

Nez Perce Treaty, 1855

Treaty with the Nez Percés, 1855

Articles of agreement and convention made and concluded at the treaty ground, Camp Stevens, in the Walla-Walla Valley this eleventh day of June, in the year one thousand eight hundred and fifty-five by and between Isaac I. Stevens, governor and superintendent of Indian affairs for the Territory of Washington and Joel Palmer, superintendent of Indian affairs for Oregon Territory on the part of the United States, and the undersigned chiefs, headmen, and delegates of the Nez Perce tribe of Indians occupying lands lying partly in Oregon and partly in Washington Territories, between the Cascade and Bitter Root Mountains, on behalf of, and acting for said tribe, and being duly authorized thereto by them, it being understood that Superintendent Isaac I. Stevens assumes to treat only with those of the above-named tribe of Indians residing within the Territory of Washington, and Superintendent Palmer with those residing exclusively in Oregon Territory.

ARTICLE 1.

The said Nez Perce tribe of Indians hereby cede, relinquish and convey to the United States all their right, title, and interest in and to the country occupied or claimed by them, bounded and described as follows, to wit: Commencing at the source of the Wo-na-ne-she or southern tributary of the Palouse River; thence down that river to the main Palouse; thence in a southerly direction to the Snake River, at the mouth of the Tucanon River; thence up the Tucanon to its source in the Blue Mountains; thence southerly along the ridge of the Blue Mountains; thence to a point on Grand Ronde River, midway between Grand Ronde and the mouth of the Woll-low-how River; thence along the divide between the waters of the Woll-low-how and Powder River; thence to the crossing of Snake River, at the mouth of Powder River; thence to the Salmon River, fifty miles above the place known [as] the " crossing of the Salmon River;" thence due north to the summit of the Bitter Root Mountains; thence along the crest of the Bitter Root Mountains to the place of beginning.

ARTICLE 2.

There is, however, reserved from the lands above ceded for the use and occupation of the said tribe, and as a general reservation for other friendly tribes and bands of Indians in Washington Territory, not to exceed the present numbers of the Spokane, Walla-Walla, Cayuse, and Umatilla tribes and bands of Indians, the tract of land included within the following boundaries, to wit: Commencing where the Moha-na-she or southern tributary of the Palouse River flows from the spurs of the Bitter Root Mountains; thence down said tributary to the mouth of the Ti-nat-pan-up Creek; thence southerly to the crossing of the Snake River ten miles below the mouth of the Al-po-wa-wi River; thence to the source of the Al-po-wa-wi River in the Blue Mountains; thence along the crest of the Blue Mountains; thence to the crossing of the Grand Ronde River, midway between the Grand Ronde and the mouth of the Woll-low-how River; thence along the divide between the waters of the Woll-low-how and Powder Rivers; thence to the crossing of the Snake River fifteen miles below the mouth of the Powder River; thence to the Salmon River above the crossing; thence by the spurs; of the Bitter Root Mountains to the place of beginning.

All which tract shall be set apart, and, so far as necessary, surveyed and marked out for the exclusive use and benefit of said tribe; as an Indian reservation; nor shall any white man, excepting those in the employment of the Indian Department, be permitted to reside upon the said reservation without permission of the tribe and the superintendent and agent; and the said tribe agrees to remove to and

settle upon the same within one year after the ratification of this treaty. In the mean time it shall be lawful for them to reside upon any ground not in the actual claim and occupation of citizens of the United States and upon any ground claimed or occupied, if with the permission of the owner or claimant, guarantying, however, the right to all citizens of the United States to enter upon and occupy as settlers any lands not actually occupied and cultivated by said Indians at this time. and not included in the reservation above named. And provided that any substantial improvement heretofore made by any Indian, such as fields enclosed and cultivated, and houses erected upon the lands hereby ceded, and which he may be compelled to abandon in consequence of this treaty, shall be valued under the direction of the President of the United States, and payment made therefore in money, or improvements of an equal value be made for said Indian upon the reservation and no Indian will be required to abandon the improvements afore- said, now occupied by him, until their value in money or improvements of equal value shall be furnished him as aforesaid.

ARTICLE 3.

