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Exhibit 6 Part 2 from R. Hart

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The route of the Old Mullan Road and its building was north-eastward from Fort Walla Walla to the south end of Coeur d'Alene lake and a crossing of St. Joe river about 5 miles above its embouchure: thence about 9 miles across the low mountains northerly to the south bank of the Coeur d'Alene river at a point about 10 miles upstream from the lake (now Medimont); thence the road followed along the south bank of the river about 9 miles to a point about 7 miles below the old mission (now Rose Lake), where a crude ferry or raft crossing was made to the north bank; thence about 7 miles upstream to the mission. From the mission the route was eastward up the South Fork off Coeur d'Alene river to now Shoshone Park, about 3 7/10 miles east of Mullan. There the road direction turned from the valley southward up the steep mountain and over St. Regis pass (elevation 4941) into Montana. The old road is yet plainly recognizable from Shoshone Park to the summit of the Bitter Root mountains.

The main route was constructed between 1859 and 1860. An alternate route constructed between 1861 and 1862 went north of Coeur d'Alene Lake, reaching the lake one and a half miles east of the City of Coeur d'Alene, then following a course west to the Spokane River and on to Antoine Plante's Ferry, nine miles up from Spokane.

Mullan not only produced extensive reports that were published by Congress, he published a popular guide, intended to encourage miners and travelers to use the road to move west.¹⁸¹ In

Engineers. Mullan, Idaho: W. Earl Greenough, 1947, pp. 4-5. [76]

Peltier, Jerome. *Antoine Plante: Mountain Man, Rancher, Miner, Guide, Hostler and Ferryman*. Fairfield, Washington: Ye Galleon Press, 1983, pp. 26-32. Plante's revenues increased dramatically with the completion of the road. [131]

Wells, Merle W. (ed.). *An Atlas of Idaho Territory, 1863-1890*, Boise: Idaho Historical Society, n.d., pp. 6-7. [283]

¹⁸¹ United States. Congress. Senate. *Report and Map of Capt. John Mullan, United States Army, of his Operations While Engaged in the Construction of a Military Road from Fort Walla Walla, on the Columbia River, to Fort Benton, on the Missouri River*. Sen. Ex. Doc. No. 43. 37th

the guide Mullan provided a complete description of the route, including instructions on catching a steamer from St. Louis to the roadhead. He even gave a list of the items needed during the forty-seven day trip, and the cost of ferrying across the Spokane River. He suggested a stop at the Old Mission.

The Coeur d'Alénes number about three hundred, live at the mission, and along the Coeur d'Aléne and St. Joseph's rivers. They own houses, cattle, and canoes, and with the Spokanes and Nez Percés often cross the mountains in quest of buffalo. They live by hunting, fishing and cultivating the soil. They have no treaty with the government, and I think they should be moved to the Flathead reservation; they live partly in log-houses, mostly in skin lodges.

Although generally pessimistic about Indians' chances in the world of white men, Mullan did speak glowingly about the successes of the Jesuits among the Coeur d'Alénes, calling their mission the "St. Bernard in the Coeur-d'Aléne mountains." However, with the road and the resulting migration, he feared the Tribe would soon disappear. Although later he would assist the Tribe in efforts to retain their land, ironically, in this publication Mullan encouraged settlement of non-Indians in the area. He described mineral wealth at length and said everything was available in this country--building materials, agricultural land, grazing, and navigable waters. Mullan even

Congress, 3rd Session. Washington, D. C.: Government Printing Office, 1863. [209]

United States. Congress. House. *Military Road from Fort Benton to Fort Walla-Walla*. Ex. Doc. No. 44. 36th Congress, 2d Session. Washington, D. C.: Government Printing Office, 1861. [197]

Mullan, Captain John. *Miners and Travelers' Guide to Oregon, Washington, Idaho, Montana, Wyoming, and Colorado, Via the Missouri and Columbia Rivers*. New York: Arno Press, 1973 (originally published 1865). [118]

suggested that near the Coeur d'Alene Mission were several square miles of available agricultural land. He observed the potential for navigation from Coeur d'Alene Lake down the Spokane River. "The Coeur-d'Aléne Lake and its two arms can be navigated by steam, and enjoy special [advantages] for rafting purposes," he said. Echoing the popular belief that Indians would soon disappear anyway, Mullan suggested that Indians should be concentrated out of the way of white immigrants. He had little hope for Indians, and did not believe Tribes should hold title to their aboriginal lands.¹⁸²

It was a governmental error in...conceding to savage hands such rights to the soil. The earth was made to be tilled, and made fruitful even to the maximum degree; and if, in its subjugation, settlement and cultivation, the fish should disappear from its creeks and rivers, and game from its forests, they were incidents to civilization for which no savage tribes could claim compensation.

