

## WENATCHEE INDIANS ASK JUSTICE

An early Indian name for the Wenatchee River was Pisuouse and that name was also used for a tribe of Indians in that vicinity. Probably the first time the river was mapped was by William Clark of the Lewis and Clark Expedition, who spelled it "Wah-na-a-cha." In the journals the tribe is referred to as "Chimnapoos." (Elliott Coues edition, pages 973 and 1255.) Five years later, 1811, David Thompson charted the river as "Pis-kowish" and referred to the tribe as Sinkowarsin." (*Thompson's Narrative*, The Champlain Society edition, page 482.) The editors of the above sources recognize that the original observers were referring to the Wenatchee Indians and the river near their home. On June 9, 1855, Isaac I. Stevens, Governor and Superintendent of Indian Affairs in Washington Territory, made a treaty with many tribes which he grouped into one "nation" under the name of "Yakama." Two tribes so grouped were called Pisuouse and Wenatshapan. It now seems likely that at most the Indians thus mentioned were but bands of the tribe later known as Wenatchee. The *Handbook of American Indians*, Volume II., page 932, says *winatshi* is a Yakima word meaning "river issuing from a canyon" and says that those we know as Wenatchee Indians were "probably a band of the Pisuows formerly on Wenatchee River." As the river became better known by its present name the Indians were called by the same name.

The famous treaty by Governor Stevens was ratified by the Senate on March 8, 1859, and was proclaimed on April 15, 1859. Article 10 is as follows:

*"And provided*, That there is also reserved and set apart from the lands ceded by this treaty, for the use and benefit of the aforesaid confederated tribes and bands, a tract of land not exceeding in quantity one township of six miles square, situated at the forks of the Pisuouse or Wenatshapam River, and known as the 'Wenatshapam Fishery,' which said reservation shall be surveyed and marked out whenever the President may direct, and be subject to the same provisions and restrictions as other Indian reservations."

The Wenatchee Indians feel that it was wrong to include them in the Yakima "nation." They also feel that they should be given the benefit of at least the "Wenatshapam Fishery" reservation. They were advised to consult some United States officer.

In the white man's city of Wenatchee they found that R. S. Ludington was a United States Commissioner. Two representatives of the tribe laid their case before him and he helped them prepare a letter to the "Great White Father" at Washington. John Hermilt was one of the elders or chiefs of the Wenatchee tribe. He could not write but "made his mark" by touching the pen over the X and another wrote by it his name. Louis Judge was an educated Indian and frequently acted as interpreter when Indian matters were involved. Mr. Ludington says the Indians did not report to him again. He heard that Louis Judge died in a Spokane hospital recently. Mr. Ludington saved a carbon copy of the Indians' letter and has furnished it for publication that a permanent record may be had of the Wenatchee Indians' plea for justice.

The document is as follows:

Wenatchee, Washington,

January 3, 1910.

Honorable Commissioner of Indian Affairs,  
Department of the Interior,  
Washington, D. C.

Sir:

We believe that the records in your office will show that in 1855, at the time that Colonel Wright was in the then Territory of Washington, he met a band of our people under Chief Pshamouch; that at that time the Indians were under arms, but agreed to lay down their arms and be at peace with the United States Government and its people, upon being assured that they would have unmolested and for their own a tract of land which was to be six miles square, and later, by Colonel Archer, was increased to eight miles square, embracing the lands then occupied by them which were located along what is now known as the Wenatchee River, from a point just below the present town of Cashmere and extending up the river towards Leavenworth.

We understand that there has been a ruling by one of the acting Indian Commissioners adverse to this claim, but we are certain that these are the facts and that the matter was confused and not made clear in the treaty of 1855, which was ratified by Act of Congress on June 9th of that year, and which treaty provided for a tract of land not exceeding in quantity one township situated at the forks of the Pisquouse or Wenatshapan River, and known as the Wenatshapan Fishery; which reservation was to be surveyed and marked out whenever the President may direct, sub-

ject to the provisions and restrictions the same as other Indian reservations. The tract thus referred to in the treaty would have been located below the forks of what are now the Wenatchee and Icicle Rivers, just at or below the present town of Leavenworth, and that treaty should have made it clear that this was for the Pisuouse of Wenatchee Indians.

