

COPY

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcase Nos. 51-12756, 51-12847, 51-12848, 51-12849,
	)	51-12850, 55-13476, 55-13477, 55-13485,
	)	55-13486, 55-13487, 55-13493 55-13499,
	)	55-134500, 55-13501, 55-13507, 55-13509,
Case No. 39576	)	55-13510, 55-13511, 55-13653, 55-13654,
	)	55-13668, 55-13669, 55-13692, 55-13695 &
	)	55-13697
	)	

THIRD AFFIDAVIT OF STEPHEN R. WEE DATED
NOVEMBER 8, 2005

State of California)
) ss
County of Yolo)

STEPHEN R. WEE, being first duly sworn, deposes and states:

1. I am a competent adult over the age of eighteen years, and the statements made herein are based upon my own personal knowledge of the events described or upon my

THIRD AFFIDAVIT OF STEPHEN R. WEE DATED
NOVEMBER 8, 2005

Exhibit 35
Page - 1 of 3

research of historical documents of a type that are customarily relied upon by historians.

2. The State of Idaho hired JRP Historical Consulting in 2004 to conduct historical research regarding the water right claims filed in the Snake River Basin Adjudication by the United States on behalf of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation. I was the primary researcher for the State of Idaho for this contract. Ms. Meta Bunse, another principal in JRP Historical Consulting, also provided a great deal of assistance to me in conducting the historical research. JRP Historical Consulting also produced an expert report entitled "Duck Valley Indian Reservation: Creation, Purposes and Water Development."

3. Attached to this Affidavit are true and correct copies of the following documents that JRP Historical Consulting collected during its research for the State of Idaho:

Exhibit 36: Levi Gheen to Maj. H. Douglas, May 18, 1870, Western Shoshone Agency, Correspondence 1869-1873, Western Shoshone Agency, RG 75, Box 391, NARA San Bruno.

Exhibit 37: Levi Gheen to CIA E. P. Smith, November 30, 1875, Nevada Superintendency, 1861-1880, Letters Received by the Office of Indian Affairs, 1824-1881, RG 75 (NARA Microfilm M234, roll 541).

Exhibit 38: Treaty with the Klamath, etc., Act of October 14, 1864, 16 Stat. 707, II Kappler 865.

4. In addition to attaching true and correct paper copies of these documents, I have also attached a CD-ROM that contains a high quality scan of Exhibits 36 and 37 in a PDF format that can be viewed with the Adobe Acrobat Reader software. Finally, since the paper copies of the documents denominated as Exhibits 36 and 37 are difficult to read, I have also attached to each of those documents a transcript of the particular exhibit that I made. Because of the poor

quality of the copy, I have not been able to transcribe every word. Words that I have not been able to transcribe are shown in italic text set off with brackets, [*italics*].

5. Further your affiant sayeth naught.


STEPHEN R. WEE
Principal, JRP Historical Consulting

Subscribed and sworn (or affirmed) to before me, a notary public in and for the State of California, this 9th day of November 2005.




Notary Public for California
Residing at 2015 H Street
My Commission expires: 4/23/07

**Exhibit 36 to Third Affidavit
of Stephen R. Wee**

Marion City Nevada
May 18th 1870

Mr. H. Douglas
Major U.S.A.
Dept - Indian Affairs

Sir,

I arrived here last-
night - I met Shoshone Sam at
Elko talked with him as you instructed
I was compelled to stay all night as
the Indians were at their camp some distance
from Elko I met them on the morning
of the 16th Sam says he would like a
reservation and thinks the most of his Shoshone
word of and work he also says that his
tribe are greatly in favor of having a reservation
he appeared greatly disappointed at not
having a chance to see you and talk to you
I told him as you instructed me ~~that~~ in
regard to the reservation. The Bointons
are leaving here and Elko will be here
Friday or Saturday. The freight is to be

paid on them from San Francisco which
 is \$26.00 including freight from Elko
 here - please send some blank vouchers.
 When you ship the Blankets to Austin
 send them to me at Austin. Come Austin
 and Leavelle. Come Winter. Der Battle
 Mountain. You need include please for
 vouchers for traveling expense

