It's Your Misfortune and None of My Own": A History of the American West (Norman: University of Oklahoma Press, 1991); Robert Utley, *The Indian Frontier, 1846-1890* (Albuquerque: University of New Mexico Press, 2003); Robert E. Ficken, *Washington Territory* (Pullman: Washington State University Press, 2002); "Legend to Live: Department Protects Historical Tree," *Washington Highway News* (Olympia) 24:2 (June 1973):1, 11; C. Albert White, *A History of the Rectangular Survey System* (Washington, D. C.: U.S. Department of the Interior, Bureau of Land Management, 1984).
- (2.) On "She-nah-nam," see Mariane W Smith, *The Puyallup-Nisqually* (New York: Columbia University Press, 1940): "The name is evidently derived from the word for shaman and shaman power ... a fact to which informants always refer when speaking of the ill effects of white occupation" (12-13). See also Hyde and Preston survey, Township 18 North Range 1 East, Bureau of Land Management offices, Portland, Ore.
- (3.) Charles F. Coan, "The Adoption of the Reservation Policy in the Pacific Northwest, 1853-1855," *Oregon Historical Quarterly* 23:1 (March 1922):1-38. See also Francis Paul Prucha, *The Great Father. The United States Government and the American Indians*, 2 vols. (Lincoln: University of Nebraska Press, 1984).
- (4.) Handwritten copies of the treaty minutes signed by George Gibbs, whom Stevens appointed as secretary after the treaty council concluded, are on microfilm, "Record of the Proceedings of the Commission to Hold Treaties with the Indian Tribes in Washington Territory and the Blackfoot Country, December 7, 1854-March 3, 1855" [hereafter Medicine Creek council minutes], Records of the Washington Superintendency of Indian Affairs, 1853-1874 [hereafter WSIA], Roll 26, M5, National Archives and Records Administration [hereafter NARA]. For a microfilmed copy of what appears to be the original Medicine Creek treaty document signed on the council ground, see *Ratified Indian Treaties, 1722-1869*, frames 66-83, Roll 11, M668, NARA. On the reliability of the Medicine Creek records, see James Wickersham, "The Indian Side of the Puget Sound Indian War," October 9, 1893, Wickersham Collection, MSS TS-120, box 1, folder 3, Washington State Historical Society, Tacoma; copy also in James Wickersham Biographical File, Tacoma Public Library. See also Ezra Meeker, *Pioneer Reminiscences of Puget Sound: The Tragedy of Leschi* (Seattle: Lowman & Hanford Stationery and Print Company, 1905); Elwood Evans, "Wickersham Roasted," *Tacoma Ledger*, October 17, 18, 1893; Benjamin F. Shaw, "Medicine Creek Treaty," speech delivered December 20, 1903, in *Proceedings of the Oregon Historical Society* (1906): appendix C, 24-32.
- (5.) See Prucha, *Great Father*, 1:396; Robert A. Trennert Jr., *Alternative to Extinction: Federal Indian Policy and the Beginnings of the Reservation System, 1846-51* (Philadelphia: Temple University Press, 1975).
- (6.) James M. Bergquist, "The Oregon Donation Act and the National Land Policy," *Oregon Historical Quarterly* 58 (March 1957): 17-47. See also Charles F. Coan, "The First Stage of the Federal Indian Policy in the Pacific Northwest," *Oregon Historical Quarterly* 22 (March 1921): 46-86; Prucha, *Great Father*, 1:397-400; Daniel L. Boxberger and Herbert C. Taylor, Jr., "Treaty or Non-Treaty Status," *Columbia* 5:3 (Fall 1991): 40-5. Starling counted 330 Nisqually and Puyallup but admitted that figure was only an approximation. In December 1853, Starling presented revised totals--80 Nisqually and 150 Puyallup--blaming disease for the decrease; Edmund Starling to Anson Dart, September 1, 1852, *Annual Report of the Commissioner of Indian Affairs* (Washington, D.C.: GPO, 1852), 168 [hereafter ARCIA]; and Starling to Isaac Stevens, December 10, 1853, Roll 9, WSIA.
- (7.) Coan, "Adoption of Reservation Policy," n-13; Coan, "First Stage," 64-5. See also Stevens to George Manypenny, December 26, 1853, in *U.S. Court of Claims, Duwamish et al. v. United States*, University of Washington Library, Microfilm A-7374, 725-8 [hereafter Duwamish].
- (8.) Kent D. Richards, *Isaac L. Stevens: Young Man in a Hurry* (Provo, Utah: Brigham Young University Press, 1979; reprint, Pullman: Washington State University Press, 1993); Hazard Stevens, *The Life of Isaac Ingalls Stevens*, 2 vols. (Boston: Houghton, Mifflin, 1900); Kent D. Richards, "The Young Napoleons: Isaac I. Stevens, George B. McClellan and the Cascades Mountains Route," *Columbia* 3:4 (Winter 1989-90): 21-8; Sherburn F. Cook, Jr., "The Little Napoleon: The Short and Turbulent Career of Isaac I. Stevens," *Columbia* 14:4 (Winter 20001): 17-20; and Karen Meador, "An Unlikely Champion: Jefferson Davis and the Pacific Northwest," *Columbia* 18:4 (Winter 2004-5): 12-21.

