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# A comparison of British and American treaties with the Klallam

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Nov. 22, 1977

Daniel L. Boxberger

A COMPARISON OF BRITISH AND AMERICAN TREATIES

WITH THE KLALLAM

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A Thesis

Presented to

the Faculty of

Western Washington University

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In Partial Fulfillment

of the Requirements for the Degree

Master of Arts

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by

Daniel L. Boxberger

November 1977


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WITH THE KLALLAM

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Accepted in Partial Completion  
of the Requirements for the Degree  
Master of Arts

  
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Dean of Graduate School

Advisory Committee

  
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ABSTRACT

A COMPARISON OF BRITISH AND AMERICAN TREATIES  
WITH THE KLALLAM

by

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Department of Anthropology

Western Washington University

November 1977

American and British (Hudsons Bay Company) treaties with the Klallam are compared and analyzed for the effects the policies had on culture change ca. 1850-1865. Also included in this study are discussions of aboriginal culture and ethnohistory to 1840's, aboriginal villages and post-contact movements, and an overview of the present-day Klallam communities. Using ethnohistorical materials to determine culture change, it was found that the policies outlined in the American Treaty of Point-No-Point caused the Klallam in Washington Territory to change fairly rapidly while the policies instituted in the British Fort Victoria Treaties allowed the Klallam of Vancouver Island to remain nearer to an aboriginal state.

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## INTRODUCTION

### Statement of Intent

In 1954 Wayne Suttles remarked at the close of his study "Post-contact Culture Change Among the Lummi Indians" that "a comparison of the post-white history of the Saanich and Lummi might be most rewarding in examining the results of these different policies" (1954:99). The policies he was referring to were those of the respective nations to which the Lummi and Saanich are subject, the United States and Great Britain (later the Dominion of Canada). Suttles apparently felt that since these two groups were linguistically and culturally similar they presented the perfect situation for the study of the effects of government policy on the American Indian. It is proposed to compare the treaty policies<sup>1</sup> of the two treaty-making world powers with the natives of the Northwest Coast of North America.

There are several groups along the United States-Canadian border that could feasibly be studied in this manner, the Makah-Nootka, the Klallam, the Lummi-Saanich, and the Semiahmoo. The situation best suited to this type of comparison is that of the Klallam on the Strait of Juan de Fuca. As will be discussed in some detail, groups of the Klallam were signatories to treaties negotiated by both the United States and Great

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<sup>1</sup>For the purposes of this study I will use the definition of "Indian policy" put forth by Tyler: "Indian policy shall be considered a course of action pursued by any government and adopted as expedient by that government in its relations with any of the Indians of the Americas. By expedient, we mean action that is considered by government to be advantageous or advisable under the particular circumstances or during a specific time span" (1973:1-2).

Britain within a period of a few years. The Klallam<sup>2</sup> have been chosen for two reasons: they are the only treaty Indians on both sides of the border that can be shown beyond reasonable doubt to be members of the same culture group, and they are the only group that definitely signed with both nations.

This discussion of the treaty policies is limited to the negotiation of the treaties and the implementation of those policies immediately after the signing of the treaties; the period would be approximately 1850-1865. Although historical materials from outside this time range are used in the discussion, their usage is only to further clarify certain points.

This particular period has been selected for this discussion for two reasons: 1) it is the period for which sufficient ethnohistorical data could be collected for the groups in question; and 2) it is the period in which the greatest difference could be noted in the rate of culture change between the groups due primarily to treaty policies.

Besides the works pertaining to the treaties, it is also necessary to cover the known historical materials relating to the Klallam up to the time of the treaties and to give a brief overview of how the situations that exist today have developed for the groups in question. This overview is given in order to place the treaty-making period into a recognizable time-frame. Since a discussion of the post contact movements of the Klallam is necessary to show how the situations under consideration arose

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<sup>2</sup>The spelling "Klallam" has been chosen for this study based on the observation that this is the spelling most commonly used by the Klallam themselves and others. In the source materials other renderings will be found: Clallam, Clalm, Tlalm, Clallum, S'Klallam, etc. These will only be used in direct quotations.

and since the situations contain somewhat detailed problems, it is included as a separate section, but within the historical progression of the events discussed.

This study is designed as an introductory work; the material presented here suggests certain apparent effects that can be shown to have been the result of differing governmental policies based on a comparison of these policies as outlined in the treaties and relevant works of the same era. It would be interesting and rewarding to do a detailed ethno-historical and ethnological study of the Klallam to see the long-term effect these policies have had, but that examination is beyond the scope of the present work.

### Methods and Types of Data

The methods employed in the design of this paper are of an ethno-historical nature. Ethnohistory has been defined as "the study of the history of peoples normally studied by anthropologists" (Sturtevant 1966: 6). While this definition does in fact fit the design of this paper, it does not go far enough in offering an operational definition of the discipline (or subdiscipline) of ethnohistory. Hickerson has better defined the goals of the ethnohistorian when he wrote,

Ethnohistorians . . . apply the methods of historiography to the cultures in which they are interested in the light of their general anthropological experience; to gauge change that has taken place in them and to comprehend the historical facts involved in and determining change (1970:7).

While many ethnographers have, to some extent, utilized historical sources on the Northwest Coast, this was, for the most part, merely to complement or verify ethnological data. Ethnohistory can do more than document aspects of aboriginal culture. My intent is to show, as Hickerson suggested, the historical factors that determined what culture traits would change and how that change would be channeled. The work presented here is designed to attempt some assessment of the role the policies instituted in the British and American treaties played in implementing culture change among one Coast Salish group, the Klallam.

The types of data used come from many and varied sources. The ethnological works on the Klallam and related neighbors are few: there are brief mentions in Boas, The Lkungen (1890); Hill-Tout, Ethnological Report of the Southeastern Tribes of Vancouver Island, British Columbia (1907); and Suttles, Economic Life of the Coast Salish of Haro and Rosario

Straits (1951). The only ethnographic work on the Klallam alone is Gunther's Klallam Ethnography (1927), which is mostly salvage ethnology with little ethnohistorical data.

The historical materials most utilized are the reports of the Hudsons Bay Company and various unpublished manuscripts in the Provincial Archives of British Columbia in Victoria. In addition there are the reports by governmental officials and early travelers such as Kane, Wanderings of an Artist (1859); Gibbs, Tribes of Western Washington and Northwestern Oregon (1877); the many works of the Reverend Myron Eells (1884, 1886, 1887a, 1887b); Curtis, The North American Indian (1913); and also annual reports of the Indian agents of both Washington Territory and British Columbia.

The discussion will follow in an historical progression, covering the available material on the Klallam up to the time of the treaty negotiations, a discussion of the treaties and the policies therein, and a post-treaty overview of the existing Klallam communities.

## BACKGROUND INFORMATION

### Aboriginal Culture and Ethnohistory to 1840's<sup>3</sup>

At the time of European contact the Klallam inhabited the southern shore of the Strait of Juan de Fuca, roughly from Hoko River on the west to Port Discovery on the east (see map on page 14). There are mentions of Klallams inhabiting other areas. For instance, the entry in Colonel Ebey's diary for Tuesday, 22 February, 1853, states: "Some of the Klalm Indians have returned to their old camping ground here in the lower part of our garden again" (1916:134). The Ebey homestead was located at the head of Penn Cove on the west side of Whidbey Island. Curtis states that the Klallam had sites on Whidbey, Orcas, and San Juan Islands (1913:19). Gunther suggests that if these were indeed Klallam sites then they were most likely fishing stations (1927:177).

The Klallam are usually considered a member of the Lkungen branch of the Coast Salish division of Salish speakers (Swadesh 1950:163), linguistically most closely related to the Sooke, Songhees, Saanich of Vancouver Island, Lummi, Semiahmoo, and Samish of the mainland on the east side of Puget Sound. Swadesh has suggested, based on glottochronology, that the Klallam, Lkungen (by Lkungen Swadesh refers to the Sooke, Saanich, and Songhees), and Lummi were all contiguous speakers of a single tongue in a small geographical area as early as a thousand years ago (1952:241 and 244-5).

---

<sup>3</sup>It is not intended to give anything more than a brief introduction to the Klallam culture and a survey of the ethnohistorical materials up to the time of permanent white settlement in the area. For works dealing with the aboriginal culture of the area see Gunther (1927) and Suttles (1951).

The Klallam were considered by many of the early settlers in the Puget Sound area as more "aggressive" and warlike than many of their Salish neighbors (Stevens in Indian Claims Commission 1973, Curtis 1913:19, Gunther 1927:266, and Waterman n.d.:47). The Klallam did seem to be expanding their "territory" at and after the time of contact, but this may have been, as Taylor has suggested, the net result of "territorial aggrandizement" (Taylor and Duff 1956:63-4). Also, as will be shown, the expansion of Klallam into what was traditionally considered Chimakum and Twana territory was a result of epidemics and economics, respectively, not an intended act of territorial gain.

The Klallam yearly cycle can roughly be divided into a food-gathering season and a "ceremonial" season. Although some subsistence activity did take place throughout the entire year, by far the majority of the animal and vegetable products in the diet were preserved for winter use in the spring and summer (Gunther 1927:206).

During the summer extended family groups moved to fishing and gathering grounds where they set up temporary mat shelters. The fish were gathered at river sites where weirs were employed, at reef-net sites, and by trolling. The fish were then split, the backbone removed, and they were dried over smoke. Also dried for winter use were clams and various plant foods such as camas and berries. Commencing in December or January, the winter dancing and potlatching began. At this time the longhouses were occupied at the village sites, and families traveled back and forth to attend various functions. Among these functions would be the guardian spirit dancing and the secret society initiations, which were usually held in conjunction with a potlatch (Gunther 1927:281).