Mullan would later undergo a complete reversal in his stated attitude towards the Coeur d'Alenes' lands, but in the mid-1860s his view was probably a very common one among non-Indians in the region.

There were far-reaching impacts on the Coeur d'Alene Tribe as a result of the Mullan road. The mission became a regular stopping place for those using the road. It was estimated that 20,000 people had journeyed over the road by 1866, taking with them large numbers of stock and vast quantities of supplies. On the one hand this created a ready market for stock and for food grown on Coeur d'Alene ranches and farms (potatoes brought \$2.50 per bushel in 1862), and some Coeur

¹⁸² Mullan, Captain John. *Miners and Travelers' Guide to Oregon, Washington, Idaho, Montana, Wyoming, and Colorado, Via the Missouri and Columbia Rivers*. New York: Arno Press, 1973 (originally published 1865), pp. 5, 11, 18, 23-24, 27, 33, 43-44, 50-51, 80, and 83-84. [118]

d'Alenes began to earn money by ferrying travelers across the rivers by canoe. On the other hand, the Catholic Fathers believed that Whites were a bad influence on the Indians. Most importantly, the increasing number of travelers began to view Indian land as a good place to settle. The Coeur d'Alene still had no treaty, and the Fathers likely told them that without a treaty none of their lands were secure. Though farming increased at the mission beginning in about 1860, the Coeur d'Alene people continued to fish, hunt, travel by canoe (an etching from Mullan's 1863 report depicts a Coeur d'Alene canoe) and carry out traditional activities, as archaeological investigations have shown.¹⁸³

By 1864 pressures from gold prospectors began to cause more problems. In September of that year, Governor Caleb Lyon of the new Territory of Idaho (established in 1863), in his capacity as Superintendent of Indian Affairs, visited Coeur d'Alene country and reported on his findings. Governor Lyon acknowledged Coeur d'Alene title to tribal territory and suggested that the

¹⁸³ Tuohy, Donald R. "Horseshoes and Handstones: the Meeting of History and Prehistory at the Old Mission of the Sacred Heart." *Idaho Yesterdays* Vol. II, No. 2 (Summer 1958): pp. 21-27. [180]

Kowrach, Edward J., and Thomas E. Connolly (eds.) *Saga of the Coeur d'Alene Indians: An Account of Chief Joseph Seltice*. Fairfield, Washington: Ye Galleon Press, 1990, pp. 65-66, 158, 206-208, 210, and 218. Seltice said some Coeur d'Alenes made a considerable living selling horses and cattle to White travelers, "good-hearted Whites who didn't steal for their living." Seltice also described fishing technology and practices used in 1867. [101]

United States. Congress. Senate. *Report and Map of Capt. John Mullan, United States Army, of his Operations While Engaged in the Construction of a Military Road from Fort Walla Walla, on the Columbia River, to Fort Benton, on the Missouri River*. Sen. Ex. Doc. No. 43. 37th Congress, 3rd Session. Washington, D. C.: Government Printing Office, 1863, plate. [209]

government take the necessary steps to establish an agency and reservation.¹⁸⁴

The mining prospector has penetrated all these fastnesses, and when his own animals have given out he has too often seized upon Indian horses, without payment therefor, to pursue his journey. This is the frequent commencement of more flagrant outrages, which have too often ended in murder, retaliation, and war.

For the better protection of the settlers who have already penetrated into the Indian country, and are now settling in the valleys I have just named, an agency should be located at Coeur d'Alene, in which one of the energetic fathers of that mission might be made superintendent of instruction, and great good accomplished in the protection of the rights of the white settler, and future difficulties avoided. The Indians, with few exceptions, are friendly to such a course. By the extinguishment of the Indian title the enterprising whites feel more assured that their rights will be respected, and they live upon much better terms in their intercourse with the aborigines. A mill for grinding flour, a saw-mill for cutting logs, a blacksmith, and a farmer, with a superintendent of instruction and one assistant, directed by an intelligent agent, would do more to keep peace in that portion of our extended domain than regiments of soldiers. In this manner two million acres of the finest grazing land in the world, with mountains abounding in the precious metals, would be thrown open to those who conscientiously decline becoming squatters in an Indian country where the title remains unextinguished. The reservation could be confined to some hundred thousand acres immediately around the mission of Coeur d'Alene.