- (9.) Elwood Evans, ed., *History of the Pacific Northwest*, 2 vols. (Portland, Ore.: North Pacific History Company, 1889), 2:333-9, lists the white population north of the Columbia at 1,049, according to the 1850 census. Gibbs counted 7,559 Indians in the region; Gibbs, *Indian Tribes of Washington Territory* (1855; reprint, Fairfield, Wash.: Ye Galleon Press, 1978), 42. Marian Smith suggests that Gibbs underestimated the Indian population by at least half; "The Puyallup of Washington," in *Acculturation in Seven American Indian Tribes*, ed. Ralph Linton (New York: D. Appleton-Century, 1940), 11.
- (10.) E.E. Rich, *The History of the Hudson's Bay Company, 1670-1870*, 2 vols. (London: Robert MacLehose, 1959):2:658; Elwood Evans, ed. *History of the Pacific Northwest*, 2 vols. (Portland, Ore.: North Pacific History Company, 1889): 2:333-49.
- (11.) Stevens to Manypenny, December 26, 1853; Duwamish, 725-8.
- (12.) Richards, *Young Man in a Hurry*, 157-79.
- (13.) *Ibid.*, 156; Stevens to Michael T. Simmons, March 22, 1854, Roll 1, WSIA. See also Murray Morgan, *Puget's Sound: A Narrative of Early Tacoma and the Southern Sound* (Seattle: University of Washington Press, 1979): 79-80. For claims that Simmons was illiterate, see Evans, "Wickersham Roasted," 2; and Edward Huggins to Dye, May 27, 1904, "Huggins Letters Outward: 1899-1906 to Mrs. Eva Emery Dye," unpublished, undated manuscript by Joseph Huntsman, Tacoma Public Library, pp. 73-4. According to Kent Richards, Simmons' family denied that he was illiterate; Richards to authors, January 28, 2005.
- (14.) Charles F. Wilkinson, *Messages from Frank's Landing. A Story of Salmon, Treaties, and the Indian Way* (Seattle: University of Washington Press, 2000), 11-12; George C. Shaw, *The Chinook jargon and How to Use It* (Seattle: Rainier Printing, 1909), available online at chinookjargon.home.att.net/shaw.htm (accessed September 1, 2005).
- (15.) Morgan, *Puget's Sound*, 88; Richards, *Young Man in a Hurry*, 197.
- (16.) Smith, *Puyallup-Nisqually*; Hermann Karl Haeberlin and Erna Gunther, *The Indians of Puget Sound* (Seattle: University of Washington Press, 1930); Cecelia Svinth Carpenter, *Fort Nisqually: A Documented History of Indian and British Interaction* (Tacoma, Wash: Tahoma Research Service, 1986).
- (17.) Cecelia Svinth Carpenter, *Leschi: Last Chief of the Nisqually* (Tacoma, Wash: Tahoma Research Service, 1998); Cecelia Svinth Carpenter, *The Nisqually: My People* (Tacoma, Wash: Tahoma Research Service, 2002); Della Gould Emmons, *Leschi of the Nisqually* (Minneapolis: T.S. Denison, 1965); Alexander Olson, "Our Leschi: The Making of a Martyr," *Pacific Northwest Quarterly* 95:1 (Winter 2003-4): 26-36.
- (18.) Morgan, *Puget's Sound*, 76-82; Thomas W. Prosch, *McCarver and Tacoma* (Seattle: Lowman and Hanford, 1906), 154; J.C. Rathbun, *History of Thurston County* (Olympia, Wash.: n.p. 1895), 23.