The social organization of the Lkungen was first described by Boas (1890) and by Hill-Tout (1907). Boas described the Lkungen<sup>4</sup> as being divided into "gentes," "each of which owns a certain coast-strip and certain river courses on which they have the exclusive right of fishing, hunting, and picking berries" (1890:569). Boas states that each gens has its own name, but none have crests (1890:569-70), and in addition that the Lkungen recognize classes. Boas described three classes: commoners, middle-class, and noblers; and besides the three classes there were slaves which could be held by all classes (1890:570). Hill-Tout only disagreed with Boas in his use of the designation "gentes".

This word gentes had a very loose meaning in this country when Dr. Boas wrote, and I am not sure what he meant to convey by it. Each local group or sept looks upon itself as distinct from the rest, and believes it had a separate origin. Each claims to be descended from a certain "first man," yet the individual members of the local group do not all regard themselves akin to one another, as they should if the local group were "true gens" (Hill-Tout 1907:308).

Hill-Tout preferred that the divisions be called "septs," based on his observation.

Both ethnographers agree that the Lkungen septs or gentes had a headman or "chief," which was an hereditary privilege (Boas 1890:570 and Hill-Tout 1907:308).

Gunther, writing in 1927, only recognizes two classes, upper and lower; "The former consists of the Chief, his immediate family and relatives" and "membership in this group depends partly on birth, but principally on wealth" (Gunther 1927:260). As with many Northwest Coast groups, wealth among the Klallam was established by potlatching.

---

<sup>4</sup>By "Lkungen" Boas and Hill-Tout are referring to all the groups on southeast Vancouver Island. Both Boas (1890:569) and Hill-Tout (1907:307) list Klallam groups at Beecher Bay in their list of Gentes and Septs.



As mentioned the Klallam were very warlike, and a major incentive in warfare was the taking of slaves (Gunther 1927:263); rarely, however, were more than two or three slaves held by any one individual (Gunther 1927:264). According to the Hudsons Bay Company census of 1838-39, out of a total population of 1263 Klallam, 63 were slaves (Douglas 1853:23; see also Taylor 1960:403-3 for a copy of the same census from Beaver House, London). This figure would average out to approximately one slave for every nineteen to twenty free Klallam.

The pre-contact population estimates for the Klallam come from three sources: Kroeber (1939), Taylor (1963), and Mooney in Hodge (1968). For a discussion of Mooney and Kroeber's estimates see Taylor (1963). All three estimate the Klallam and Chimakum combined to have numbered 2,400 ca. 1780. Considering that the Chimakum were included and that there were small-pox and other epidemics among the Klallam after 1780, these figures would seem to agree with those of Warre and Vavasour (1845) of 1,485 and with the Hudsons Bay Company estimates of Douglas (n.d.a) of 1,485 and of Finlayson (n.d.) of 1,760. Both Douglas and Finlayson did their estimates in the middle 1840's.<sup>5</sup>

The first records we have of European contacts come to us from several sources. Apparently the first European to enter the Strait of Juan de Fuca (excluding the apochcryphal voyage of Juan de Fuca) was the Englishman Charles Barkley in 1787; however, the diary of his voyage has been lost (Wagner 1933:3). Several others entered the Strait after Barkley, but none entered as far as the Salish area until the Spaniard Quimper, who named various sites on southern Vancouver Island in 1790.

---

<sup>5</sup> It should be noted that there were two Klallam "tribes" missing from Douglas' estimate (Taylor 1963:161).

Then sailing south he contacted natives (presumably Klallam) at Dungeness (Santa Cruz) (Wagner 1933:108-110). Quimper's journal entry for July 4, 1790, states that at Santa Cruz

The Indians by their suspicion showed manifestly that they had never seen a vessel, even although I noted that hanging from their ears they wore some pieces of copper and beads. These I thought that they had obtained in trade from the Indians at the entrance of the strait. They also wore English, Portugese and Chinese coins for earrings (Wagner 1933:109).

Quimper's map (in Wagner 1933:opposite p. 112) shows two "rancherias" or villages approximately five kilometers apart in Dungeness Bay (Puerto de Quimper).

Following Quimper another Spaniard Don Francisco de Eliza explored the Strait as far as the Gulf of Georgia and Haro Strait (Canal de Lopez de Aro) in 1791. In Haro Strait one of his longboats had a confrontation with "many canoes full of Indians" (Wagner 1933:171). Up to this point all of the explorers noted the absence of sea otters in the Strait, and, the acquisition of these being their primary concern, extensive exploration did not take place until Vancouver in 1792.

The first description of any detail relating to the Klallam comes to us from the Vancouver expedition.<sup>6</sup> Vancouver visited the Klallam at New Dungeness on May 1, 1792, and reported the following:

The appearance of the huts we now saw, indicated by the residence of the natives in them to be of a temporary nature only; as we could perceive with our glasses, that they differed very materially from the habitations of any of the American Indians we had before seen, being composed of nothing more than a few mats thrown over cross-sticks; whereas those we had passed the preceding day, in two or three small villages to the eastward of Classet,<sup>7</sup> were built exactly after the fashion of the houses

---

<sup>6</sup>Besides Vancouver (1798) there are three other records of this expedition: Bell (1914), Menzies (1923), and Puget (1939). Since a review of these three journals added nothing new to Vancouver's, they have not been included in this discussion.

<sup>7</sup>"Classet" was the early name for Cape Flattery. The villages he speaks of would be those at Neah Bay.

erected at Nootka. The inhabitants seemed to view us with the utmost indifference and unconcern; they continued to fish before their huts as regardless of our being present, as if such vessels had been familiar to them, and unworthy of their attention (1798:225).

This reaction differs drastically from what Quimper reported only two years before. Vancouver at this time believed himself to be the first white to have been in this area. Vancouver goes on to describe many of the material items of culture. Then, after exploring the shore for fresh water, some of the crew began to trade with the natives, and Vancouver noted that those among his men who were able to speak the Nootkan language were unable to make themselves understood by these people (1798:227). A few days later, after reparations were made to Vancouver's ship, Vancouver notes that two or three canoes came to the ship to trade. The Indians did not possess any furs but offered fish, venison, their bows, and two children about six or seven years of age. Vancouver noticed that their general appearance resembled that of the Nootkans, but their dress was somewhat different, especially the woven wool blankets (1798:230-1).

After leaving Dungeness, Vancouver went on to name Port Discovery and Port Townsend. At Port Discovery he noted that there were two upright poles in the ground, about fifteen feet high and rudely carved. On the top of each was placed a human head.

The hair and flesh were nearly perfect; and the heads appeared to carry the evidence of fury or revenge, as, in driving the stakes through the throat to the cranium, the sagittal, with part of the scalp, was borne on the points some inches above the rest of the skull (1798:234).

After exploring Hood Canal, Vancouver again anchored at Port Discovery where he went into great detail on the flora and fauna of the area and commented on the inhabitants. He again observed that their physical appearance resembled that of the Nootkans and also that their material

culture varied little. Their fishhooks, spears, and so forth were shaped like those at Nootka, but they were pointed with bone instead of copper. However, their arrows were almost all pointed with iron (1798:252-3). Vancouver states that he was unable to find out anything about their "public regulations or oeconomy." Perhaps most noteworthy were his comments on the relatively large numbers of deserted villages. Vancouver suspected that they may be due to the "nomadic nature" of these people, but does not dismiss the possibility of epidemics. He noted that many of the deserted villages were strewn with human bones and that many of the natives were either infected with or bore the scars of small-pox (1798:254). Vancouver personally believed that these deserted villages were caused by epidemics and were not collective cemeteries as his men suggested (1798:255). Vancouver based his conclusion on the observation that actual cemeteries were found where bodies had been disposed of by placing in canoes and suspending them between trees and where small children were interred in baskets and placed in the branches of trees (1798:255).

After Vancouver, the only contacts with the Klallam that are recorded are those of and relating to the Hudsons Bay Company. The most notable of these being in January of 1828 when a party traveling under the direction of a man named McKenzie from the newly established Fort Langley on the Fraser River camped near the mouth of the Duckabush River on Hood Canal. They were raided that night by a group of Klallam, and all were killed except an Indian women who was carried off. (This event seems to correspond with the pattern of warfare extant on the Northwest Coast where the men are killed and the women and children are carried off for slaves.) When news of this event reached Fort Vancouver, an expedition was immediately launched to punish the perpetrators. They attacked