As a matter of fact, this land was lived upon and is still resided upon by members of the Pisuouse or Wenatchee tribe, and has always been considered as their lands, and although we understand there have been claims to the contrary, they continued to use the lands and the river as a fishery until prevented by preponderance of white settlers, who had secured lands by homestead and from the railroads, due to the fact that the President had not caused the reservation to be surveyed and marked off, and that consequently the lands were treated by the General Land Office as open to entry, and that with these grants and patents from the Government the white settlers were enabled to prevent the Indians from continuing to put in their weirs and other means for using the river in the manner in which they had used it in prior years. That the local Indians, relying upon the understanding that they had of the treaty made with Colonel Wright, took no part nor were they instrumental in bringing the matter to the attention of the Department in 1892, when the Yakima agent, Lynch, under date of July 19th made inquiry as to whether that tract had ever been set off, having apparently discovered from the treaty that such a tract was to be set off.

In this connection it might be well to refer to the fact that the local Indians are not members of the Yakima nation, and have always steadfastly refused to be classified or numbered as members of that nation; that they do not speak the Yakima language; that they are separated from the Yakimas by a high range of mountains, and have no dealings with them beyond an occasional visit either from or to that tribe of Indians located in and near Ellensburg, across the mountains from the homes of the Wenatchee or Pisuouse Indians. And in this connection it might be stated that the local Indians' name of their river and their tribe is Pisuouse, and that the name "Wenatchee," which had been given to the river and to them, is the name used to designate them in the language of the Ellensburg Indians. This can be explained by the fact that Ellensburg is the county seat of Kittitas County, and that this section of the country was formerly in Kittitas

County, and that consequently most dealings that affected lands and persons in this neighborhood were of record and carried on from Ellensburg, and that probably the early interpreters were Ellensburg Indians, who had a smattering of the Pisuouse language.

At the time that Agent Lynch came over into this section from Yakima to look into the question of the reservation, he did not attempt to lay out the reservation at the forks of the river, as is provided by the treaty, but went some thirty miles farther away, up towards or above Lake Wenatchee, in a region where the local Indians did not go nor did they claim any particular rights there, and that consequently when the reservation was surveyed in that section they did not consider it their reservation, and did not consider that they had any voice in that reservation.

Apparently their honorable position in this matter has worked to their injury, where the Department has evidently taken the position that this reservation was in fulfillment of the 1855 treaty obligations, and by their refusal to exercise any dominion over it, the matter was left to the Indians on the Yakima reservation, who of course had no particular interest in it, as they never came to this section for fishing, but went down in the neighborhood of The Dalles, and consequently had no reason for desiring to preserve the reservation, and were perfectly willing to sell the same and appropriate the proceeds from the sale.

It also appears that after this reservation was surveyed and designated, and because the majority of the Yakimas had no need for it, they voted to sell it and when it was sold, by reason of the fact that the council at which the matter was considered was held in midwinter, when the trails were practically impassable and when the distance was over a hundred miles from the homes of the local Indians, with a range of high mountains between them and the place of the council, that the Yakimas had a large majority present at that council and could overvote the local Indians as to the disposal of the lands and also as to the use of the money obtained from the proceeds of the sale of the same.

As the records will show, arrangements were made at these councils for the Yakima Indians to cede this reservation for a consideration of \$20,000 and that this \$20,000 was used for building an irrigating system that benefited solely the lands in the Yakima Indian reservation.

It now appears that arrangements are to be made to open up the Yakima Indian reservation, and for that reason the local In-



dians deem the time opportune for again bringing this matter to the attention of the authorities, with the request that some steps be taken that will give to them the rights which thus far they feel they have been denied, and to secure to them some benefits as compensation for their compliance with the treaty, and not to permit the Yakimas to appropriate everything for themselves.

In this connection attention is called to the fact that the records show that numerous attempts have been made by the Department to have the local Indians consider themselves as a part of the Yakima nation and to move to the Yakima reservation, and that the local Indians have steadfastly refused to do so, as they do not understand the Yakima language, as they and their fathers have lived in this region and have had very little in common with the Yakima Indians, and that those of their members who have desired to go to any other reservation have elected to go and have been admitted to the reservation allotted to the Columbia Indians or to the Colville reservation.