I am very Respectfully
 Yours abt - Love
 Levi H. Hines

Douglas
 May 18 1888

COPY

from
The National Archives
Pacific Sierra Region
1000 Commodore Drive
San Bruno, CA 94066

Record Group 75
Subgroup Western Shoshone Indian Agency
Series Correspondence - Farmer in Charge, Western Shoshones 1869-1879
Box 391
Folder 1870

Maxine Elly Nevada
May 18th 1870

Mr. H. Douglas
Nov 11 66
Supr - Indian Affairs

Sir

I arrived here last-
night - I met - Shoshone Sam at -
Elko talked with him as you instructed
I was compelled to stay all night as
the Indians were at - this camp some distance
from Elko I met them on the morning
of the 16th Sam says he would like a
reservation and thinks the most of his Shoshone
work or and work he also says that his
people are greatly in favor of having a reservation
he appeared greatly disappointed at not
having a chance to see you and talk to you
I told him as you instructed me that in
regard to the reservation The Shoshone
are between here and Elko will be here
Friday or Saturday the freight is to be

paid on them from San Francisco which
is \$26.38 including freight from El Kr
have - please send some blank vouchers.

When you ship the Blankets to Austin
and ship them to me at Austin. Come Houston
and Lawrence. Come Whitney. Der Baitu
Mountain. You need include please find
vouchers for mailing expenses.

I am very Respectfully
Yours obt. Servt.
Lori H. Huen

Dodger
May 18 1888

COPY

from
The National Archives
Pacific Sierra Region
1000 Commodore Drive
San Bruno, CA 94066

Record Group 75
Subgroup Western Shoshone Indian Agency
Series Correspondence - Farmer In Charge, Western Shoshones 1869-1879
Box 391
Folder 1870

Treasure City Nevada
May 18th 1870

Mr. H. Douglas
Major USA
Supt Indian Affairs

Sir,

I arrived here last
night I met Shoshone Sam at
Elko talked with him as you instructed
I was compelled to stay all night as
the Indians were at their camp some distance from Elko I met them on the morning
of the 16th Sam says he would like a
reservation and thinks the most of his Indians
would go and work he also says that his
boys are greatly in favor of having a reservation
he appeared greatly disappointed at not
having a chance to see you and talk to you
I told him as you instructed me ~~that~~ *[in original]* in
regard to the reservation The Blankets
are between here and Elko will be here
Friday or Saturday the freight is to be

[Second Page]

paid on them from San Francisco which
is \$26.33 including freight from Elko
here please send some blank vouchers
when you ship the Blankets to Austin
please ship them to me at Austin care Horton
and Sawtelle care Whitney over Battle
Mountain ~~you need~~ *[in original]* inclosed please find
vouchers for traveling expenses

I am very Respectfully

You obt servant

Levi Gheen

**Exhibit 37 to Third Affidavit
of Stephen R. Wee**

674
 Elk Co.
 Nevada
 L. H. L. L.
 Western Western Shoshone
 Indians
 Relative to placing
 the Western Shoshone
 against the Indians
 7/20/1

1
 Elk Co.
 Nevada
 November 30th 1898
 Sir
 I have the honor to acknowledge the receipt
 of your letter of the 1st inst. ^{relative to the} Shoshone
 Indians being induced to go to some
 of the present existing Agencies.
 I am very sorry to hear that since I was
 at your letter I have received a number of reports of
 the carrying out of the hunting and placing
 of my horse last Sunday the 28th inst.
 and I am very sorry to hear that they are
 doing very much. They are greatly opposed
 to being broken up as a tribe and I am
 amongst the strong disciples of other tribes they
 consider that our present and unjust
 present policy that they are the most and
 have been made and in last cases about
 and they think that they should be given some
 little say in regard to the matter. The Indians
 of this place have agreed upon the time
 time to time since 1870 to go with their
 as a country which they have recognized
 as suitable for a reservation. The place is
 about seventy or eighty miles north of
 of this place. More than 100 Indians live