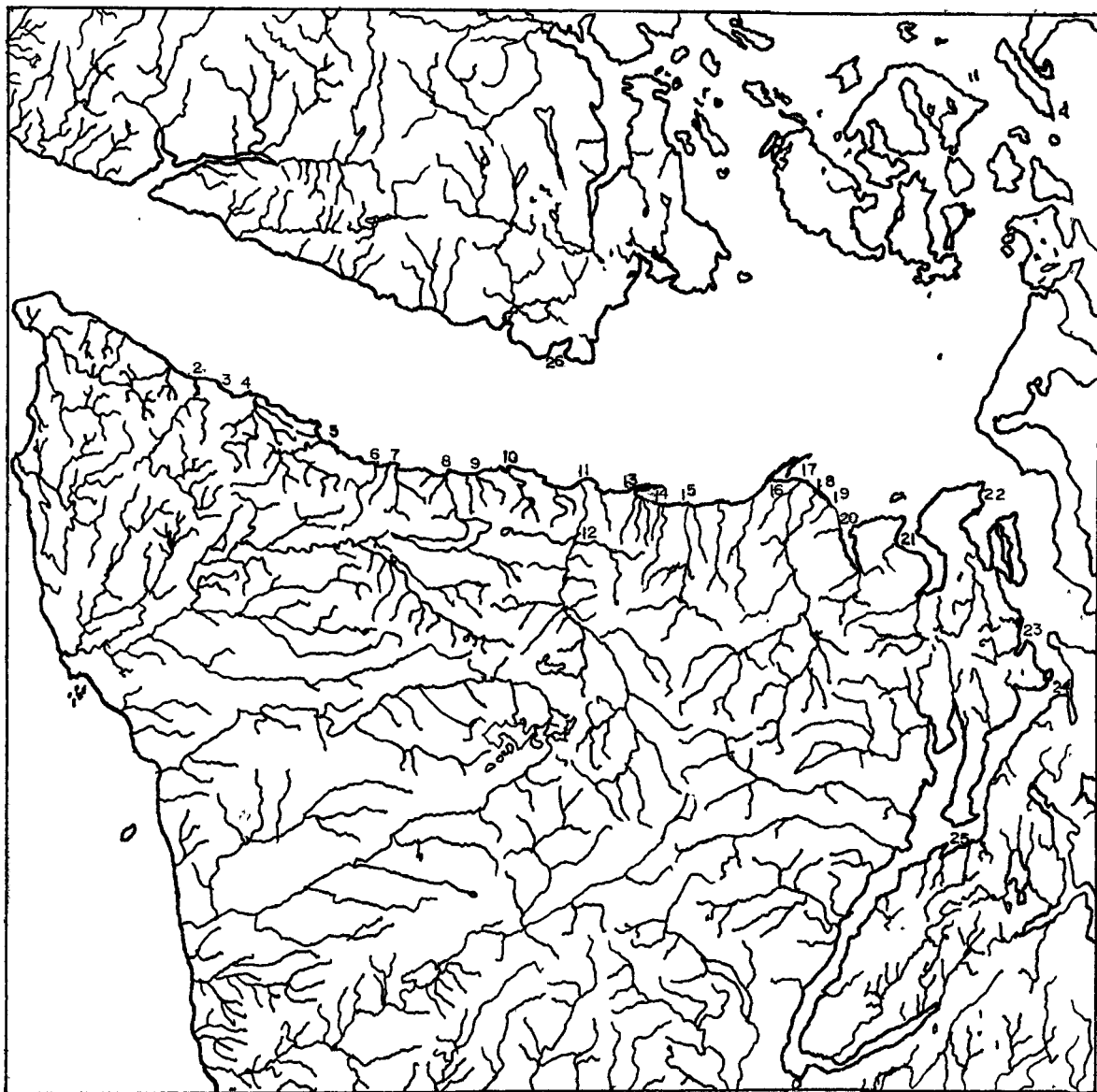
the first Klallam village they came to, which happened to be the one at New Dungeness and which, incidently, was not home of any of the members of the attacking party. Several Klallam were reported killed and the village destroyed and burned (Dye 1907:16-29; see also Curtis 1913:24-5 and Ermatinger 1914:196-7).<sup>8</sup>

Until the settlement of Victoria the Klallam have no further recorded intercourse with the whites other than an occasional record of trade at Fort Langley, founded in 1827 (Hudsons Bay Company n.d.c), and later at Nisqually House, founded in 1833 (Bagley 1915a and 1915b).

The Hudsons Bay Company's journals from Fort Langley are the first records where we see the designation Klallam ("Tlalam"). Apparently, the name Klallam derives from an Anglicized version of the Klallam name for themselves, Nuxsklai'yem, meaning "strong people" (Gunther 1927: 177).

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<sup>8</sup>A.C. Anderson (1878:259) also discusses this event but identifies the location of the incident as Lummi Island.



Geographical Location of Klallam Village Sites

- |                          |                                    |
|--------------------------|------------------------------------|
| 1. Seal River *          | 14. Port Angeles                   |
| 2. Hoko River            | 15. Morse Creek                    |
| 3. West Side Clallam Bay | 16. Old Dungeness                  |
| 4. East Side Clallam Bay | 17. Dungeness River                |
| 5. Pishst River          | 18. New Dungeness                  |
| 6. Jim Creek             | 19. Jamestown                      |
| 7. Deep Creek            | 20. Sequim Bay (Washington Harbor) |
| 8. Twin River            | 21. Port Discovery                 |
| 9. Lyre River            | 22. Port Townsend                  |
| 10. Port Crescent        | 23. Port Ludlow                    |
| 11. Elwha River          | 24. Port Gamble                    |
| 12. Upper Elwha          | 25. Seabeck                        |
| 13. Ediz Hook            | 26. Beecher Bay                    |

\* Elmendorf lists "...a rich village at the mouth of Seal River, the westernmost village of the Klallam" (1960:294). Seal River could not be located on any U.S. Government Survey map.

KLALLAM VILLAGE PLACE NAMES

Geographic Location	Douglas (n.d.a:14)	Kane (1859:223)	Fells (1887b:607-608)	Gibbs (1877:177)	Hodge (1960:302)	Hill-Point (1907:307)	Curtis (1913:174)	Waterman (n.d.:52-61)	Gunther (1927:178)	Swanton (1953:419)	Elmendorf (1960:294-5)	Suttles In Indian Claims Commission (1971:685-6)
1. Seal River											ciyu'cxa	
2. Hoko River			Hoko	Okeho	Hoko		HOKO		KOKU	Hoko	KOK'u	Hoqe
3. West Side Klallam Bay			Klallam Bay		Klallawas		Tlatlawalis	Tlatlawalis		Klallawas	ʔ'a ʔawáyis	T'lhət'lhawys
4. East Side Klallam Bay						Hunnit	Hungingit	Kispedit	Xainant	Hunnit or Hungingit		xəjɪmət
5. Pishat River	Spishtst		Pisht	Pisht	Pistchin		Pisht's't	Plecti	Pisht	Pistchin	píʃt, píʃt'	Pesh'tat (also Neyho')
6. Jim Creek												T'sawhangoylh
7. Deep Creek												T'seywhang
8. Twin River												Newchey'saqnen
9. Lyre River												Wha'wham'ma
10. Port Crescent												T'litseent
11. Elwha River	We-whout		Elkwa	Elwa	Elwha		Elwha	Elkwa	Elkwa	Elwha	'eak'w	Elwha
12. Upper Elwha												Stey'alh
13. Ediz Hook	Te, Quiet-sum	Tounichum			Tsewhitsan		Chwhitsún	Tcwhitsán		Tsewhitsan	čix'icén	Weyweh'ytsan
14. Port Angeles		Yennis	Port Angeles		Yennis		Alinus	Tc'icemúk (also I'e'nis, but doubted as name of village site)	Yennis	Yennis	I'en'nis	Ey'synes
15. Morse Creek								Tsuq!				T'salhmət
16. Old Dungeness									Tsox' <sup>d</sup>	Tsako	ce'isqat	Tsey'epat
17. Dungeness River	Suk-her			Yinnis	Tsako		Tsuq				c'a'q'w	T'sawq'w
18. New Dungeness	Tye-te-teithum			Stehtlum	Stehtlum		Tsiskat		STEte xilEm	Stehtlum	attikem	Stetalhem
19. Jamestown			Jamestown		Ruiauluch		Stitlum	nlaawitetsə'esqat	Tse'esqat	Ruiauluch	nux'j'iyawic'č	
20. Sequim Bay (Washington Harbor)			Sequim		Sequim		Schqaling		Suxchikwlin	Suktchikwlin	ax'čk'í'yin	Shkwlin
21. Port Discovery			Port Discovery	Kahkwaitl	Kaquitth		Qaqlh		Sqiaqwiyei	Kaquaith or Shakwiyei	sq'w'iq'iyə	Kakaaitl
22. Port Townsend	Jum-a-cum		Port Townsend	Kahtai	Kahtai		Port Townsend		Ka'tai	Kahtai	qa'rbay	
23. Port Ludlow			Port Ludlow									
24. Port Gamble			Port Gamble									
25. Seabeck			Seabeck									
26. Beecher Bay												

Tcia'mux  
Tcia'muk  
Tcia'mok  
Tcia'mok's  
Tcia'mok's

Nukstaliyum  
Tcia'muk  
Tcia'mok  
Tcia'mok's

No Location  
Taittsukwich

Douglas' information was recorded ca. 1846-1852; Waterman's ca. 1846-1852. Douglas' Klallam village of Jum-a-cum is likely a Chemakum village (see p. 19). "No Location" refers to those sites not located by the source and not matching any given location.

### Aboriginal Villages and Post-Contact Movements

As noted the Klallam seemed to be expanding their territory shortly after white settlement of the area began. In order to discuss the movements of the Klallam, it is necessary to first discuss the aboriginal village sites. Several sources have listed Klallam village sites believed to be aboriginal; these have been compiled on Table 1. There seems to be little disagreement on the designations and locations other than phonetic rendition. Gibbs, Curtis, and Waterman's variations of location are fairly close geographically to the village sites named by others and may merely be in error or a difference in interpretation by informants. However, Hill-Tout's tciwetsen at Beecher Bay is another matter, as most references locate it at Ediz Hook. It appears that the Klallam that settled at Beecher Bay transferred the name of the village they were from to their new village, becoming the Chewhaytsun of Beecher Bay. In accord with this explanation, Waterman gives the name Tci<sup>3</sup>i'cenuk for the village that was located where the town of Port Angeles is now. It is too similar to Hill-Tout's Tcianuk at Beecher Bay (later Cheanook, now Cheanuh or Cheerno) to be merely coincidence and further indicates that the Klallam village names at Beecher Bay are names from the village (or villages) where the migrants originated.<sup>9</sup>

#### Beecher Bay

The movement of Klallam to Beecher Bay occurred some time in the early 1840's. Gunther states:

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<sup>9</sup>Gunther states that the Beecher Bay Klallam originated from Port Angeles (Gunther 1927:179 and 1977) and Suttles is in agreement (Suttles 1977).



The villages at Beecher Bay on southern Vancouver Island, for example, were settled by Klallam from Port Angeles approximately sixty to sixty-five years ago. A group lead by Yo'kum, the chief, and consisting principally of his relatives started out from Port Angeles to look for a suitable place to live; a place which, of course, must have good fishing grounds. They found the shores about Beecher Bay in Sooke territory unoccupied and settled there. After living there a few years a quarrel arose in which a Klallam killed some Sooke. Consequently the whole colony went back to Port Angeles. Soon after they returned, the chief and his brother were falsely accused of theft. The chief's brother was sentenced to ten years' imprisonment and so the whole group, angry at the treatment accorded these men, returned to Beecher Bay (1927:179),

Since Gunther did her fieldwork in 1924-25, this would date the movement somewhere around 1860-65 at the earliest. However, as will be shown, two groups of Klallam were signatories to a treaty with the Hudsons Bay Company in 1850.