The fisheries as above referred to, as above stated, were never used by the Yakimas, as they did their fishing in the neighborhood of The Dalles, and that the only outside Indians that availed themselves of the Wenatchee fisheries, besides the local Indians, were those within the immediate neighborhood and some of those from the Big Bend country, known as the Chief Moses Indians, and the Indians in and around Chelan and farther north, all of whom have practically the same language.

Outside of the payment of the expenses of one or two delegations to Washington, the Government has never expended anything for the local Indians nor given them anything outside of permitting them to take allotments under the general allotment law and giving them some farm implements, and also permitting some of their number to live on the Colville reservation.

It would seem that because of the good faith of the local Indians and their strict observance of the treaty, the Department rather lost sight of them and apparently concluded that they did not exist and that any rights they might have had descended to the Yakima Indians; and in order that this attitude may not continue and thereby prevent the local Indians from getting what they believe to be their rights in the matter, they now desire to call attention to the fact that they have never received any benefits from the sale of their fishery and reservation, and that as matters now stand it has been appropriated wholly by those of the Yaki-

mas residing on the Yakima reservation, and that the Yakimas are profiting by and enjoying the benefits of the property which should in law and equity be enjoyed, in part at least if not in whole, by the local Indians. In other words, by the use of the \$20,000 obtained from the sale of the Wenatchee reservation in constructing irrigating ditches for the lands on the Yakima reservation, the local Indians are prevented from gaining any benefits therefrom, unless they are willing to desert the homes that they and their fathers have occupied for generations and take up a residence among other Indians whose language they do not know and whose habits they are not familiar with, and whose lands are at such a distance and so located that to move there would be a hardship and an expense that they could not stand and should not be required to undertake.

From their standpoint they submit that they should not be deprived of the advantages which would accrue to them by the treaty stipulation providing for a township to be located at the forks of the Wenatchee River and to be known as the Wenatchee Fisheries, where the treaty provided that the President should survey and mark the reservation, and where the treaty provided no affirmative act upon their part other than to be peaceable. That the failure of the President or those in authority to perform that stipulation in the treaty should not of right be used against them, when they had been in possession of the land, had been using the land as contemplated in the treaty, had no agent or any means of knowing whether the President had complied with that provision of the treaty, and especially when the steps were taken to dispose of the reservation they had but three representatives present in a large council, and where there was no interpreter for the Wenatchees, and where those that were present steadfastly refused to accede to the sale of their reservation, and where the Government agents considered that the price paid was fair and reasonable, because the Yakima Indians had never used the fisheries nor had ever asked the President to survey the reservation. In other words, the adverse ruling as made by A. C. Tonner, Acting Commissioner, under date of March 11, 1898, is apparently based almost wholly upon the grounds that the Yakima Indians had slept upon their rights and had not used the land in question, when his report shows on the face of it that the councils where the matter was considered were held in Yakima on December 18, 1893, and on January 6, 1894, at a time of the year when there was from four

to ten feet of snow on the ground and at a point 150 miles distant from the Wenatchee Indians, by a trail that led over a high range of mountains. In this report it states that only four Indians of the Wenatchee tribe attended the council. One of the undersigned, John Hermilt, was one of the Indians that attended, and he says that there were only two others from the Wenatchee tribe that were with him, both of whom are now dead. This report states that due notice was given to the Wenatchee Indians, but there is nothing to show what that due notice was nor whether the Wenatchee Indians had time to have a council and consider the matter; and from the communications which have been addressed to the Secretary of the Interior and the Department of Indian Affairs since then, it would seem that the proceedings of said council were never recognized nor acceded to as being binding upon the Wenatchee Indians.

The Acting Commissioner also apparently felt that a wealthy and speculatively inclined Yakima Indian named Thomas Pearne was in effect the sole objector to the proceedings at these councils, and simply because there was objection on the part of such a member of the Yakima tribe, it should not be permitted to prejudice the rights of the Wenatchee Indians. As a matter of fact the Wenatchee Indians had no connection with nor did they know anything about Thomas Pearne.