And provided that, if necessary for the public convenience, roads may be run through the said reservation, and, on the other hand, the right of way, with free access from the same to the nearest public highway, is secured to them, as also the right, in common with citizens of the United States, to travel upon all public highways. The use of the Clear Water and other streams flowing through the reservation is also secured to citizens of the United States for rafting purposes, and as public highways.

The exclusive right of taking fish in all the streams where running through or bordering said reservation is further secured to said Indians: as also the right of taking fish at all usual and accustomed places in common with citizens of the territory, and of erecting temporary buildings for curing, together with the privilege of hunting, gathering roots and berries, and pasturing their horses and cattle upon open and unclaimed land.

ARTICLE 4.

In consideration of the above cession, the United States agree to pay to the said tribe in addition to the goods and provisions distributed to them at the time of signing this treaty, the sum of two hundred thousand dollars, in the following manner, that is to say, sixty thousand dollars, to be expended under the direction of the President of the United States, the first year after the ratification of this treaty. In providing for their removal to the reserve, breaking up and fencing farms, building houses, supplying them with provisions and a suitable outfit, and for such other objects as he may deem necessary. and the remainder in annuities, as follows: for the first five years after the ratification of this treaty, ten thousand dollars each year, commencing September 1, 1856; for the next five years, eight thousand dollars each year; for the next five years, six thousand each year, and for the next five years, four thousand 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 for them. And the superintendent of Indian affairs, or other proper officer, shall each year inform the President of the wishes of the Indians in relation thereto.

ARTICLE 5.

The United States further agree to establish, at suitable points within said reservation, within one year after the ratification hereof, two schools, erecting the necessary buildings, keeping the same in repair,

and providing them with furniture, books, and stationery, one of which shall be an agricultural and industrial school, to be located at the agency, and to be free to the children of said tribe, and to employ one superintendent of teaching and two teachers; to build two blacksmiths' shops, to one of which shall be attached a tinshop and to the other a gunsmith's shop; one carpenter's shop, one wagon and plough maker's shop, and to keep the same in repair, and furnished with the necessary tools; to employ one superintendent of farming and two farmers, two blacksmiths, one tinner, one gunsmith, one carpenter, one wagon and plough maker, for the instruction of the Indians in trades, and to assist them in the same; to erect one saw-mill and one flouring-mill, keeping the same in repair, and furnished with the necessary tools and fixtures, and to employ two millers; to erect a hospital, keeping the same in repair, and provided with the necessary medicines and furniture, and to employ a physician; and to erect, keep in repair, and provide with the necessary furniture the buildings required for the accommodation of the said employees. The said buildings and establishments to be maintained and kept in repair as aforesaid, and the employees to be kept in service for the period of twenty years.

And in view of the fact that the head chief of the tribe is expected, and will be called upon, to perform many services of a public character, occupying much of his time, the United States further agrees to pay to the Nez Perce tribe five hundred dollars per year for the term of twenty years, after the ratification hereof, as a salary for such person as the tribe may select to be its head chief. To build for him, at a suitable point on the reservation, a comfortable house, and properly furnish the same, and to plough and fence for his use ten acres of land. The said salary to be paid to, and the said house to be occupied by, such head chief so long as he may be elected to that position by his tribe, and no longer.

And all the expenditures and expenses contemplated in this fifth article of this treaty shall be defrayed by the United States, and shall not be deducted from the annuities agreed to be paid to said tribes nor shall the cost of transporting the goods for the annuity-payments be a charge upon the annuities, but shall be defrayed by the United States.

ARTICLE 6.

The President may from time to time, at his discretion, cause the whole, or such portions of such reservation as he may think proper, to be surveyed into lots, and assign the same to such individuals or families of the said tribe as are willing to avail themselves of the privilege, and will locate on the same 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 in the year 1854, so far as the same may be applicable.

ARTICLE 7.

The annuities of the aforesaid tribe shall not be taken to pay the debts of individuals.

ARTICLE 8.

The aforesaid tribe acknowledge their dependence upon the Government of the United States, and promise to be friendly with all citizens thereof, and 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 proved before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the Government out of the annuities. Nor will they make war on any other tribe except in self-defense, but will submit all matters of difference between them and the 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 of Washington, the same rule shall prevail as that prescribed in this article in cases of depredations

against citizens. And the said tribe agrees not to shelter or conceal offenders against the laws of the United States, but to deliver them up to the authorities for trial.