To further complicate the problem, the artist Paul Kane, who visited Fort Victoria in 1847, mentions a village of "Clal-lams" opposite the Fort (Kane 1859:145). Both Curtis (1913:19) and Gunther (1927:180) dismiss this statement as an obvious error. Suttles, on the other hand, seems to believe that Kane may not have been wrong in locating a village of Klallam at Victoria. Suttles states that the Klallam moved to Victoria shortly after the whites came, in order to be near the Fort. Then later, after arguing with the Sooke, they moved to Albert Head, where the qeqa'yəqen had formerly lived, and from there to Beecher Bay (1951:11). Recently Suttles stated that the Klallam and the remaining qeqa'yəqen joined together at Parry Bay and later moved to Beecher Bay. Then, more Klallam from the village of <sup>v</sup>cix<sup>w</sup>icen joined the qeqa'yəqen at Beecher Bay, becoming the Kakyaakan and Chewhaytsun of the Fort Victoria treaties (n.d.:n.p.) These various interpretations are presenting discrepancies that may never be resolved. Whether there were

ever Klallam settled in the Victoria area is doubtful. Sir James Douglas, the chief factor and later governor of Vancouver Island, wrote that the treaties with the Klallam were negotiated somewhat differently: ". . . in consequence of the claimants not being so well known as the Songees, we adopted a different mode of making the payments by dealing exclusively with the chiefs" (Douglas n. d. c: May 16, 1950). If the Klallam had previously been residing near the Fort, it would seem that they would be a little more familiar to the Hudsons Bay officials there.

Duff believes there were two movements also: first the qəqa'yeqən, and later more Klallams from the American side (1969:30).<sup>10</sup> This interpretation seems to be the most plausible as there is frequent mention in Hudsons Bay Company's records of intercourse across the Strait, and Eells mentions that in his time the Klallam frequently visited their kindred on Vancouver Island (1886:31 and 1887b:612).

The qəqa'yeqən of Suttles and Duff are also mentioned by Boas (1890: 569) as a Lkungen gens "Kek'yeKEEn." Since the Klallam on the south side of the Strait and the "Lkungen" on Vancouver Island were similar in language and culture, many ethnographers do not differentiate between the Klallam, Sooke, Songhees, and Sanitch. Besides Douglas, other individuals associated with the Hudsons Bay Company and British officials also identified Klallam at Beecher Bay prior to 1850: among these are Warre and Vavasour (1845), Grant (1849), and the boundary surveyor Wilson (1865). All that can be inferred from the material is that the Klallam migrated, whether directly, indirectly, or in more than one movement, sometime after the settlement of the Victoria area by the Hudsons Bay Company in 1843.

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<sup>10</sup> Earlier Duff stated, "The recent inhabitants of Beecher Bay are Klallams who moved north across the Strait shortly after 1850" (1956:25).

Sir James Douglas, in negotiating the treaties with the Klallam, either did not know or did not care how long the Klallam had been living in the area around Beecher Bay because the wording in the treaty beside the signatures states, ". . . descendents of the chiefs, ancient possessors of this district" (Hudsons Bay Company n.d.b).<sup>11</sup>

#### Port Townsend

The area around Port Townsend, at the time of white contact, was inhabited by the Chemakum. Sometime prior to the Point-No-Point Treaty of 1855 the Chemakum village of Kah-tai became inhabited by Klallam. Eells mentions Klallam in Port Townsend as early as 1850 (1886:19), and Costello places a Klallam village south of Port Townsend near Hadlock as early as 1825-30 (1895:101). The village of Kah-tai is listed as a Klallam village by Gibbs in approximately 1852 (1877:177) and in the Treaty of Point-No-Point. The reasons for the change can be attributed to the gradual extinction of the Chemakum by both disease and warfare. Curtis states that the village at Port Townsend was ". . . taken by the Clallam . . . after the extinction of the Chemakum" (1913:19). Gibbs states that the Chemakum were ". . . successively engaged in wars with the Makah, Klallam, Toan-huch (Twana), Snohomish, and Dwamish" (1877:177). In regards to the Chemakum Eells says, "Dr. Gibbs in 1852 states their number to have been ninety, but they are now virtually extinct, there being only seven left" (1887a:6).<sup>12</sup> Those Chemakum that Reverend Eells spoke to said that their numbers had been reduced by small-pox, but Eells believed that warfare also contributed to their demise (1887a:6). The

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<sup>11</sup>It should be noted that this phraseology does not rule out the possibility of the Klallam having inhabited the Beecher Bay area earlier than the supposed date of 1843.

<sup>12</sup>Eells' other 1887 report states there were ten left (1887b:607).

remaining Chemakum associated themselves with the Klallam at Port Townsend, and by the 1880's, with the exception of a very few elders, they all spoke the Klallam language (Eells 1887b:607).

#### Port Gamble

The Klallam community of Little Boston, opposite the town of Port Gamble, was settled by Klallam from Clallam Bay and Dungeness after 1860. The Klallam were attracted there by the prospect of employment in the saw mills (Eells 1887b:607, Gunther 1927:180, and Elmendorf 1960:295). Originally, this site was a Twana camping site, "dux<sup>w</sup>k'elat" (Elmendorf 1960:55). Elmendorf suggests that Klallam-Twana relationships increased in the period 1850-1860 and that the Klallam ". . . came increasingly to use Twana territory for economic purposes" (1960:295). This increased use eventually led to the Klallam taking-up permanent residence in the Twana area.

#### Jamestown

Perhaps the most intriguing post-contact movement was that of the Dungeness Klallam who founded Jamestown. The entire Jamestown phenomenon has been dealt with elsewhere (Langness 1959); so, therefore, only a brief review will be given here. As the new white settlement of Dungeness began to grow, the large Klallam community near them began to become more and more annoying. Apparently, the easy access to liquor and the growing tension between whites and Indians grew to the point where the whites threatened to have the Indian agent remove the Klallam to the Skokomish Reservation (Eells 1887b:608). Hearing of this and not wanting to be removed from their traditional home, the Klallam, under the leadership of James Balch, contributed enough to purchase 210 acres of land in the vicinity

in 1874, later named Jamestown. Then ". . . they divided it among themselves according to the amount furnished by each, and have been steadily improving it. They have also improved in morals until they are now the most civilized and prosperous band of the tribe" (Eells 1887a:6). In fact, they seem to have become acculturated to the point where they were better "whites" than their neighbors; "In 1880 there were six hundred white residents in Clallam County but the only church in the county was the one at Jamestown, built by the Clallam and with a membership composed mostly of Clallam" (Langness 1959:34).

### Others

Other movements that should be mentioned are those of Port Ludlow and Seabeck, both of which are similar in character to the Port Gamble movement.

Elmendorf lists  $nux^w snaana^l$  as a Klallam settlement near Port Ludlow, but believes it may have been a Chemakum site in the early 1800's (1960:46). Port Ludlow is mentioned in several places by Eells, with the comment that ". . . they are all employed in the saw mills there" (1884:35, 1887a:6, 1887b:608).

Eells lists Seabeck as a Klallam village (1884:35, 1886:72, 1887b:607), commenting again that nearly all are employed as wage laborers in the nearby white community. In one passage he states that the village is "opposite Seabeck" (1887b:607); and Gunther took this to mean across Hood Canal at Brinnon, commenting that this area was a favorite fishing station of the Klallam, ". . . so it seems questionable whether this village was ever a permanent one" (1927:177). Elmendorf has no mention of Klallam at Brinnon although he lists a Twana winter village there (1960:42). It may be that the "Klallam village" that Eells refers to was in fact a Twana

village with a large Klallam population. Gunther's assumption that "opposite Seabeck" actually refers to Brinnon could be in error; it could, perhaps, just as easily refer to the point of land across Seabeck Bay. Elmendorf lists a post-white village at Seabeck; but, since no mention of Klallam is made, the assumption is that it was Twana. It is further commented that this site was aboriginally a Twana summer camping place (1960:54).

### The Klallam Treaties

In 1818 the United States and Great Britain agreed that the entire Oregon Territory could be jointly occupied by citizens of both countries. As it became painfully evident that a boundary settlement would have to be made, both countries made it clear that the Puget Sound region was rightfully theirs. At this point the Hudsons Bay Company was certain that the Columbia River was to become the boundary between the United States and Great Britain territory and so pulled out of Fort George at Astoria in 1825 (Galbraith 1957:183), reinforcing their holdings north of the Columbia, especially at Fort Vancouver. It became increasingly important to the Americans to gain possession of the entire Oregon territory. Tyler and Polk were running for the presidency in 1844 on the campaign promise of gaining Oregon for the United States, both going so far as promising the United States would take control of the entire area up to Russian America, 54<sup>o</sup>40' north latitude. The Hudsons Bay Company, the sole representative of the British Empire in the Northwest, realizing that the British government was unlikely to claim the whole of Oregon Territory, opened a new post at Victoria on Vancouver Island. In 1846 the United States and Great Britain came to an agreement and signed the Oregon Treaty, and the area south of 49<sup>o</sup> north latitude (save Vancouver Island) became United States territory.

After settlement of the border dispute between the two countries, white settlement of the Puget Sound and Vancouver Island region began to accelerate. It became a matter of importance to the respective governments to deal with the aboriginal population. Both the United States and

Great Britain<sup>13</sup> held to the concept of aboriginal ownership, and, therefore, this ownership had to be extinguished before allotment to white settlers could begin. The United States took care of this situation by abolishing native ownership through a series of similar treaties with all groups within their jurisdiction. The British, on the other hand, only treated with those natives in the immediate vicinity of the new white settlements.