The conclusion of Acting Commissioner Tonner, to the effect that the fishery in question was owned by the Yakima nation in common, and not by the Wenatchee Indians, has the effect of depriving the Wenatchee Indians of all rights in and to the Wenatchee reservation or the proceeds obtained from the sale of the same, for the reason that they have never considered themselves a part of the Yakima Indians. The attendance of their three men at the council was a matter of courtesy, apparently in response to the summons of the Indian Department, and it would seem unjust that they should be barred on that account, when they have steadfastly refused, as they did at that council and have done consistently since then, to accede to the right of the Yakima Indians or of the Department to take lands which should by right be theirs and sell them and use the proceeds for other Indians.

The fact that the Government has erroneously considered the Wenatchee Indians a part of the Yakima nation, does not make them a part of that nation; and it would seem that it was the intention of the Government to do something for the Wenatchee

Indians, or it would not otherwise have specified in the treaty for a Wenatchee fishery for the Yakima Indians, when the Yakima Indians did all their fishing in the neighborhood of The Dalles. And it is submitted that a careful study of the records will bear out the position herein taken, and we believe should appeal to the conscience and good judgment of the Government to persuade it to give to the Wenatchee Indians whatever they consider their fair rights in the matter.

In this connection, in order to facilitate a full understanding of the matter, we hereby give a list of the papers which we now have relative to this matter, which are as follows:

(1) A letter dated December 15, 1896, written from Vancouver Barracks by Assistant Adjutant General to William Hermilt and Louis Judge, stating that the authorities at Washington would look to it that all parties interested in the Wenatchee reservation should obtain fair treatment.

(2) A letter or report dated March 11, 1898, bearing number "Land 74-1898" from A. C. Tonner, Acting Commissioner of Indian Affairs to the Secretary of the Interior referring to a report of Inspector W. G. McConnell of the Yakima Agency under date of September 21, 1897, wherein that inspector evidently concluded that the equities were with the Wenatchee Indians from the investigation which he made on the ground.

(3) A petition dated May 10, 1899, made by a delegation of Wenatchee Indians to the Commissioner of Indian Affairs, also a letter dated May 10, 1899, signed by the same delegation addressed to the Honorable Secretary of the Interior, also a letter or report dated May 22, 1899, from Acting Commissioner A. C. Tonner to the Secretary of the Interior in reply to said petition.

(4) A letter dated May 26, 1899, from Acting Secretary Ryan addressed to John Hermilt and Louis Judge, enclosing a copy of the reports above mentioned.

(5) Copy of a letter dated February 8, 1900, addressed to the Commissioner of Indian Affairs for reimbursement for the expenses of the delegation to Washington.

Now that the Yakima reservation is to be opened it seems to us that without injury to any one our rights can be protected and we can be permitted to enjoy the benefits that are ours by reason of our honorable observance of our treaty promises.



The Wenatchee Indians believe that this can be done in several ways, and without meaning to designate any particular way, they submit that the matter could be easily adjusted.

First, by the Government reserving or taking eight miles square of land in the Yakima reservation of fair value and of equal value to that of the Wenatchee reservation which was sold, and selling that in whatever manner the Government should see fit, and having the proceeds derived from that sale turned over for the benefit of the local Indians.

Second, to have a certain number of acres of the land allotted to the Indians in the Yakima reservation who are profiting by the irrigating ditch built from the money obtained from the sale of the Wenatchee reservation and set aside for the benefit of the Wenatchee Indians a number of acres, together with the water right, that would equal in value the amount received by the sale of the Wenatchee reservation.

Third, or out of the proceeds of the sale of the surplus lands of the Yakima reservation to set aside \$20,000 and the interest thereon from the time that the money was obtained by the sale of the Wenatchee reservation, and to use said \$20,000 and interest for the benefit of the local Indians; or

Fourth, any other way, manner or form which can be devised by the authorities that would be fair and that would secure to the local Indians the rights which they feel they have not obtained from the sale of their reservation.

Therefore, the undersigned, representing their tribe, respectfully request that this matter be considered by the Department and that if necessary they may be heard further as to whether they have slept upon their rights and also upon their right to the proceeds from the sale of the reservation by any fair method that will permit them to substantiate the statements above made by them (especially those which may be considered as contrary to the holdings of the Department); and they respectfully request that the Department will promptly take such action as will protect them and give them Justice, and on behalf of all the Wenatchee Indians the above matter is respectfully submitted.

his  
JOHN X HERMILT  
mark  
LOUIS JUDGE.