ARTICLE 9.

The Nez Perces desire 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 to said tribe who is 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 10.

The Nez Perce Indians having expressed in council a desire that William Craig should continue to live with them, he having uniformly shown himself their friend, it is further agreed that the tract of land now occupied by him and described in his notice to the register and receiver of the land-office of the Territory of Washington, on the fourth day of June last, shall not be considered a part of the reservation provided for in this treaty, except that it shall be subject in common with the lands of the reservation to the operations of the intercourse act.

ARTICLE 11.

This treaty shall be obligatory upon the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof, the said Isaac I. Stevens governor and superintendent of Indian affairs for the Territory of Washington, and Joel Palmer, superintendent of Indian affairs for Oregon Territory, and the chiefs, headmen, and delegates of the aforesaid Nez Perce tribe of Indians, have hereunto set their hands and seals, at the place, and on the day and year herein before written.

Isaac I. Stevens, [L. S.] Governor and Superintendent of Washington Territory. *Joel Palmer*, [L. S.] Superintendent Indian Affairs.

Aleiya, or Lawyer, Head-chief of, the Nez Perces, [L. S.]

Tippelanecbupoo, his x mark. [L. S.]

Hah-hah-stilpilp, his x mark. [L. S.]

Appushwa-hite, or Looking-glass, his x mark. [L. S.]

Cool-cool-shua-nin, his x mark. [L. S.]

Silish, his x mark. [L. S.]

Joseph, his x mark. [L. S.]

Toh-toh-molewit, his x mark. [L. S.]

James, his x mark. [L. S.]

Tuky-in-lik-it, his x mark. [L. S.]

Red Wolf, his x mark. [L. S.]

Te-hole-hole-soot, his x mark. [L. S.]

Timothy, his x mark. [L. S.]

Ish-coh-tim, his x mark. [L. S.]

U-ute-sin-male-cun, his x mark. [L. S.]

Wee-as-cus, his x mark. [L. S.]

Spotted Eage, his x mark. [L. S.]
Hah-hah-stoore-tee, his x ma rk. [L. S.]
Stoop-toop-nin or Cut-hair, his x mark. [L. S.]
Eee maht-sin-pooh, his x mark. [L. S.]
Tow-wish-au-il-pilp, his x mark. [L. S.]
Tah-moh-moh-kin, his x rmark. [L. S.]
Kay-kay-mass, his x mark. [L. S.]
Speaking Eagle, his x mark. [L. S.]
Kole-kole-til-ky, his x mark. [L. S.]
Wat-ti-wat-ti-wah-hi, his x mark. [L. S.]
In-mat-tute-kah-ky, his x mark. [L. S.]
Howh-no-tah-kun, his x mark. [L. S.]
Moh-see-chee, his x mark. [L. S.]
Tow-wish-wane, his x mark. [L. S.]
George, his x mark. [L. S.]
Wahpt-tah-shooshe, his x mark. [L. S.]
Nicke-el-it-may-ho, his x mark. [L. S.]
Bead Necklace, his x mark. [L. S.]
Say-i-ee-ouse, his x mark. [L. S.]
Koos-koos-tas-kut, his x mark. [L. S.]
Wis-tasse-cut, his x mark. [L. S.]
Levi, his x mark. [L. S.]
Ky-ky-soo-te-lum, his x mark. [L. S.]
Pee-oo-pe-whi-hi, his x mark. [L. S.]
Ko-ko-whay-nee, his x mark. [L. S.]
Pee-oo-pee-iecteim, his x mark. [L. S.]
Kwin-to-kow, his x mark. [L. S.]
Pee-poome-kah, his x mark. [L. S.]
Pee-wee-au-ap-tah, his x mark. [L. S.]
Hah-hah-stlil-at-me, his x mark. [L. S.]
Wee-at-tenat-il-pilp, his x mark. [L. S.]
Wee-yoke-sin-ate, his x mark. [L. S.]
Pee-oo-pee-u-il-pilp, his x mark. [L. S.]
Wee-ah-ki, his x mark. [L. S.]
Wah-tass-tum-mannee, his x mark. [L. S.]
Necalahtsin, his x mark. [L. S.]
Tu-wesi-ce, his x mark. [L. S.]
Suck-on-tie, his x mark. [L. S.]
Lu-ee sin-kah-koose-sin, his x mark. [L. S.]
Ip-nat-tam-moose, his x mark. [L. S.]
Hah-tal-ee-kin, his x mark. [L. S.]
Jason, his x mark. [L. S.]