Fort Victoria was established in March of 1843 and by 1849 had begun to attract large numbers of settlers to southeast Vancouver Island. In January of 1849, the Crown gave the Hudsons Bay Company a grant making them "the true and absolute lords and proprietors of Vancouver's Island" for an annual rent of seven shillings. In this grant it was made clear to the Hudsons Bay Company that it would be in their best interest to "promote settlement" (Galbraith 1957:289-290) and that it was the usual British practice to settle any native land claims by paid compensation and reserved portions of land (Duff 1969:6). The task fell on the chief factor, later governor of Vancouver Island, Sir James Douglas, K.C.B. In December of 1849, Company secretary Archibald Barclay wrote from Beaver House in London outlining the policies Douglas should follow:

With respect to the rights of the natives, you will have to confer with the chiefs of the tribes on that subject, and in your negotiations with them you are to consider the natives as the rightful possessors of such lands only as they occupied by cultivation, or had houses built on, at the time when the Island came under the undivided sovereignty of Great Britain in 1846. All other land is to be regarded as waste and applicable to the purposes of colonization. Where any annual tribute has been paid by the natives to the chiefs a fair compensation for such payments is to be allowed.

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<sup>13</sup>In effect the Hudsons Bay Company was an extension of the British government in that they were given complete governmental control over the entire area in question (see Galbraith 1957:3).



In other colonies the scale of compensation adopted has not been uniform, as there are circumstances peculiar to each which prevented them all from being placed in the same footing, but the average rate may be stated at 1 to head of the tribe for the interest of the chiefs, paid on signing the treaty. A committee of the House of Commons which sat upon some claims of the New Zealand Company reported in reference to native rights in general that "the uncivilized inhabitants of any country have but a qualified dominion over it, or a right of occupancy only, and that until they establish among themselves a settled form of government and subjugate the ground to their own uses by the cultivation of it they cannot grant to individuals, not of their own tribe, any portion of it, for the simple reason that they have not themselves any individual property in it." The principle here laid down is that which the Governor and the Committee authorize you to adopt in treating with the natives of Vancouver's Island, but the extent to which it is to be acted upon must be left to your own discretion, and will depend upon the character of the tribe and other circumstances. The natives will be confirmed possession of their lands as long as they occupy and cultivate them themselves, but will not be allowed to sell or dispose of them to any private person, the right of the entire soil having been granted to the company by the crown. The right of fishing and hunting will be continued to them, and when their lands are registered and they conform to the same conditions with which other settlers are required to comply, they will enjoy the same right and privileges (Hudsons Bay Company n.d.a).

With these instructions in hand and waiting for a sample treaty from Beaver House, Douglas began negotiating on April 29, 1850. On May 1, 1850, Douglas met with the "chiefs" of the two Klallam bands, the Kakyaakan and Chewhaytsun, and negotiated for their territory. The land ceded by the Kakyaakan was the "District of Metchosin," the area "between Point Albert and the Inlet of Whoyung on the Strait of Juan de Fuca and Snow covered mountains in the interior of the Island. . . ." In compensation the Kakyaakan chiefs, Quoite-to-kay num and Tly-a-hum, received 43 pounds 6 shillings and 8 pence, 42 blankets and their "village sites and enclosed fields." The lands ceded by the Chewhaytsun were "the whole of the lands situate and lying between the Inlet of Whoyung and the Bay of Syusung known as Soke Inlet." The Chewaytsun received 45 pounds 10

shillings, 54 blankets and their village sites and enclosed fields (Hudsons Bay Company n.d.b).

Douglas had the chiefs place their mark on a blank piece of paper since he had not, as yet, received the proper form for the treaty (Douglas n.d.b:2). After the form was received, the text of the treaties was written in above the signatures.<sup>14</sup>

Douglas himself never referred to these documents as treaties; instead he preferred that they be known as "purchase agreements" or "deeds of conveyance." Regardless of how Douglas may have viewed these documents, they have been upheld by the Supreme Court of Canada as valid treaties in a definitive statement by Mr. Justice Norris of the British Columbia Court of Appeal on December 15, 1964: ". . . notwithstanding the informality of the transaction of the part of the Hudsons Bay Company, it was just as much an act of state as if it had been entered into by the Sovereign herself" (Court of Appeal, Regina v. Clifford White and David Bob, Reasons for Judgement of the honourable Mr. Justice Norris; quoted in Duff 1969:7).

On December 7, 1854, the Governor of Washington Territory, Isaac I. Stevens, met with his newly appointed Indian Treaty Commission, expressing to them the necessity of ". . . speedily concluding Treaties with them (the Indians) and placing them on Reservations." The treaties were to be fashioned after those that were completed with the Otoe, Omaha, and Missouri, and Dr. George Gibbs of the committee was appointed to draft a preliminary treaty. On December 10, the committee modified and

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<sup>14</sup>See Appendix I for "A form of agreement for a purchase of land from Natives of Vancouver Island" sent from Barclay to Douglas, August 23, 1850 (Hudsons Bay Company n.d.a).

adopted Gibbs' draft and worked out a schedule of treating to begin with the Nisqually. Governor Stevens then expressed the desire

. . . if practicable, to remove all the Indians on the East side of the Sound as far as the Snohomish; as also the S'Clallams to Hoods Canal, and generally to admit as few Reservations as possible, with the view of finally concentrating them in one" (Stevens in NARS 1960)

As Douglas, Stevens also had directions from his superiors which he would follow in treating with the natives. In September 1854, Stevens' outlined the policies he was to follow:

The aim of the Indian policy should be to prepare the Indians to become citizens of the U.S. In order to accomplish this, they should be provided with reservations of good lands of sufficient size to allow each head of a family a homestead. The Indians should be supplied farms, and farmers to instruct them in agriculture. Many bands should be concentrated on one reservation in order that the control of the government over them might be more easily affected. The authority of the chiefs of the tribes should be increased so that they could be held responsible to the government for the conduct of their bands. The Indians should not be excluded from the fisheries (Stevens in Coan 1922:13-14).

By January 24, 1855, the Treaty Commission had reached the Hood Canal-Strait of Juan de Fuca region, and after a day of discussion the "chiefs" and "headmen" of the following Klallam villages signed the Treaty of Point-No-Point on January 26, 1855: "Kah-tai, Squah-quaih'tl, Tch-queen, Ste-teht-lum, Tsoku, Yennis, Elh-hwah, Pishtst, Hun-nint, Klat-la-wash, and Oke-ho."<sup>15</sup>

Unlike the Fort Victoria treaties, the United States treaties were designed to extinguish all claims of ownership to the entirety of Washington Territory. The British did not see the situation as so urgent that treaties need be conducted with natives other than those in the

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<sup>15</sup> See Appendix II for the text of the United States treaty and a list of Klallam signatories (NARS 1960).

vicinity of white settlements.<sup>16</sup> However, Douglas' successors never carried on this tradition, and, subsequently, there have been no treaties with the other Indian groups of British Columbia save the Athabaskan groups of Alberta and Northwest Territories, who treated with the federal government around the turn of the century and claimed portions of north-west British Columbia as part of their territory (see Duff 1964:70).

Stevens also had a somewhat more urgent matter with which to contend. In September of 1850, the United States Congress passed the Donation Land Claims Act whereby any citizen was entitled to as much as 640 acres. At that time Oregon and Washington were considered ideal places to settle, and Stevens envisioned a flood of immigrants in the near future with land still in the ownership of the natives. The Secretary of the Interior, acting on advice from the Commission of Indian Affairs, requested Congress appropriate the funds for as quick a negotiation as possible (Coan 1922:12). As a consequence of this action, Stevens managed to meet and negotiate treaties with most of the native groups of the Washington Territory within one year. In Western Washington alone the Puget Sound and Strait of Juan de Fuca groups (including the Makah) had all signed treaties within a six-week span, December-January 1854-1855) (Stevens 1900:478). Also, unlike the Fort Victoria Treaties, the Stevens Treaties had to be ratified by the Congress before they went into effect; Congress refused approval until 1859, the feeling being that Stevens had been too liberal (Stevens 1900:449). Stevens himself had been elected to Congress as representative from the Territory of Washington in 1857 and was instrumental in the treaties' ratification (Steven:1940:403).

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<sup>16</sup>Besides the Klallam, the Hudsons Bay Company also treated with the Sooke, Songhees, Saanich, Nanaimo, and the Kwakiutl in the vicinity of Fort Rupert (Duff 1969:6; see also British Columbia 1875).

The United States treaties were more explicit than the Hudsons Bay treaties; fourteen articles outlined the policies by which the United States and the signatories agreed to abide. Nevertheless, the wording was still vague enough to create controversies that are our legacy today.

In order to appreciate and understand the situation as it existed in the 1850's, one has to realize that both the British and the Americans had similar intentions: they had to extinguish the native claim to the land in order to promote settlement, but they had different methods of going about it. The methods are outlined in the policies expressed at the time and later carried out.

### Present-Day Klallam Communities

Presently there are three existing Klallam communities that are recognized by the federal governments of either Canada or the United States: Lower Elwha and Port Gamble Indian Reservations in Washington State and Beecher Bay Indian Reserve in British Columbia. In addition, there is also the community of Jamestown in Washington State.