- (19.) On Goldsborough, see Evans, *History of the Pacific Northwest*, 1:348; James Robert Tannis, ed., "The Journal of Levi Lathrop Smith, 1847-1848," *Pacific Northwest Quarterly* 43(1952):277-301, available online, transcribed by Roger Easton, at olympiahistory.org/Olympia-biblio.html (accessed July 26, 2005). On Gibbs, see Stephen Dow Beckham, "George Gibbs, 1815-1873: Historian and Ethnologist" (Ann Arbor: University Microfilms, 1970); and George Gibbs, *Indian Tribes of Washington Territory* (Fairfield, Wash.: Ye Galleon Press, 1978).
- (20.) Medicine Creek council minutes, Roll 26, WSIA. At Medicine Creek, Stevens was operating on instructions from the Office of Indian Affairs; see Manypenny to Stevens, May 9, 1853, and Charles Mix to Stevens, August 30, 1854, both Roll 7, WSIA.
- (21.) Medicine Creek council minutes, Roll 26, WSIA; Shaw, "Medicine Creek Treaty," 27-8.
- (22.) Stevens, *Life of Isaac Ingalls Stevens*, 1:456.
- (23.) Carpenter, *Fort Nisqually*, 166-7; Richards, *Young Man in a Hurry*, 190-1.
- (24.) Stevens, *Life of Isaac Ingalls Stevens*, 1:456; Medicine Creek council minutes, Roll 26, WSIA.
- (25.) Statistics on the populations of the villages in the South Sound vary widely, but Marian W Smith concluded that, based upon all later census figures, the estimates for the tribes covered by the Medicine Creek treaty and used by Isaac Stevens in 1854 were "50 percent short"; see Smith, "Puyallup of Washington," 11.
- (26.) Stevens to Manypenny, December 26, 1853, Senate Exec. Doc. 34, 33rd Cong. 1st sess. [698] 1854, p. 392-462.
- (27.) Medicine Creek council minutes, Roll 26, WSIA. See also Smith, "Puyallup of Washington," 25-6.
- (28.) Shaw, "Medicine Creek Treaty," 31.
- (29.) Meeker, *Pioneer Reminiscences*, 242. The surviving minutes contain no record of Indian comment. Every other one of the Stevens treaty negotiations included detailed transcriptions of Native as well as white speeches. In 1892, James Wickersham, in "The Indian Side of the Puget Sound Indian War," collected both white and Indian testimony swearing that Leschi had not signed the Medicine Creek treaty. Meeker published his work nearly a decade later. Nisqually oral tradition has always held that Leschi did not sign; Carpenter, *fears of Internment*, 42. See also Prucha, *Great Father*, 1:404. George Gibbs wrote in January 1857, "that the governor's treaties had a great deal to do the Sound were too much hurried, and the reservations in fomenting this war there is no doubt. Those on allowed them were insufficient"; quoted in James G. Swan, *The Northwest Coast, or Three Years' Residence in Washington Territory* (Seattle: University of Washington Press, 1972), 428.
- (30.) Stevens, *Life of Isaac Ingalls Stevens*, 1:457.
- (31.) The Wilkes map is in "Documents Relating to the Negotiation of Ratified and Unratified Treaties with Various Indian Tribes, 1801-1869," [hereafter DRNRUT], frame 227, Roll 5, T494, NARA. The public survey of Township 19 North Range 1 West was completed in 1854 and is available at Bureau of Land Management offices, Portland, Ore. The Willamette Meridian and related baselines established the starting point for the grid on which the public land survey of Oregon and Washington was based.
- (32.) Carpenter, *Fort Nisqually*, 1-6. See also Carpenter, *Tears of Internment: The Indian History of Fox Island and the Puget Sound Indian War* (Tacoma,