Signed and sealed in presence of us-
James Doty, secretary of treaties, W.T.
Wm. McBean,
Geo. C. Bomford.
Wm. C. McKay, secretary of treaties, O.T.

C. Chirouse, O.M.T.
Mie. Cles. Pandosy,
W.H. Tappan, sub-Indian agent,
Lawrence Kip,
William Craig, interpreter,
W.H. Pearson.
A.D. Pamburn, interpreter

TREATY WITH THE NEZ PERCE, 1863

Treaty between the United States of America and the Nez Perce Tribe of Indians. Concluded, June 9, 1863 ; Ratification advised, April 17, 1867 ; Proclaimed April 20, 1867.

ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

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

Whereas a treaty was made and concluded at the Council Ground, in the valley of the Lapwai, in the Territory of Washington, on the ninth day of June, in the year of our Lord one thousand eight hundred and sixty-three, by and between Calvin H. Hale, Charles Hutchins, and S. D. Howe, Commissioners, on the part of the United States, and Lawyer, Ute-sin-male-cum, Ha-harch-tuesta, and other Chiefs and Headmen of the Nez Perce tribe of Indians on the part of said Indians, and duly authorized thereto by them, which Treaty is in the words and figures following, to wit:

Treaty between the United States of America and the Nez Perce Indians, concluded at the Council Ground, in the Valley of the Lapwai, June ninth, 1863.

Articles of agreement made and concluded at the Council Ground, in the valley of the Lapwai, W. T., on the ninth day of June, one thousand Eight hundred and sixty-three, between the United States of America, by C. H. Hale, superintendent of Indian Affairs, and Charles Hutchins and S. D. Howe, U. S. Indian agents, for the Territory of Washington, acting on the part and in behalf of the United States, and the Nez Perce Indians, by the chiefs, headmen, and delegates of said tribe, such articles being supplementary and amendatory to the treaty made between the United States and said tribe on the 11th day of June, 1855.

Article I. The said Nez Perce tribe agree to relinquish, and do hereby relinquish, to the United States the lands heretofore reserved for the use and occupation of the said tribe, saving and excepting so much thereof as is described in article II. for a new reservation.

Article II. The United States agree to reserve for a home, and for the sole use and occupation of said tribe, the tract of land included within the following boundaries, to wit: Commencing at the N.E. corner of Lake Wa-ha, and running thence, northerly, to a point on the north bank of the Clearwater river, three miles below the mouth of the Lapwai, thence down the north bank of the Clearwater to the mouth of the Hatwai creek; thence,

due north, to a point seven miles distant; thence, eastwardly, to a point on the north fork of the Clearwater, seven miles distant from its mouth; thence to a point on Oro Fino Creek, five miles above its mouth; thence to a point on the north fork of the south fork of the Clearwater, five miles above its mouth; thence to a point on the south fork of the Clearwater, one mile above the bridge, on the road leading to Elk City, (so as to include all the Indian farms within the forks;) thence in a straight line, westwardly, to the place of beginning.