The white people that some
in question has been claimed
just to what extent I am not
and are still anxious that
this country. I am proud
to be in my report for October
of November 1894 to examine
instructed to do as as some
see Adams of it. It shows
me to place all the western
along as many of the old
dispositions in regard to
and formerly inhabited by
thinking of them as that
a large of them factors that
he has forever the police
and to go down and it will
The Western Shoshone living
downs including some English
line of Utah the Shoshone
near the Long Cornudas
of Nye. White the Shoshone in
part of Lincoln and under
my peaches and about
it. Attention and Assistance
of nearly the country inhabiting

by David Luciano Gault of the Railroad since
last July and know their conviction I would
therefore respectfully recommend that if a
suitable place can be found for a reservation
that the same be set apart for them also that
immediate steps be taken to ascertain whether
there is a suitable place in Nevada or not and
if a suitable place can be found that David
Lutians be taken to the reservation as soon as
practicable without forcibly means. There are
now farming at different places throughout
Eastern Nevada he desires to remain upon
their little farms and be assisted in their
mechanical habits until they can dispose of
their little property and go to the reservation
without sustaining loss and those who prefer
to work for the whites for wages he desires
to do so as long as they remain peaceable
and be allowed no assistance from the
Government until the comes to the reservation
this I consider a matter of justice to the
Shoshones

I am Very Respectfully
Yours G. B. Smith
G. B. Smith
Commissioner
of Education
Washington D.C.
I am Very Respectfully
Yours G. B. Smith
G. B. Smith
Former Western Shoshone Living

820-824

November 18, 1870

Elko Elk Co.
Nevada

John L. L.

Former Western Shoshone
Indians

Relitane to placing
the Western Shoshone
apart from the
Indians

and John L. L.

7/201

Elko Elk Co.
Nevada

November 18, 1870

1

In
I have the honor to acknowledge the receipt
of your letter of the 1st inst. ^{relative to the Western}
Shoshone Indians being induced to go to some
of the present hunting grounds.
I am deeply obliged to you for that since I have
before been I have called attention of signs of
the lingering shoshone the hunting to the place
at my house last Thursday the 18th inst.
Some Spanish boys here from Ruby Valley and
some from Nevada they are greatly opposed
to being broken up as a tribe and divided
amongst strange Indians of other tribes they
consider that are unmerciful and unjust
requesting that they the Westerns be and
have been peaceable and in most cases obedient
and they think that they should be given some
little spot in regard to the matter. The Indians
of this place have never before the time
time to time since 1870 to go with them and
see a country which they have recommended
as suitable for a Reservation. The place is
about seventy or eighty miles north east
of this place where they (the Indians) stay

2 There is plenty of Game and Fish and a good farming country as near as they can be got. There is plenty of timber (in the mountains) and grass. I have repeatedly reported this matter to those in charge of Indian Affairs over me. On May 1870 I reported the matter to Major A. Douglas U.S.A. Dept of Indian Affairs for Nevada. He told me by express that it was not as soon as practicable. He was subsequently relieved from Indian duty and nothing was done. On March 1872 I spoke to Major George Special Agent for Authority to Visit Capt. Davis's country. The same as above. Referred to. He said he would do so but nothing was done. On 1873 at this place Capt. Davis recommended the place to Major Wm. Ingalls Special Commissioner. Interfered by himself. I also spoke to Major Ingalls and referred to the matter at Fort Selden. On September 1874. I received a report from you to my monthly report for March 1875. Making agent of Malheur. Where I again asked for authority to visit the place as per request of two Indians who came from Ruby Macey and others. Please to urge upon me that something should be done before the white claimants take country. Since I came to Elk I

3

I learned from the white people that some of the country in question has been claimed by the whites. I felt to what extent I can not know. The Indians are still anxious that they may have this country. I am presently writing so stated in my report for March 1875. Much agent of Nevada. He told me by express that it was not as soon as practicable. He was subsequently relieved from Indian duty and nothing was done. On March 1872 I spoke to Major George Special Agent for Authority to Visit Capt. Davis's country. The same as above. Referred to. He said he would do so but nothing was done. On 1873 at this place Capt. Davis recommended the place to Major Wm. Ingalls Special Commissioner. Interfered by himself. I also spoke to Major Ingalls and referred to the matter at Fort Selden. On September 1874. I received a report from you to my monthly report for March 1875. Making agent of Malheur. Where I again asked for authority to visit the place as per request of two Indians who came from Ruby Macey and others. Please to urge upon me that something should be done before the white claimants take country. Since I came to Elk I