Although the Beecher Bay reserve was ensured by the Hudsons Bay Company Fort Victoria Treaties, it was not officially surveyed until the 1870's along with the other reserves of British Columbia. At that time there were eleven reserves set aside for the use of the Beecher Bay Klallam. Actually, other than the hunting and fishing rights guaranteed by the Hudsons Bay Company treaties, the treaty Indians in British Columbia gained nothing over the non-treaty groups (save a few blankets and English pounds). The Beecher Bay community was never very large; the first census estimates that we have after the treaty in 1850 are those in the Canadian Indian Affairs' report for 1876, numbering the Klallam of Beecher Bay at fifty-four (Dominion of Canada 1876:35). A relatively stable population was maintained until 1895 when the sealing schooner Earle went down with twenty-six "Indians" aboard from the Beecher Bay and Sooke Reserves (Dominion of Canada 1895:360). Commenting on the wreck of the Earle, or, more precisely, the Walter A. Earle, Wright agrees that there were twenty-six "Indians" who drowned; but, in listing the tribes of the men, it is noted only six were from Beecher Bay (Wright 1895:452).. Gunther reports the sealing schooner incident as having occurred in 1898 and claims that "All the men of the village were lost. . . . The Women soon

scattered marrying into other tribes. Now the place is practically deserted" (1927:179). However, the Indian Affairs' report's claim is that although ". . . only two able-bodied men were left" the women and children stayed on and managed to make a meager living by selling fish to whites in Victoria (Dominion of Canada 1896:85).

The Klallam at Beecher Bay apparently no longer refer to themselves as Klallam, using instead an Anglicized form of the village name "Tci-a-nook," sometimes spelled Chee-a-nook, Cheanuh, or more frequently Cheerno. The majority of the people at Beecher Bay now make a living by fishing or logging (Aziz 1970:34), and approximately 20 percent live off the reserve, mostly in Victoria (Capitol Region Planning Board 1969:9). In 1975 the Beecher Bay community, with the aid of federal funds, constructed a launching ramp and marina for sports boats; and, along with the sale of timber on their lands, they hope to achieve financial security in the near future.

The Lower Elwha Reservation, ten miles east of Port Angeles, was not a federal reservation until 1937. According to the Treaty of Point-No-Point, the Klallam were to move onto the Skokomish Reservation at the head of Hood Canal, but in actuality few did. Most preferred to stay on their aboriginal village sites, and a few took out homesteads. Eells claims that the Klallam refused to move for two reasons: 1) they did not want to move into another group's "territory," a refusal which is also pointed out in the transcripts made of the proceedings at Point-No-Point on January 25, 1855; and 2) the government failed to produce the money promised to help the Klallam cover the cost of moving, outlined in Article VI in Treaty of Point-No-Point (see Appendix II) (Eells 1886:18, 1887b:607). The agents' policy of imprisoning Klallam troublemakers at

Skokomish (Eells 1887b:607) also contributed to the distaste the Klallam had for the Skokomish Reservation and seemed to encourage them to stay away. As early as 1861 government employees in the Indian Service of the Point-No-Point Treaty area began petitioning the government to establish at least one reservation in the Klallam area.

When the fact is taken into consideration that other districts of equal extent, or of less extent than this, have established within their limits several reservations and that in this district there is but one reservation for the larger number of Indians entitled to the benefits of the treaty of "Point-No-Point", it will at once be perceived that too much pains cannot be taken in establishing for them a home to secure to them a sufficiency of good land for their use. (Letter of agent George A. Paige, dated August 26, 1861, in Washington Superintendency of Indian Affairs n.d.a)

This request was never considered because the intention of Stevens and his superiors was to concentrate all of the Indians of Puget Sound, as well as the Klallam, in the Hood Canal area (see p. 27). As late as 1927 Gunther reported that the Klallam were still living in all of their former village sites with the exception of Port Discovery and Dungeness (1927:177). In 1932, another agent O.P. Upchurch attempted to collect the Klallam around the Port Angeles region into one area, but he did not seek the establishment of a new reserve. Instead he sought governmental assistance in purchasing six sections of land around the mouth of the Elwha River, title of the land to be held by the government and the land to be farmed communally by the Indian families. In 1933 the Lower Elwha Indian Community was formed, the government gave them credit backing, and the "agricultural coop-association" purchased a tractor, plows, cultivators, and other implements necessary for farm production (Morrison 1939: 8, 16-17). In 1935 another 300 acres were purchased with monies through the Indian Reorganization Act of 1934 (48 Stat. 984), and in 1936 another



200 acres were acquired (Morrison 1939:17-18). The Indian Reorganization Act, besides appropriating funds for purchase of land for groups without a land base, also allowed the establishment of new Indian reservations (see Section 17 of 48 Stat.984). In 1937 the governing body of the Lower Elwha Indian Community opted to seek status as a Federal Indian Reserve, and the Lower Elwha Indian Reservation was soon established.

The Port Gamble community has had a somewhat different history. As mentioned (p. 20), Little Boston was not a traditional Klallam village site; some Klallam from Dungeness and Port Discovery moved there between 1860 and 1878 to work in the lumber mills. They were allowed to stay on the land as, like the Lower Elwha and other Klallam bands, the funds were never appropriated to move them to the Skokomish Reservation. The Port Gamble community persisted as wage laborers and fishermen until they too achieved reservation status when 1300 acres were purchased under the Indian Reorganization Act in March of 1936. Besides the Klallam at Port Gamble, there is also a sizable population of "Squamish" (Suquamish?) reported (Wright, et al. 1960:75). Elmendorf's informant says that Little Boston, the site of the Port Gamble Reservation, was aboriginally a Twana camping site; ". . . anciently the people here were Suquamish" (Elmendorf 1960:55).

The last community Jamestown, composed of Klallam recognized under the Treaty of Point-No-Point and under the jurisdiction of the Indian Agent at Skokomish, never sought status as a federally recognized reservation. After the rapid growth of the community from its founding in 1878 to its peak in the late 1880's, the community did extremely well in adopting white standards and establishing a firm economic base founded primarily on commercial fishing with the addition of agricultural pursuits and wage labor (Langness 1959:67).

Shakerism reached Jamestown by 1885, and most of the residents converted (Gunther 1949:67). During the late 1800's many of the Klallam who were still living in traditional locations began moving to the larger settlements where they had relatives. For instance, Langness reports that several families moved from Dungeness and Washington Harbor to Jamestown in 1894 (1959:42). Jamestown was an impressive community through the early part of the 1900's; then the imposition of fishing regulations, the Great Depression of the 1930's, and other factors caused the community to decline both in population and in spirit (Langness 1959:76). In the 1940's five families were moved to the Lower Elwha Reservation, and by 1959, when Langness did his work, only thirty-six people remained in Jamestown (1959:48). Such was the decline that Langness states:

Jamestown can no longer be considered a community either in spirit or activity. But the old people still living remember when it was truly a community, and speak approvingly of the "old days" when things were "different", when they could still get a fresh salmon now and then, and when Jamestown was a symbol of their achievements (1959:50).

COMPARATIVE ANALYSIS OF THE BRITISH AND AMERICAN TREATIES

WITH THE KLALLAM

The Northwest Coast entered into the colonizing efforts of the United States and Great Britain relatively late. The British, relying on their experiences in Africa and North America, and the Americans, looking back on their failures in dealing with the Indians of the East Coast, sought to treat the natives of the Northwest justly and to make clear from the onset what their intentions were. Neither realized the cultural and linguistic barriers to the formulation of an "international agreement" with the Northwest Coast natives. The following statement of "established fact," quoted from the Boldt decision of 1974, applies to both situations under consideration:

In construing any treaty between the United States and an Indian tribe, it must always, . . . be borne in mind that the negotiations for the treaty are conducted, on the part of the United States, an enlightened and powerful nation, by representatives skilled in diplomacy, masters of a written language, understanding the modes and forms of creating the various technical estates known to their law, and assisted by an interpreter employed by themselves; that the treaty is drawn up by them and in their own language; that the Indians, on the other hand, are a weak and dependent people, who have no written language and are wholly unfamiliar with all the forms of legal expression, and whose only knowledge of the terms in which the treaty is framed is that imparted to them by the interpreter employed by the United States; and that the treaty must therefore be construed, not according to the technical meaning of its words to learned lawyers but in the sense in which they would naturally be understood by the Indians. . . . How the words of the treaty were understood by this unlettered people, rather than their critical meaning, should form the rule of construction (United States of America v. the State of Washington, civil no. 9213, pp. 8-9).

It can never be said with any degree of certainty how the words of the treaties were understood by the natives at the time of the negotiation. If, as has been suggested by numerous Northwest Coast students the natives had no concept of alienation of land tenure (Taylor n.d.:3), then how could they have knowingly conveyed ownership of the land? Or, looking at it from another perspective, why would ownership have to be conveyed? Another point commonly mentioned in regard to the negotiation of at least the American treaties is the language in which they were conducted. The Chinook Jargon was a trade language of limited vocabulary; undoubtedly, it was incapable of imparting the meaning necessary to the understanding of a treaty (Taylor n.d.:3). We have no record of how the negotiation of the British treaties was conducted.<sup>17</sup> Although the Chinook Jargon was in common usage in the Victoria area, it cannot be assumed that it was the language used in negotiating the Fort Victoria Treaties. Unlike none of the Americans, some Hudsons Bay Company employees were capable of conversing in various native languages.

Other considerations of "cultural innocence" on the part of the whites should also be considered. The Americans assumed that the "chiefs and headmen" could speak for the "tribe" as a whole. There are two discrepancies here: first, there were no "chiefs" in the sense that the whites understood (i.e., a leader to whom others of the group are subordinate); and second, there were no "tribes" with whom treaties could be negotiated as a distinct group. (The concept of "tribe" and "chief" on the Northwest Coast has been dealt with by Elmendorf, 1960, and Suttles, 1963.) The British, although guilty of the first misgiving, chose to deal

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<sup>17</sup>Duff (1969:23-24) has offered a reconstruction of events that he extrapolated from the treaties and Douglas' letters.

primarily with the village groups rather than with the "tribes." This method, given the time limitations and the geographical area covered, would have been impossible for the Americans. Given what we know of the social organization of the Northwest Coast groups, and of the Coast Salish in particular, we cannot say with certainty that the village group would have been a preferential group with which to treat. Suttles has pointed out that the villages were not stable and were never a cohesive unit and that "the village was only one of several equally important social groupings" (1963:513).

These considerations are apparent now, but in the middle 1800's the understanding of cultural differences was not of primary concern, which is why interpretations and reinterpretations of the Douglas and Stevens treaties have been conducted by both the United States and the Dominion of Canada.