All of which tract shall be set apart, and the above-described boundaries shall be surveyed and marked out for the exclusive use and benefit of said tribe as an Indian reservation, nor shall any white man, excepting those in the employment of the Indian department, be permitted to reside upon the said reservation without permission of the tribe and the superintendent and agent; and the said tribe agrees that so soon after the United States shall make the necessary provision for fulfilling the stipulations of this instrument as they can conveniently arrange their affairs, and not to exceed one year from its ratification, they will vacate the country hereby relinquished, and remove to and settle upon the lands herein reserved for them, (except as may be hereinafter provided.) In the mean time it shall be lawful for them to reside upon any ground now occupied or under cultivation by said Indians at this time, and not included in the reservation above named. And it is provided, that any substantial improvement heretofore made by any Indian, such as fields enclosed and cultivated, or houses erected upon the lands hereby relinquished, and which he may be compelled to abandon in consequence of this treaty, shall be valued under the direction of the President of the United States, and payment therefor shall be made in stock or in improvements of an equal value for said Indian upon the lot which may be assigned to him within the bounds of the reservation, as he may choose, and no Indian will be required to abandon the improvements aforesaid, now occupied by him, until said payment or improvement shall have been made. And it is further provided, that if any Indian living on any of the land hereby relinquished should prefer to sell his improvements to any white man, being a loyal citizen of the United States, prior to the same being valued as aforesaid, he shall be allowed so to do, but the sale or transfer of said improvements shall be made in the presence of, and with the consent and approval of, the agent or superintendent, by whom a certificate of sale shall be issued to the party purchasing, which shall set forth the amount of the consideration in kind. Before the issue of said certificate, the agent or superintendent shall be satisfied that a valuable consideration is paid, and that the party purchasing is of undoubted loyalty to the United States government. No settlement or claim made upon the improved lands of any Indian will be permitted, except as herein provided, prior to the time

specified for their removal. Any sale or transfer thus made shall be in the stead of payment for improvements from the United States.

Article III. The President shall, immediately after the ratification of this treaty, cause the boundary lines to be surveyed, and properly marked and established; after which, so much of the lands hereby reserved as may be suitable for cultivation shall be surveyed into lots of twenty acres each, and every male person of the tribe who shall have attained the age of twenty-one years, or is the head of a family, shall have the privilege of locating upon one lot as a permanent home for such person, and the lands so surveyed shall be allotted under such rules and regulations as the President shall prescribe, having such reference to their settlement as may secure adjoining each other the location of the different families pertaining to each band, so far as the same may be practicable. Such rules and regulations shall be prescribed by the President, or under his direction, as will insure to the family, in case of the death of the head thereof, the possession and enjoyment of such permanent home, and the improvements thereon. When the assignments as above shall have been completed, certificates shall be issued by the Commissioner of Indian Affairs, or under his direction, for the tracts assigned in severalty, specifying the names of the individuals to whom they have been assigned respectively, and that said tracts are set apart for the perpetual and exclusive use and benefit of such assignees and their heirs. Until otherwise provided by law, such tracts shall be exempt from levy, taxation, or sale, and shall be alienable in fee, or leased, or otherwise disposed of, only to the United States, or to persons then being members of the Nez Perce tribe, and of Indian blood, with the permission of the President, and under such regulations as the Secretary of the Interior or the Commissioner of Indian Affairs shall prescribe; and if any such person or family shall at any time neglect or refuse to occupy and till a portion of the land so assigned, and on which they have located, or shall rove from place to place, the President may cancel the assignment, and may also withhold from such person or family their proportion of the annuities or other payments due them until they shall have returned to such permanent home, and resumed the pursuits of industry; and in default of their return, the tract may be declared abandoned, and thereafter assigned to some other person or family of such tribe. The residue of the land hereby reserved shall be held in common for pasturage for the sole use and benefit of the Indians: *Provided, however,* That from time to time, as members of the tribe may come upon the reservation, or may become of proper age, after the expiration of the time of one year after the ratification of this treaty, as aforesaid, and claim the privileges granted under this article, lots may be assigned from the lands thus held in common, where-ever the same may be suitable for cultivation. No State or territorial legislature shall remove the restriction herein provided for, without the consent of Congress, and no

State or territorial law to that end shall be deemed valid until the same has been specially submitted to Congress for its approval.

Article IV. In consideration of the relinquishment herein made the United States agree to pay to the said tribe, in addition to the annuities provided by the treaty of June 11th, 1855, and the goods and provisions distributed to them at the time of signing this treaty, the sum of two hundred and sixty-two thousand and five hundred dollars, in manner following, to wit:

First. One hundred and fifty thousand dollars, to enable the Indians to remove and locate upon the reservation, to be expended in the ploughing of land, and the fencing of the several lots, which may be assigned to those individual members of the tribe who will accept the same in accordance with the provisions of the preceding article, which said sum shall be divided into four annual instalments, as follows: For the first year after the ratification of this treaty, seventy thousand dollars; for the second year, forty thousand dollars; for the third year, twenty-five thousand dollars; and for the fourth year, fifteen thousand dollars.