The white people that some
questioning has been claimed
with to what extent I am not
as are still anxious that
this country. I am present
station in my report for section
of November 11th to examine
instructed to do so as soon
as possible. I am present
in the place all the western
along as many of the old
superstitions in regard to
my formerly inhabited by
tribes of their fathers, that
belonged for ever. The police
will go to every one of the
The Western Shoshone people
souls including some of the
line of Utah the Nevada and
near the large counties
in the white line. I am present
part of the country and about
very peaceful and abundant
it attention and assistance
I nearly the country inhabited

4
by said Indians South of the Railroad since
last July and know their condition. I would
therefore respectfully recommend that if a
suitable place can be found for a reservation
that the same be set apart for them also that
immediate steps be taken to ascertain whether
there is a suitable place in Nevada or not. And
if a suitable place can be found that said
Indians be taken to the reservation as soon as
practicable without forcibly means. Those that
are farming or different places throughout
Eastern Nevada be allowed to remain in their
their little farms and be assisted in their
industrial habits until they can dispose of
their little property and go to the reservation
without sustaining loss and those who prefer
to work for the whites for wages be permitted
to do so as long as they remain peaceable
and be allowed no assistance from the
Government until the come to the reservation
this I consider a matter of justice to the
Indians

John D. Smith
Commissioner
of Indian Affairs
Washington D.C.

I am very respectfully
Yours obedt servant
Levi H. Green
Farmer Western Shoshone Indian

820-824

75, NA, 1824-1834
LHS Recd. by OIA, 1824-1881
Nevada Sup. 1861-1880
1874-1875
Roll 54

Elko, Elko Co.
Nevada
November 30th 1875

1

Sir

I have the honor to acknowledge the receipt of your letter of the 1st inst. marked L _____ *[blank in original]* relative to the Western Shoshone Indians being induced to go to some of the present existing agencies.

In reply would state that since I read your letter I have called a meeting of some of the leading Shoshones the meeting took place at my house last Thursday the 25th inst. Some Indians were here from Ruby Valley and some from Eureka. They are greatly opposed to being broken up as a tribe and distributed amongst strange Indians of other tribes. They consider this an unreasonable and unjust request stating that they the Westerns are and have been peaceable and in most cases obedient and they think that they should be allowed some little say in regard to the matter. The Indians of this place have urged upon me from time to time since 1870 to go with them and see a country which they have recommended as suitable for a Reservation. The place is about Seventy or Eighty miles Northeast of this place where they (the Indians) say

2

there is plenty of game and fish and a good farming country as near as they can judge with plenty of timber (in the mountains) water and grass. I have repeatedly reported this matter to those in charge of Indian Affairs over me. In May 1870 I reported the matter to Major H Douglas U.S.A. Supt. of Indian Affairs for Nevada he told me he would attend to it as soon as practicable. He was subsequently relieved from Indian duty and nothing was done. In March 1872 I asked Major Dodge Special Agent for authority

to visit Capt. Sam's country (the same as above referred to) he said he would do so but nothing was done. In 1873 at this place Capt. Sam recommended the place to Major G. W. Ingalls Special Commissioner interpreted by myself. I also spoke to Major Ingalls in regard to the matter at Salt Lake City in September 1874. I would also respectfully refer you to my monthly report for March 1875 under date of March 31st where I again asked for authority to visit the place as per request of two Indians who came from Ruby Valley and this place to urge upon me that something should be done before the whites claimed the whole country. Since I came to Elko I