To further analyze the treaties, in particular the treaty content in regards to policy, it is necessary to consider several topics: the governmental bodies involved in negotiating the treaties, the land policies outlined, certain relevant provisions of the treaties, and the British and American attitudes that were manifest in their respective policy making.

As noted the Fort Victoria Treaties were negotiated by officials of the Hudsons Bay Company. Also noted was the ruling by the Supreme Court of Canada that although the Hudsons Bay Company negotiated the treaties they were as valid as if entered into by "the Sovereign herself" (see p. 26). In 1850 Victoria was the major port of call north of San Francisco. Although no longer important as a fur trading post, it was still extremely important to the profitable fur trade still going on in

the interior (Galbraith 1957:283). The Hudsons Bay Company was, in effect, an extension of the crown governing the British holding in the Northwest. Sir James Douglas was not only chief factor at Victoria, but after 1851 he was also the Governor of the crown colony of Vancouver Island. The Hudsons Bay Company, being a profit making organization, ran the Island colony more or less as a business venture. The land was not free to settlers; it had to be purchased from the Hudsons Bay Company, as did all supplies, as the Hudsons Bay Company had a monopoly on the trade in the area.

The Hudsons Bay Company dealings with the natives can be looked at in respect to being a part of this business venture. The Hudsons Bay Company had to clear title to the land in order for colonization to begin; they could then sell land, thereby creating more customers for their Victoria trading center, and so on. After the decline of what little fur trade there ever was in the Strait of Juan de Fuca and Puget Sound area and the beginning of colonization, the Hudsons Bay Company's dealing with the natives were few. The Hudsons Bay Company preferred to leave the natives to their own devices and to allow them to retain their aboriginal life-style. Although allowing missionaries to work among the natives, they made no outright effort to "civilize" them. Lytton, writing to Douglas in 1858, commented on this policy:

. . . if you think it might be feasible to settle them permanently in villages; with such settlement civilization at once begins. Law and Religion would become naturally introduced amongst the red men and contribute to their own security. . . . (Lytton to Douglas, December 30, 1858, in British Columbia n.d.c)

The natives gradually began to desire white clothing and food, and the Hudsons Bay Company gladly traded these items to them; however, there

was no effort to force them to adopt white standards or white style of living, the feeling being that these changes would come on their own. Not until 1871 when British Columbia entered into the union was there any effort to make farmers of or to "civilize" the Indians. However, by 1889-1891 the Beecher Bay Klallam were still subsisting primarily on fish, and by 1913 there were still a number of houses of the "rancheria style" in use at Beecher Bay (Dominion of Canada 1889:53-54, 1891:116, 1913:208).

This conduct definitely contrasts with the policies instituted by the United States government. Immediately after ratification of the Treaty of Point-No-Point in 1859, an agency was set up at the Skokomish Reservation. It was the agent's duty to see that the Indians within his charge constructed white-style houses and began cultivation of the ground. Under his direction were also employed a teacher and a doctor and also a carpenter and blacksmith to help teach trades. In addition, the Commissioner of Indian Affairs allocated reservations to various missionary groups to aid this attempt at "civilization" (the Point-No-Point area was given to the Methodists). It was also the agent's duty to see that the Indians wore the proper clothing and ate the proper food. In 1887 Myron Eells was pleased to announce that many Indians were no longer smoke-curing their salmon, but "salting it in the way of the whites", that potatoes, flour, and sugar have become "as indispensable to them as to the whites," and that most of the Klallams east of Port Angeles had built new houses "in the style of the whites" (1887b:613-614).<sup>18</sup> The United States also granted the treaty Indians "annuity

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<sup>18</sup> Gunther states all the old style houses were abandoned by 1870-1875 (1927:192).

payments" (see Article 5 of Appendix II), which the agent distributed in the form of food, clothing, blankets, and utensils. This practice could have created a dependency on the government that was non-existent on the British side and viewed by the British as somewhat disdainful.<sup>19</sup> Douglas, writing in 1859, commented on both the Spanish and American Indian policies, protesting that the Indians were ". . . kept in a state of pupillage, and not allowed to acquire property of their own, nor taught to think and act for themselves, the feeling of pride and independence were effectively destroyed" (Douglas to Lytton in British Columbia n.d., part II:69).

We may infer from this comparison that acculturation or assimilation was a motivating factor in determining this aspect of American policy towards the natives, whereas the British believed gradual adoption of white standards was a natural occurrence.

The next factor to consider is the land policy instituted by both governments. Stevens made it clear from the beginning that most Indians in the Puget Sound area would preferably be moved to the Hood Canal region, hopefully on one reservation (NARS 1960:n.p.). This preference was later found inconceivable due to many unforeseen circumstances, most notably the Indians' intention to resist such a movement. W.F. Tolmie, chief factor of the Hudsons Bay Company post at Nisqually House at the time of the negotiation of the United States treaties, commented on the Stevens actions:

In 1849 and on to 1854 Indians were comparatively (sic) quiet. Then Major Stevens U.S.A. Governor of Washington Ter. appointed by the president, for that purpose set about making treaties with the Inds of Or and Washington for the transference of their lands to the U.S. Gov. The work was gone about rashly and hurriedly. The Inds. were not listened to, as they should have

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<sup>19</sup> Even when a group was destitute, as were the Beecher Bay Klallam in the late 1890s (see p. 31), there was no indication in the Indian Affairs' reports that any aid whatsoever was given to them.



been upon so important a matter, and the reservations dictated to them by U.S. authorities, were much smaller than they thought themselves entitled to (Tolmie n.d.:17).

The United States created several large reservations and concentrated several groups or "tribes" onto each. This practice obviously contrasts with the situation across the border. The most notable differences between the reservations of Washington State and the reserves of the Province of British Columbia are their size and the number allotted. The reserves in British Columbia are relatively small, varying in size from less than one acre to several thousand acres. The reserves were not set aside by the Hudsons Bay Company. The Hudsons Bay Company never went further than stating in the treaty that the "village sites and enclosed fields" would be reserved for their use (see Appendix I). The reserves for the treaty groups of British Columbia were not set aside until the reserves for all the Indians of British Columbia were in 1867-1871.<sup>20</sup>

When dealing with the Coast Salish, the government of British Columbia, as their predecessors the Hudsons Bay Company, took into consideration the particular life style of the natives and created several reserves for each group, consisting not only of the village sites but also of their fishing grounds, gathering grounds, and cemeteries. There were eleven of these reserves set aside for the Beecher Bay Klallam, ranging from 0.50 acres to 502 acres (Dominion of Canada 1913, supplement: n.p.). This method again would agree with the contention that the

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<sup>20</sup> The date 1867 was when Confederation of the Colonies of British Columbia and Vancouver Island occurred. Many reserves were set aside at this time. When British Columbia joined the Dominion of Canada in 1871, additional reserves were set aside (Harper 1972:149). A search of the Canadian Indian Affairs' annual reports failed to turn up information relating to when the Beecher Bay reserves were officially surveyed. Although Beecher Bay was mentioned periodically in the reports from 1876 on, the first indication that the survey work had been completed was in the 1891 report (Dominion of Canada 1891:116).

Canadian policies tended to prolong aboriginal customs whereas the American policies were designed to abolish them as rapidly as possible.

There are several other provisions in the treaties that should be taken into consideration: native trade and intercourse, fishing and hunting rights, and citizenship. In regards to trade and intercourse, it is clearly stated in the Treaty of Point-No-Point that the signatories agree not to trade at Vancouver Island or elsewhere outside the limits of the United States nor to allow foreign Indians to reside on their reservation (see Article 13 of Appendix II). This provision was not adhered to as conscientiously by the Indians as intended, for there is frequent mention of intercourse back and forth across the border, and many American Klallam made a living by ferrying passengers to Victoria (for instance, see Eells 1886:31, 72; 1887b:608, 612). The British and especially the Hudsons Bay Company made no such restrictions of trade and visiting across the border. Just prior to the time of the negotiations of the United States treaties, the Americans were engaged in attempting to wrest free the remaining land holdings the Hudsons Bay Company maintained within the United States territory. In a letter dated December 27, 1853, from W.F. Tolmie, chief factor of the Hudsons Bay post at Nisqually, to Isaac I. Stevens, Governor of the Territory of Washington Tolmie voiced protest over the Governor's actions whereby he was restricting both Indian and white trade at Nisqually House. Tolmie stated that such trade was guaranteed by the Treaty of 1846. Stevens promptly replied in a letter dated January 9, 1854, that in his reading of the treaty in question no such provisions were found and that he would continue to restrict such trade as he saw fit (Stevens 1939:325-329). With little recourse left the Hudsons Bay Company eventually gave up their holdings in Washington Territory and vacated Nisqually in the late 1850's.

In respect to fishing and hunting rights, both countries consented to allow the natives to fish and hunt as before; and, consequently, both countries have since had court battles over this right. The Hudsons Bay Company Treaty states that ". . . it is also understood that we are at liberty to hunt over the unoccupied lands and carry on our fisheries as formerly" (see Appendix I). It was the contention of this right by the Province of British Columbia that brought to court the case which ultimately pronounced the Fort Victoria Treaties valid (*Regina v. Clifford White and David Bob*, December 15, 1964). In the United States the Treaty of Point-No-Point, as well as other treaties conducted in Washington Territory, states that "The right of taking fish at usual and accustomed grounds is further secured to said Indians, in common with all citizens of the United States . . . together with the privilege of hunting and gathering. . . ." (see Article 4, Appendix II). The interpretation of this phraseology was the major factor involved in the case of the United States v. the State of Washington, commonly known as the Boldt Decision (civil no. 9213). This controversy is too complicated and is beyond the scope of this discussion to analyze in this study. Nevertheless, at the time of the treaties both governments saw it necessary to reserve to the Indians an integral part of their aboriginal economic base; and later, with a change in livelihood and fishing techniques, both governments regretted that the parameter of those rights had not been better outlined.