Second. Fifty thousand dollars to be paid the first year after the ratification of this treaty in agricultural implements, to include wagons or carts, harness, and cattle, sheep, or other stock, as may be deemed most beneficial by the superintendent of Indian affairs, or agent, after ascertaining the wishes of the Indians in relation thereto.

Third. Ten thousand dollars for the erection of a saw and flouring mill, to be located at Kamia, the same to be erected within one year after the ratification hereof.

Fourth. Fifty thousand dollars for the boarding and clothing of the children who shall attend the schools, in accordance with such rules or regulations as the Commissioner of Indian Affairs may prescribe, providing the schools and boarding-houses with necessary furniture, the purchase of necessary wagons, teams, agricultural implements, tools, &c., for their use, and for the fencing of such lands as may be needed for gardening and farming purposes, for the use and benefit of the schools, to be expended as follows: The first year after the ratification of this treaty six thousand dollars; for the next fourteen years, three thousand dollars each year; and for the succeeding year, being the sixteenth and last instalment, two thousand dollars.

Fifth. A further sum of two thousand five hundred dollars shall be paid within one year after the ratification hereof, to enable the Indians to build two

churches, one of which is to be located at some suitable point on the Kamia, and the other on the Lapwai.

Article V. The United States further agree, that in addition to a head chief the tribe shall elect two subordinate chiefs, who shall assist him in the performance of his public services, and each subordinate chief shall have the same amount of land ploughed and fenced, with comfortable house and necessary furniture, and to whom the same salary shall be paid as is already provided for the head chief in art. 5th of the treaty of June 11th, 1855, the salary to be paid and the houses and land to be occupied during the same period and under like restrictions as therein mentioned.

And for the purpose of enabling the agent to erect said buildings, and to plough and fence the land, as well as to procure the necessary furniture, and to complete and furnish the house, &c., of the head chief, as heretofore provided, there shall be appropriated, to be expended within the first year after the ratification hereof, the sum of two thousand five hundred dollars.

And inasmuch as several of the provisions of said art. 5th of the treaty of June 11th, 1855, pertaining to the erection of school-houses, hospital, shops, necessary buildings for employe[e]s and for the agency, as well as providing the same with necessary furniture, tools, &c., have not yet been complied with, it is hereby stipulated that there shall be appropriated, to be expended for the purposes herein specified during the first year after the ratification hereof, the following sums, to wit:

First. Ten thousand dollars for the erection of the two schools, including boarding-houses and the necessary outbuildings; said schools to be conducted on the manual-labor system as far as practicable.

Second. Twelve hundred dollars for the erection of the hospital, and providing the necessary furniture for the same.

Third. Two thousand dollars for the erection of a blacksmith's shop, to be located at Kamia, to aid in the completion of the smith's shop at the agency, and to purchase the necessary tools, iron, steel &c.; and to keep the same in repair and properly stocked with necessary tools and materials, there shall be appropriated thereafter, for the fifteen years next succeeding, the sum of five hundred dollars each year.

Fourth. Three thousand dollars for erection of houses for employe[e]s, repairs of mills, shops, &c., and providing necessary furniture, tools, and materials. For the same purpose, and to procure from year to year the necessary articles --- that is to say, saw-logs, nails, glass, hardware, &c. ---

there shall be appropriated thereafter, for the twelve years next succeeding, the sum of two thousand dollars each year; and for the next three years, one thousand dollars each year.

And it is further agreed that the United States shall employ, in addition to those already mentioned in art. 5th of the treaty of June 11th, 1855, two matrons to take charge of the boarding-schools, two assistant teachers, one farmer, one carpenter, and two millers.

All the expenditures and expenses contemplated in this treaty, and not otherwise provided for, shall be defrayed by the United States.

Article VI. In consideration of the past services and faithfulness of the Indian chief, Timothy, it is agreed that the United States shall appropriate the sum of six hundred dollars, to aid him in the erection of a house upon the lot of land which may be assigned to him, in accordance with the provisions of the third article of this treaty.

Article VII. The United States further agree, that the claims of certain members of the Nez Perce tribe against the government for services rendered and for horses furnished by them to the Oregon mounted volunteers, as appears by certificates issued by W. H. Fauntleroy, A. R. Qr. M. and Com. Oregon volunteers, on the 6th of March, 1856, at Camp Cornelius, and amounting to the sum of four thousand six hundred and sixty-five dollars, shall be paid to them in full, in gold coin.