3

learned from the white people that some of the country in question has been claimed by the whites but to what extent I do not know. The Indians are still anxious that they may have this country. I am ready and willing as stated in my report for October 1875 under date of November 10th to examine the country if instructed to do so as soon as the weather will admit of it. It would however take time to place all the Westerns upon a reservation as many of the old ones are very superstitious in regard to leaving the country formerly inhabited by their parents thinking as they do that if they leave the land of their Fathers that their spirit will be lost forever. This foolish tradition will have to be overcome and it will take time to do it. The Western Shoshones number about 4,000 souls including some Gosh =Utes near the line of Utah and Nevada and are scattered over five large counties namely Lander _ Nye _ White Pine _ Eureka _ and Elko also a part of Lincoln and Humbolt they are generally peaceable and obedient and need some attention and assistance I have visited nearly the country inhabited

by said Indians South of the Railroad since last July and know their condition I would therefore respectfully recommend that if a suitable place can be found for a reservation that the same be set apart for them also that immediate steps be taken to ascertain whether there is a suitable place in Nevada or not and if a suitable place can be found that said Indians be taken to the reservation as soon as practicable without forceable means. Those that are farming at different places throughout Eastern Nevada be allowed to remain upon their little farms and be assisted in their industrial habits until they can dispose of their little property and go to the Reservation without sustaining loss and those who prefer to work for the whites for wages be allowed to do so as long as they remain peaceable and be allowed no assistance from the Government until they come to the Reservation this I consider a matter of justice to the Indians.

Hon E. P. Smith
 Commisisoner
 Of Indian Affairs
 Washington D.C.

I am Very Respectfully
 Your obdt servt
 Levi A. Gheen
 Farmer Western Shoshone Indians

**Exhibit 38 to Third Affidavit
of Stephen R. Wee**

all necessary transportation and subsistence to their new homes and subsistence for six months thereafter: *Provided*, That, owing to the heretofore good conduct of the Mille Lac Indians, they shall not be compelled to remove so long as they shall not in any way interfere with or in any manner molest the persons or property of the whites: *Provided*, That those of the tribe residing on the Sandy Lake reservation shall not be removed until the President shall so direct.

ARTICLE 13. Female members of the family of any government employe[e] residing on the reservation, who shall teach Indian girls domestic economy, shall be allowed and paid a sum not exceeding ten dollars per month while so engaged: *Provided*, That not more than one thousand dollars shall be so expended during any one year, and that the President of the United States may suspend or annul this article whenever he may deem it expedient to do so.

Certain females may be paid as teachers.

Proviso.

ARTICLE 14. It is distinctly understood and agreed that the clearing and breaking of land for the Chippewas of the Mississippi, as provided for in the fourth article of this treaty, shall be in lieu of all former engagements of the United States as to the breaking of lands for those bands, and that this treaty is in lieu of the treaty made by the same tribes, approved March 11th, 1863.

Provisions for clearing, etc., lands to be in lieu of former provisions.

In testimony whereof the said Wm. P. Dole and Clark W. Thompson, on behalf of the United States, and Chippewa chiefs, Hole-in-the-day and Mis-quas-dace, on behalf of Indians parties to this treaty, have hereunto set their hands and affixed their seals this seventh day of May, A. D. one thousand eight hundred and sixty-four.

W. P. Dole, Commissioner Indian Affairs.

[SEAL.]

Clark W. Thompson, Superintendent Indian Affairs.

[SEAL.]

Que-zo-zance, or Hole-in-the-day, his x mark.

[SEAL.]

Mis-quas-dace, or Turtle, his x mark.

[SEAL.]

Signed in presence of

Peter Roy, special interpreter.

Benjn. Thompson.

TREATY WITH THE KLAMATH, ETC., 1864.