Wash: Tahoma Research Service, 1996): 70

(33.) Charles J. Kappler, ed. and comp. *Indian Affairs, Laws and Treaties*, 5 vols. (Washington, D.C.: GPO, 1904-1941): 2:661-4

(34.) Colonel B.F. Shaw, "Did Leschi Sign the Medicine Creek Treaty?" *Seattle Post-Intelligencer*, January 31, 1904.

(35.) The change in numbers is based on Stevens, *Life of Isaac Ingalls Stevens*, 1:456-7.

(36.) Richards, *Young Man in a Hurry*, 200.

(37.) Wickersham, "Indian Side."

(38.) Richards, *Young Man in a Hurry*, 199; *Medicine Creek council minutes*, Roll 26, WSIA.

(39.) Meeker, *Pioneer Reminiscences*, 244-5.

(40.) *Medicine Creek council minutes*, Roll 26, WSIA.

(41.) *Ibid.*

(42.) *Washington Territory Donation Land Claims: An Abstract of Information in the Land Claim Papers of Persons Who Settled in Washington Territory before 1856* (Seattle: Seattle Genealogical Society, 1980), 94; *Medicine Creek council minutes*, Roll 26, WSIA.

(43.) George Gibbs to Stevens, December 29, 1854, Roll 23, WSIA; Gibbs to Stevens, December 31, 1854, Roll 5, DRNRUT. The final language inserted into the treaty minutes describing the Nisqually reservation was: "[A] square tract containing two sections, or twelve hundred and eighty acres, on Puget's Sound, near the mouth of the She-nah-nam [Medicine] Creek, one mile west of the meridian line of the United States land survey. The tract thus selected was duly approved by Governor Stevens and adopted as a reservation under the Treaty and subject to the ratification thereof" *Medicine Creek council minutes*, Roll 26, WSIA

(44.) Stevens to Manypenny, December 30, 1854, Roll 5, DRNRUT.

(45.) George Gibbs to Stevens, January 6, 1855, Roll 5, DRNRUT. Gibbs referred to the Indians as "Skokomish," but that was an error. The Skokomish had not yet been treated with. The origin of the name Choche-oot-luts is unknown. The public lands survey had not yet been extended to Commencement Bay, so Gibbs could only describe the Puyallup reservation in the treaty document as, "a square tract containing two sections, or twelve hundred and eighty acres, lying on the south side of Commencement Bay."

(46.) William Tolmie to Lafayette McMullin, undated letter transcribed in Meeker, *Pioneer Reminiscences*, 447-9; Shaw, "Did Leschi Sign?" Both of the tracts Gibbs surveyed were directly adjacent to claims held by members of the treaty party, Shaw and Swan.

(47.) Manypenny to R. McClelland, February 14, 1855, in *Duwamish*, 733.

(48.) *Olympia Pioneer and Democrat*, April 21, 1855.

(49.) Stevens to Manypenny, May 11, 1855, Roll 1, WSIA.

(50.) Simmons to Stevens, December 30, 1855, *Letters Received by the Office of Indian Affairs, 1824-1880*, Roll 907, M234, NARA.