Article VIII. It is also understood that the aforesaid tribe do hereby renew their acknowledgments of dependence upon the government of the United States, their promises of friendship, and other pledges, as set forth in the eighth article of the treaty of June 11th, 1855; and further, that all the provisions of said treaty which are not abrogated or specifically changed by any article herein contained, shall remain the same to all intents and purposes as formerly, --- the same obligations resting upon the United States, the same privileges continued to the Indians outside of the reservation, and the same rights secured to citizens of the U. S. as to right of way upon the streams and over the roads which may run through said reservation, as are therein set forth.

But it is further provided, that the United States is the only competent authority to declare and establish such necessary roads and highways, and that no other right is intended to be hereby granted to citizens of the United States than the right of way upon or over such roads as may thus be legally established: *Provided, however,* That the roads now usually travelled shall, in the mean time, be taken and deemed as within the meaning of this

article, until otherwise enacted by act of Congress, or by the authority of the Indian department.

And the said tribe hereby consent, that upon the public roads which may run across the reservation there may be established, at such points as shall be necessary for public convenience, hotels or stage stands, of the number and necessity of which the agent or superintendent shall be the sole judge, who shall be competent to license the same, with the privilege of using such amount of land for pasturage and other purposes connected with such establishment as the agent or superintendent shall deem necessary, it being understood that such lands for pasturage are to be enclosed, and the boundaries thereof described in the license.

And it is further understood and agreed that all ferries and bridges within the reservation shall be held and managed for the benefit of said tribe.

Such rules and regulations shall be made by the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, as shall regulate the travel on the highways, the management of the ferries and bridges, the licensing of public houses, and the leasing of lands, as herein provided, so that the rents, profits, and issues thereof shall inure to the benefit of said tribe, and so that the persons thus licensed, or necessarily employed in any of the above relations, shall be subject to the control of the Indian department, and to the provisions of the act of Congress `` to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers."

All timber within the bounds of the reservation is exclusively the property of the tribe, excepting that the U. S. government shall be permitted to use thereof for any purpose connected with its affairs, either in carrying out any of the provisions of this treaty, or in the maintaining of its necessary forts or garrisons.

The United States also agree to reserve all springs or fountains not adjacent to, or directly connected with, the streams or rivers within the lands hereby relinquished, and to keep back from settlement or entry so much of the surrounding land as may be necessary to prevent the said springs or fountains being enclosed; and, further, to preserve a perpetual right of way to and from the same, as watering places, for the use in common of both whites and Indians.

Article IX. Inasmuch as the Indians in council have expressed their desire that Robert Newell should have confirmed to him a piece of land lying between Snake and Clearwater rivers, the same having been given to him on the 9th day of June, 1861, and described in an instrument of writing

bearing that date, and signed by several chiefs of the tribe, it is hereby agreed that the said Robert Newell shall receive from the United States a patent for the said tract of land.

Article X. This treaty shall be obligatory upon the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof the said C. H. Hale, superintendent of Indian affairs, and Charles Hutchins and S. D. Howe, United States Indian agents in the Territory of Washington, and the chiefs, headmen, and delegates of the aforesaid Nez Perce tribe of Indians, have hereunto set their hands and seals at the place and on the day and year hereinbefore written.

CALVIN H. HALE, [seal.] *Supt. Ind. Affairs, Wash. Ter.*

CHAS. HUTCHINS, [seal.] *U. S. Ind. Agent, Wash. Ter.*

S. D. HOWE, [seal.] *U. S. Ind. Agent, Wash. Ter.*

LAWYER, [seal.] *Head Chief Nez Percés Nation.*

UTE-SIN-MALE-E-CUM, x [seal.]

HA-HARCH-TUESTA x [seal.]

TIP-ULANIA-TIMECCA, x [seal.]

ES-COAT UM, x [seal.]

TIMOTHY, x [seal.]

LEVI, x [seal.]

JASON, x [seal.]

IP-SHE-NE-WISH-KIN, (CAPT. JOHN,) x [seal.]

WEPTAS-JUMP-KI, x [seal.]

WE-AS-CUS, x [seal.]