Articles of agreement and convention made and concluded at Klamath Lake, Oregon, on the fourteenth day of October, A. D. one thousand eight hundred and sixty-four, by J. W. Perit Huntington, superintendent of Indian affairs in Oregon, and William Logan, United States Indian agent for Oregon, on the part of the United States, and the chiefs and head-men of the Klamath and Moadoc tribes, and Yahooskin band of Snake Indians, hereinafter named, to wit, La-Lake, Chil-o-que-nas, Kellogua, Mo-ghen-kas-kut, Blow, Le-lu, Palmer, Jack, Que-as, Poo-sak-sult, Ohe-mult, No-ak-sum, Moooh-kat-allick, Toon-tuck-ter, Boos-ki-you, Ski-a-tic, Shol-las-loos, Tatet-pas, Muk-has, Herman-koos-mam, chiefs and head-men of the Klamaths; Schon-chen, Stat-it-ut, Keint-pooz, Chuck-e-i-oe, chiefs and head-men of the Moadocs, and Kile-to-ak and Sky-te-ock-et, chiefs of the Yahooskin band of Snakes.

Oct. 14, 1864

18 Stats., 707.

Ratified, July 2,

1866.

Proclaimed Feb. 17,

1870.

ARTICLE 1. The tribes of Indians aforesaid cede to the United States all their right, title, and claim to all the country claimed by them, the same being determined by the following boundaries, to wit: Beginning at the point where the forty fourth parallel of north latitude crosses the summit of the Cascade Mountains; thence following the main dividing-ridge of said mountains in a southerly direction to the ridge which separates the waters of Pitt and McCloud Rivers from the waters on the north; thence along said dividing-ridge in an easterly direction to the southern end of Goose Lake; thence northeasterly to the north-

Cession of lands to the United States.

Boundaries.

Reservation.	ern end of Harney Lake; thence due north to the forty-fourth parallel of north latitude; thence west to the place of beginning: <i>Provided</i> , That the following-described tract, within the country ceded by this treaty, shall, until otherwise directed by the President of the United States, be set apart as a residence for said Indians, [and] held and
Boundaries.	regarded as an Indian reservation, to wit: Beginning upon the eastern shore of the middle Klamath Lake, at the Point of Rocks, about twelve miles below the mouth of Williamson's River; thence following up said eastern shore to the mouth of Wood River; thence up Wood River to a point one mile north of the bridge at Fort Klamath; thence due east to the summit of the ridge which divides the upper and middle Klamath Lakes; thence along said ridge to a point due east of the north end of the upper lake; thence due east, passing the said north end of the upper lake, to the summit of the mountains on the east side of the lake; thence along said mountain to the point where Sprague's River is intersected by the Ish-tish-ea-wax Creek; thence in a southerly direction to the summit of the mountain, the extremity of which forms the Point of Rocks; thence along said mountain to the place of beginning. And the tribes aforesaid agree and bind themselves that, immediately after the ratification of this treaty, they will remove to said reservation and remain thereon, unless temporary leave of absence be granted to them by the superintendent or agent having charge of the tribes.
Indians to remove to and live upon the reservation.	
While persons not to remain on reservation.	It is further stipulated and agreed that no white person shall be permitted to locate or remain upon the reservation, except the Indian superintendent and agent, employes of the Indian department, and officers of the Army of the United States, and that in case persons other than those specified are found upon the reservation, they shall be immediately expelled therefrom; and the exclusive right of taking fish in the streams and lakes, included in said reservation, and of gathering edible roots, seeds, and berries within its limits, is hereby secured to the Indians aforesaid: <i>Provided, also</i> , That the right of way for public roads and railroads across said reservation is reserved to citizens of the United States.
Right of way for railroads.	
Payments by the United States.	ARTICLE 2. In consideration of, and in payment for the country ceded by this treaty, the United States agree to pay to the tribes conveying the same the several sums of money hereinafter enumerated, to wit: Eight thousand dollars per annum for a period of five years, commencing on the first day of October, eighteen hundred and sixty-five, or as soon thereafter as this treaty may be ratified; five thousand dollars per annum for the term of five years next succeeding the first period of five years; and three thousand dollars per annum for the term of five years next succeeding the second period; all of which several sums shall be applied to the use and benefit of said Indians by the superintendent or agent having charge of the tribes, under the direction of the President of the United States, who shall, from time to time, in his discretion, determine for what objects the same shall be expended, so as to carry out the design of the expenditure, [it] being to promote the well-being of the Indians, advance them in civilization, and especially agriculture, and to secure their moral improvement and education.
How to be expended.	
Additional payment and for what purpose.	ARTICLE 3. The United States agree to pay said Indians the additional sum of thirty-five thousand dollars, a portion whereof shall be used to pay for such articles as may be advanced to them at the time of signing this treaty, and the remainder shall be applied to subsisting the Indians during the first year after their removal to the reservation, the purchase of teams, farming implements, tools, seeds, clothing, and provisions, and for the payment of the necessary employes.
Mills and shops to be erected.	ARTICLE 4. The United States further agree that there shall be erected at suitable points on the reservation, as soon as practicable after the