The United States made it clear in the treaties that the natives would become "wards" of the United States government and that by signing the treaty they acknowledged "the said tribes and bands . . . dependence on the government" (see Article 9, Appendix II). This relation was true of all native Americans within the bounds of the United States, and it was

not until 1917 that the "New Declaration of Policy" by the Commissioner of Indian Affairs allowed Indians to become United States citizens if they could prove themselves competent. Later in 1924, the Indian Citizenship Bill made all Indians citizens. In contrast it was always the policy of the British that any aborigine within their bounds was assumed a crown subject. "One of the first steps taken by the European Nations was to extend their 'protection' over the Indian tribe. They then proclaimed to the Indians that they were vassals or subjects of the king. . . ."

(Tyler 1973:30)

## CONCLUSIONS

It can be said with some degree of certainty that both governments had the same motives and similar intentions in the negotiation of the treaties in question. It has been shown that the beginning of white settlement and the desire of the Americans and British to clear title of the land for that settlement was the determining factor in the negotiation of both treaties. It has also been pointed out that both nations had similar future plans for the Indians, namely to make farmers of them and to convince them to conform to white standards.

The major differences in policy was in the ways these "civilizing" efforts were administered. The British, and later the Canadians, spent little money and effort in this endeavor. Their attitude seemed to be that if the natives were allowed to maintain their aboriginal culture, but were in close proximity to the whites, then eventual adoption of white standards would occur. The Americans, on the other hand, felt it necessary to allocate funds for men and equipment to implement and speed the transition from native to white life-style. The policies discussed reinforce this point. For instance, the American reservations were designed to make continuation of aboriginal life-style difficult at best; and, although the Klallam in the United States refused to move onto the reservation, the agent's power over them coerced them into making the transition in order to avoid forced removal to the Skokomish Reservation. Most Klallam took out homesteads or purchased land, gained employment as wage-laborers, and adopted "semi"-white life-styles in order to be allowed to remain off the reservation. It is obvious, looking at the Canadian

reserves, that their design was to prolong and ease the transition from native to "civilized," which the British felt was inevitable, by allowing them to maintain their fishing, gathering, and village sites. The Beecher Bay groups were still subsisting primarily by fishing and still residing in longhouses at the turn of the century.

The intention of this study has been to show how treaty policies can effect the acculturation process by comparing two groups of the same cultural background and their experience with different governments.

Several aspects of the aboriginal Klallam culture underwent change in the years 1850-1865 as a result of the Treaty of Point-No-Point:

1. Change in social structure. The United States treaty policies directly attacked several facets of Klallam social structure, most notable are a change from extended family longhouses to nuclear family "white-style" houses, the abolition of slavery, and the attempted concentration of many bands into one geographical area.
2. Changes in subsistence and economic activities. Such changes include restrictions of trade across the international border and with representatives of a foreign power, change from fishing/gathering to wage labor and agricultural pursuits and, as a result of this, a change from aboriginal subsistence activities to dependence on commercial food items, the receipt of material goods in the form of annuity payments, which created a dependence on the government.
3. Adoption of Western-European religion. A government supported missionizing effort resulted in eventual adoption of Christianity.

With the possible exception of slavery, for which there is no available data, none of these aspects of aboriginal culture underwent change among the Klallam of Vancouver Island during the period in question.

The data show that although both governments intended that adoption of white standards should occur the policies enforced determined the rate at which that acculturation would take place. For the period in question, roughly 1850-1865, it has been shown that change in the life-style of the Klallam in Wahsington Territory occurred fairly rapidly while the Klallam in Vancouver Island remained nearer to aboriginal state and further that these changes are a direct result of policies implemented by the respective treaties.

It has been noted that this study has been restricted to a specific time range for several reasons. This restriction has left open several avenues for future work. Some suggestions of possible studies are in order; these may include the following:

1. An ethnohistorical and ethnological study of the long-term effects these policies have had from treaty-time to the present in regard to either selected aspects of culture change or to groups as a whole;
2. The possible effects changes in administration have had, for example, the results of British Columbia becoming a province (1871) and/or the statehood of Washington (1889);
3. A comparison of treaty and non-treaty groups in British Columbia and Washington; and
4. A comparison of reservation (reserve) and non-reservation (reserve) groups in British Columbia and Washington.

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Appendix I

Form of Agreement for Purchase of Land  
from Natives of Vancouvers Island

We the Chiefs and People of the Tribe called \_\_\_\_\_ who  
have signed our names and made our marks to this Deed on the \_\_\_\_\_ day  
of One Thousand Eight Hundred and \_\_\_\_\_ do consent to  
surrender entirely and forever to James Douglas the Agent of the Hudsons  
Bay Company in Vancouvers Island that is to say for the Governor Deputy  
Governor and Committee of the same the whole of the land situate and  
lying between \_\_\_\_\_

The conditions of or understanding of this sale is that our village sites  
and Enclosed Fields are to be kept for our own use, for the use of our  
children, and for those who may follow after us; and the lands shall be  
properly surveyed hereafter; it is understood however that the land  
itself, with these small exceptions become the Entire property of the  
White people forever; it is also understood that we are at liberty to  
hunt over the unoccupied lands and to carry on our fisheries as formerly.

We have received as payment \_\_\_\_\_ In token whereof we have sign our  
names and made our marks at \_\_\_\_\_ on the \_\_\_\_\_ day  
of \_\_\_\_\_ One Thousand Eight Hundred and \_\_\_\_\_

(here follow the Indian Signatures)

Witnesses

(Correspondence Inward, Hudsons Bay House to Fort Victoria 1848-1859,

Original in Provincial Archives of British Columbia.

Barclay to Douglas, August 23, 1850.)

Appendix II

Treaty with the S'Klallam, 1855

*Articles of agreement and convention made and concluded at Hahdskus, 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, Tch-queen, Ste-tehtlum, Tsohkw, Yennis, Elh-wa, Pishtst, Hunnint, 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.*

Article 1. The said tribes and bands of Indians hereby cede, relinquish, and convey to the United States all their right, title, and interest in and to the lands and country occupied by them, bounded and described as follows, viz: Commencing at the mouth of the Ikeho 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 ohter 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,

Article 2. 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 the 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.

Article 3. 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.

Article 4. 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.

Article 5. 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 five years, one thousand six hundred dollars each year. 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.

Article 6. 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.

Article 7. 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 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 lands 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.

Article 8. The annuities of the aforesaid tribes and bands shall not be taken to pay the debts of individuals.

Article 9. 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 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.

Article 10. 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.

Article 11. 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.

Article 12. The said tribes and bands agree to free all slaves now held by them, and not to purchase or acquire others hereafter.

Article 13. 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.

Article 14. This treaty shall be obligatory on the contracting parties as soon as the same shall be ratified by the President of the United States.

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.

Isaac I. Stevens, governor and superintendent. (L.S.)

Chits-mah-han, the Duke of York, Chief of the S'klallam, his X mark. (L.S.)	Skai-se-ee, or Mr. Newman, S'klal- lam sub-chief, his X mark. (L.S.)
Dah-whil-luk, Chief of the Sko- ko-mush, his X mark. (L.S.)	Kahs-sahs-a-matl, S'klallam sub- chief, his X mark. (L.S.)
Kul-kah-han, or General Pierce Chief of the Chem-a-kum, his X mark. (L.S.)	S'hote-ch-stan, S'klallam sub- chief, his X mark. (L.S.)
Hool-hole-tan, of Jim, Sko-ko- mish sub-chief, his X mark. (L.S.)	Lah-st, or Tom, S'klallam sub- chief, his X mark. (L.S.)
Sai-a-kade, or Frank, Sko-ko- mish sub-chief, his X mark. (L.S.)	Tuls-met-tum, Lord Jim, S'klal- lam sub-chief, his X mark. (L.S.)
Loo-gweh-oos, or George, Sko- ko-mish sub-chief, his X mark. (L.S.)	Yaht-le-min, or General Taylor, S'klallam sub-chief, his X mark. (L.S.)
E-dagh-tan, or Tom, Sko-ko- mish sub-chief, his X mark. (L.S.)	Kla-koisht, or Captain, S'klal- lam sub-chief, his X mark. (L.S.)
Kai-a-han, or Daniel Webster, Chem-a-kum sub-chief, his X mark. (L.S.)	Sna-talc, or General Scott, S'klallam sub-chief, his X mark. (L.S.)
Ets-sah-quat, Chem-a-kum sub- chief, his X mark. (L.S.)	Tseh-a-take, or Tom Benton, S'klallam sub-chief, his X mark. (L.S.)
Kleh-a-kunst, Chem-a-kum sub- chief, his X mark. (L.S.)	Yah-kwi-e-nook, or General Gaines, S'klallam sub-chief, his X mark. (L.S.)
He-atl, Duke of Clarence, S'klallam sub-chief, his X mark. (L.S.)	Kai-at-lah, or General Lane, Jr., S'klallam sub-chief, his X mark. (L.S.)
Lach-ka-nam, or Lord Nelson, S'klallam sub-chief, his X mark. (L.S.)	Captain Jack, S'klallam sub-chief, his X mark. (L.S.)
Tchotest, S'klallam sub-chief, his X mark. (L.S.)	He-ach-kate, S'klallam sub-chief, his X mark. (L.S.)
Hoot-ote St, or General Lane S'klallam sub-chief, his X mark. (L.S.)	T'sho-as-hau, or General Harrison, S'klallam sub-chief, his X mark. (L.S.)
To-totesh, S'klallam sub-chief, his X mark. (L.S.)	Kwah-nalt-sote, S'klallam sub- chief, his X mark. (L.S.)
Hah-kwia-mihl, S'klallam sub- chief, his X mark. (L.S.)	S'hoke-tan, S'klallam sub-chief, his X mark. (L.S.)
	Paitl, S'klallam sub-chief, his X mark. (L.S.)