PEP-HOOM-KAN, (NOAH,) x [seal.]

SHIN-MA-SHA-HO-SOOT, x [seal.]

NIE-KI-LIL-MEH-HOOM, (JACOB,) x [seal.]

STOOP-TOOP-NIN, x [seal.]

SU-WE-CUS, x [seal.]

WAL-LA-TA-MANA, x [seal.]

HE-KAIKT-IL-PILP, x [seal.]

WHIS-TAS-KET, x [seal.]

NEUS-NE-KEUN, x [seal.]

KUL-LOU-O-HAIKT, x [seal.]

WOW-EN-AM-ASH-IL-PILP, x [seal.]

KAN-POW-E-EEN, x [seal.]

WATAI-WATAI-WA-HAIKT, x [seal.]

KUP-KUP-PELLIA, x [seal.]

WAP-TAS-TA-MANA, x [seal.]

PEO-PEO-IP-SE-WAT, x [seal.]

LOUIS-IN-HA-CUSH-NIM, x [seal.]
LAM-LIM-SI-LILP-NIM, x [seal.]
TU-KI-LAI-KISH, x [seal.]
SAH-KAN-TAI, (EAGLE,) x [seal.]
WE-AH-SE-NAT, x [seal.]
HIN-MIA-TUN-PIN, x [seal.]
MA-HI-A-KIM, x [seal.]
SHOCK-LO-TURN-WA-HAIKT, (JONAH,) x [seal.]
KUNNESS-TAK-MAL, x [seal.]
TU-LAT-SY-WAT-KIN, x [seal.]
TUCE-E-TU-ET-AS, x [seal.]
NIC-A-LAS-IN, x [seal.]
WAS-ATIS-IL-PILP, x [seal.]
WOW-ES-EN-AT-IM, x [seal.]
HIRAM, x [seal.]
HOWLISH-WAMPUM, x [seal.]
WAT-SKA-LEEKs, x [seal.]
WA-LAI-TUS, x [seal.]
KY-E-WEE-PUS, x [seal.]
KO-KO-IL-PILP, x [seal.]
REUBEN, TIP-IA-LA-NA-UY-KALA-TSEKIN, x [seal.]
WISH-LA-NA-KA-NIN, x [seal.]
ME-TAT-UEPTAS, (THREE FEATHERS,) x [seal.]
RAY-KAY-MASS, x [seal.]
Signed and sealed in presence of ---
George F. Whitworth, *Secretary*.
Justus Steinberger, *Col. U. S. Vols.*
R. F. Malloy, *Col. Cavly, O. V.*
J. S. Rinearson, *Maj. 1st Cav. Ogn. Vols.*
William Kapus, *1st Lieut. & Adj. 1st. W. T. Inf. U. S. V.*
Harrison Olmsted.
Jno. Owen, (Bitter Root.)
James O'Neill.
J. B. Buker, M. D.
George W. Elber.
A. A. Spalding, *Asst. Interpreter*.
Perrin B. Whitman, *Interpreter for the Council*.

And whereas, the said Treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the seventeenth day of April, one thousand eight hundred and sixty-seven, recede from certain amendments which it had made to the said Treaty on the twenty-sixth day of June, one thousand eight hundred and sixty-six, and

did advise and consent to the ratification of the said Treaty as originally concluded, by a resolution in the words and figures following, to wit:

In Executive Session, Senate of the United States

April 17, 1867.

Resolved, (two-thirds of the Senators present concurring,) That the Senate recede from its amendments to the treaty between the United States and the Nez Perce Indians, concluded at the Council Ground, in the valley of the Lapwai, June 9, 1863, which amendments were agreed to by the Senate, June 26, 1866; and that the Senate do advise and consent to the ratification of the said treaty as concluded June 9, 1863.

Attest: J. W. FORNEY,
Secretary.

Now, therefore, be it known that I, Andrew Johnson, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the seventeenth of April, one thousand eight hundred and sixty-seven, accept, ratify, and confirm the said Treaty.

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

Done at the city of Washington this twentieth day of April, in the year of our Lord one thousand eight hundred and sixty-seven, and of the Independence of the United States of America the ninety-first.

ANDREW JOHNSON.

By the President:
William H. Seward,
Secretary of State.