ratification of this treaty, one saw-mill, one flouring-mill, suitable buildings for the use of the blacksmith, carpenter, and wagon and plough maker, the necessary buildings for one manual-labor school, and such hospital buildings as may be necessary, which buildings shall be kept in repair at the expense of the United States for the term of twenty years; and it is further stipulated that the necessary tools and material for the saw-mill, flour-mill, carpenter, blacksmith, and wagon and plough maker's shops, and books and stationery for the manual-labor school, shall be furnished by the United States for the period of twenty years.

Schoolhouse and hospital.

Tools, books, and stationery

ARTICLE 5. The United States further engage to furnish and pay for the services and subsistence, for the term of fifteen years, of one superintendent of farming operations, one farmer, one blacksmith, one sawyer, one carpenter, and one wagon and plough maker, and for the term of twenty years of one physician, one miller, and two school-teachers.

Farmer, mechanics, and teachers.

ARTICLE 6. The United States may, in their discretion, cause a part or the whole of the reservation provided for in Article 1 to be surveyed into tracts and assigned to members of the tribes of Indians, parties to this treaty, or such of them as may appear likely to be benefited by the same, under the following restrictions and limitations, to wit: To each head of a family shall be assigned and granted a tract of not less than forty nor more than one hundred and twenty acres, according to the number of persons in such family; and to each single man above the age of twenty-one years a tract not exceeding forty acres. The Indians to whom these tracts are granted are guaranteed the perpetual possession and use of the tracts thus granted and of the improvements which may be placed thereon; but no Indian shall have the right to alienate or convey any such tract to any person whatsoever, and the same shall be forever exempt from levy, sale, or forfeiture: *Provided*, That the Congress of the United States may hereafter abolish these restrictions and permit the sale of the lands so assigned, if the prosperity of the Indians will be advanced thereby: *And provided further*, If any Indian, to whom an assignment of land has been made, shall refuse to reside upon the tract so assigned for a period of two years, his right to the same shall be deemed forfeited.

Reservation may be surveyed into tracts and assigned to heads of families and single persons.

Not to be alienated nor subject to levy, etc.

Restrictions may be removed.

Forfeiture.

ARTICLE 7. The President of the United States is empowered to declare such rules and regulations as will secure to the family, in case of the death of the head thereof, the use and possession of the tract assigned to him, with the improvements thereon.

Regulations as to successions.

ARTICLE 8. The annuities of the tribes mentioned in this treaty shall not be held liable or taken to pay the debts of individuals.

Annuities not liable for debts.

ARTICLE 9. The several tribes of Indians, parties to this treaty, acknowledge their dependence upon the Government of the United States, and agree to be friendly with all citizens thereof, and to commit no depredations upon the person or property of said citizens, and to refrain from carrying on any war upon other Indian tribes; and they further agree that they will not communicate with or assist any persons or nation hostile to the United States, and, further, that they will submit to and obey all laws and regulations which the United States may prescribe for their government and conduct.

Peace and friendship.

ARTICLE 10. It is hereby provided that if any member of these tribes shall drink any spirituous liquor, or bring any such liquor upon the reservation, his or her proportion of the benefits of this treaty may be withheld for such time as the President of the United States may direct.

Members drinking, etc. spirituous liquors, not to have the benefits of this treaty.

ARTICLE 11. It is agreed between the contracting parties that if the United States, at any future time, may desire to locate other tribes upon the reservation provided for in this treaty, no objection shall be made thereto; but the tribes, parties to this treaty, shall not, by such

Other tribes may be located on reservation.