(51.) William Tolmie to Lafayette McMullin, undated letter transcribed in Meeker, *Pioneer Reminiscences*, 447-9.

(52.) Shaw, "Did Leschi Sign?"; Sydney Ford, Sr., to Stevens, October 10, 1856, Roll 16, WSIA.

(53.) Lucile McDonald, "Michael T. Simmons," *Seattle Times*, June 1, 1958; Richards, *Young Man in a Hurry*, 266-72; Stevens, *Life of Isaac Ingalls Stevens*, 2:254-9. See also George L. Miller, *Fox Island: A History* (Fox Island, Wash.: Fox Island Historical Society, 1993): 14-17.

(54.) See "Mrs. James Hartman," in Robert A. Bennett, ed., *A Small World of Our Own: Authentic Pioneer Stories of the Pacific Northwest from the Old Settlers Contest of 892* (Walla Walla, Wash.: Pioneer Press Books, 1985):9-19; and Wilkinson, *Messages from Frank's Landing*, 16-17.

(55.) Carpenter has pointed out that the Seattle region was Duwamish--not Nisqually--country, and there is no contemporary documentation linking Leschi to the attack. On January 5, Leschi tried to contact and negotiate peace with John Swan, the agent at Fox Island across from Steilacoom; see *Washington Republican*, April 10, 1857. Carpenter, *Tears of Internment*, 52, and Steilacoom

(56.) Copy of Fox Island council minutes, Puyallup Indian Tribal Archives, Tacoma, Washington, in authors' possession [hereafter FILM--Tacoma]. The authors are grateful to Judy Wright, archivist, for making the Puyallup tribe's copy available to them. It is unclear whether the original council minutes are extant. Copies can also be found in the Oversized Scrapbook (box 3), Wickersham Collection, Washington State Historical Society, Tacoma; in the Clarence Bagley Collection, Special Collections, University of Washington Libraries, Seattle; and in *Duwamish*, 797-801.

(57.) Fox Island council minutes, FICM--Tacoma.

(58.) *Ibid.* Richards, *Young Man in a Hurry*, 273-88.

(59.) *Ibid.* Three months earlier, Stevens had written Manypenny that Shaw had successfully negotiated with Leschi in the summer of 1855 for an enlarged reservation to incorporate the Upper Chehalis people with "sufficient prairie land being included to graze all their animals"; see Stevens to Manypenny, May 5, 1856, Roll 2, WSIA. Shaw did not mention this in his 1904 defense of Stevens; Shaw, "Did Leschi Sign?"

(60.) Stevens to Manypenny August 28, 1856, FILM-Tacoma. The survey of the Nisqually reservation was delayed because the Puget Sound Agricultural

Company did not settle with the United States government until 1871.

(61.) Kent D. Richards, "Agrarianism, United States Indian Policy, and the Muckleshoot Indian Reservation," in William L. Lang, ed. *Centennial West. Essays on the Northern Tier States* (Seattle: University of Washington Press, 1991): 39-58.

(62.) See Alexandra Harmon, *Indians in the Making. Ethnic Relations and Indian Identities around Puget Sound* (Berkeley: University of California Press, 1998); Charles Wilkinson, *Blood Struggle: The Rise of Modern Indian Nations* (New York: W. W. Norton, 2005); and Frederick E. Hoxie, *A Final Promise: The Campaign to Assimilate the Indians, 1880-1920* (Lincoln: University of Nebraska Press, 1984). Quiemuth was murdered on November 18, 1856, by the son-in-law of James McAllister. Leschi was arrested for Moses' wartime murder and hanged at Steilacoom on February 19, 1858. Carpenter, *Tears of Internment*, 65-6. On December 10, 2004, a Historical Court of Inquiry and justice at Tacoma, Washington, exonerated Chief Leschi. The Tacoma special tribunal, called by the state legislature, could make only a symbolic determination rather than a legally binding decision.

Gale Document Number:A137146595