Proviso

location of other tribes, forfeit any of their rights or privileges guaranteed to them by this treaty.

Treaty, when to take effect.

Execution.

ARTICLE 12. This treaty shall bind the contracting parties whenever the same is ratified by the Senate and President of the United States.

In witness of which, the several parties named in the foregoing treaty have hereunto set their hands and seals at the place and date above written.

J. W. Perit Huntington, [SEAL]
Superintendent Indian Affairs.
William Logan, [SEAL]
United States Indian Agent.

La-lake, his x mark.	[SEAL]	Boss-ki-you, his x mark.	[SEAL]
Chil-o-que-nas, his x mark.	[SEAL]	Ski-at-tic, his x mark.	[SEAL]
Kellogue, his x mark.	[SEAL]	Shol-lal-loos, his x mark.	[SEAL]
Mo-ghon-kas-kit, his x mark.	[SEAL]	Tat-tet-pas, his x mark.	[SEAL]
Blow, his x mark.	[SEAL]	Muk-has, his x mark.	[SEAL]
Le-lu, his x mark.	[SEAL]	Herman-kus-uain, his x mark.	[SEAL]
Palmer, his x mark.	[SEAL]	Jackson, his x mark.	[SEAL]
Jack, his x mark.	[SEAL]	Schon-chin, his x mark.	[SEAL]
Que-agg, his x mark.	[SEAL]	Stak-it-ut, his x mark.	[SEAL]
Poo-sak-sult, his x mark.	[SEAL]	Keint-pooos, his x mark.	[SEAL]
Che-mult, his x mark.	[SEAL]	Chuck-e-i-ox, his x mark.	[SEAL]
No-ak-gum, his x mark.	[SEAL]	Kile-to-ak, his x mark.	[SEAL]
Mooch-kat-allick, his x mark.	[SEAL]	Sky-te-ock-el, his x mark.	[SEAL]
Toon-tue-tee, his x mark.	[SEAL]		

Signed in the presence of—

R. P. Earhart, secretary.
Wm. Kelly, captain First Cavalry, Oregon Volunteers.
James Halloran, second lieutenant First Infantry, W. T. Volunteers.
William C. McKay, M. D.
Robert (his x mark) Biddle.

TREATY WITH THE CHIPPEWA OF SAGINAW, SWAN CREEK, AND BLACK RIVER, 1864.

Oct. 18, 1861.
14 Stats., 557.
Ratified May 22,
1862.
Proclaimed Aug. 16,
1866.

Articles of agreement and convention made and concluded at the Isabella Indian Reservation, in the State of Michigan, on the eighteenth day of October, in the year one thousand eight hundred and sixty-four, between H. J. Alford, special commissioner of the United States, and D. C. Leach, United States Indian agent, acting as commissioners for and on the part of the United States, and the Chippewas of Saginaw, Swan Creek, and Black River, in the State of Michigan aforesaid. parties to the treaty of August 2d, 1855, as follows, viz:

Released to the United States of reservation and right to locate and purchase certain lands.

ARTICLE 1. The said Chippewas of Saginaw, Swan Creek, and Black River, for and in consideration of the conditions hereinafter specified, do hereby release to the United States the several townships of land reserved to said tribe by said treaty aforesaid, situate and being upon Saginaw Bay, in said State.

The said Indians also agree to relinquish to the United States all claim to any right they may possess to locate lands in lieu of lands sold or disposed of by the United States upon their reservation at Isabella, and also the right to purchase the unselected lands in said reservation, as provided for in the first article of said treaty.

Certain lands set apart for the Indians in Isabella County.

ARTICLE 2. In consideration of the foregoing relinquishments, the United States hereby agree to set apart for the exclusive use, ownership, and occupancy of the said of the said Chippewas of Saginaw, Swan Creek, and Black River, all of the unsold lands within the six townships in Isabella County, reserved to said Indians by the treaty of August 2, 1855, aforesaid, and designated as follows, viz:

The north half of township fourteen, and townships fifteen and sixteen north, of range three west; the north half of township fourteen