Lyon himself was implicated in at least one fraudulent mining scheme and was called by

¹⁸⁴ United States. Department of the Interior. Annual Report of the Commissioner of Indian Affairs. Washington: Government Printing Office, 1867, pp. 417-418. [228]

Bischoff, William N. "The Coeur d'Alene Country, 1805-1892." In *Interior Salish and Eastern Washington Indians I*. New York: Garland Publishing Inc., 1974, pp. 222-223. Clearly Gov. Lyon intended a reservation for the Coeur d'Alene that would not include important mining lands. [16]

one newspaper, “a revolving light on the coast of scampdom.”¹⁸⁵

The Mullan road provided a much easier route to the Coeur d’Alene Mission. In 1865 Father Joseph M. Cataldo reached the mission via the road, although he said it wasn’t much of a road, and later added that “We used to say that Captain Mullan made just trail enough to get back out of this territory.” Cataldo also became an important and influential figure to the Coeur d’Alenes for the next twenty years, and the mission came to be known, and is yet known today as Cataldo Mission. He described Coeur d’Alene fishing camps along the river in Coeur d’Alene country during the 1860s.¹⁸⁶

The Mullan Road opened the area to the first prospectors and miners. The first gold rush into Coeur d’Alene country came in 1865. Charles Wilson published reports of a strike near the Cataldo Mission in the *Walla Walla Statesman* in two articles in June, 1865.¹⁸⁷ As Fred W. Rabe and David C. Flaherty described it, the Coeur d’Alenes’ “pristine wilderness [was] dramatically affected by the discovery of gold.”¹⁸⁸ Although this episode of gold fever would prove to be

¹⁸⁵ Bancroft, Hubert Howe. *History of the Pacific States of North America*. Volume XXVI: Washington, Idaho and Montana, 1845-1889. San Francisco: The History Company, 1890, pp. 466-467. Lyon was implicated in a number of scandals and accused of embezzling federal funds intended for the Nez Perce. [712]

¹⁸⁶ Weibel, Geo. F. *Rev. Joseph M. Cataldo, S.J.: a Short Sketch of a Wonderful Career*. Spokane: Gonzaga Quarterly, March 15, 1928, pp. 6 and 9.[282]

¹⁸⁷ Bischoff, William N. “The Coeur d’Alene Country, 1805-1892.” In *Interior Salish and Eastern Washington Indians I*. New York: Garland Publishing Inc., 1974, p. 209. [16]

¹⁸⁸ Rabe, Fred W., and David C. Flaherty. *The River of Green and Gold: a Pristine Wilderness Dramatically Affected by Man’s Discovery of Gold*. Moscow, Idaho: Idaho Research Foundation, Inc., 1974, title. [139]

founded on rumor, the new Mullan road made the area accessible to miners. Hundreds of miners flooded into the country, prospecting in the mountains in the region around the mission. When the stories published by Wilson were shown to be fabrications, the hundreds of furious miners threatened to lynch Wilson. Father Joseph Caruana managed to save Wilson from a thousand miners who had camped near the mission, first hiding him in the mission and then arranging to have Coeur d'Alenes take him to safety down the river and across the lake by canoe.¹⁸⁹ Even though this gold rush was short lived, it did serve to alarm the priests to the extent that in 1865 they began discussing the advisability and possibility moving the mission to another location.¹⁹⁰ The year 1865 was an important year in the Coeur d'Alene history for another reason. In that year Andrew Seltice became Head Chief of the Coeur d'Alene. Fathers Cataldo and Joset both favored this change in tribal leadership and clearly had considerable influence in pressuring for the change. Seltice strongly identified with the priests and used their authority to enhance his own. The priests,

¹⁸⁹ Hult, Ruby El. *Steamboats in the Timber*. Caldwell, Idaho: The Caxton Printers, Ltd., 1953, pp. 23-24. [88]

Feathers, Joseph J. S. *These Are the Coeur d'Alene Tribe*. Lewiston, Idaho: Lewis-Clark State College Press, 1971, pp. 5-6. [68]

Caruana, Joseph M., S. J. to N. B. [?]. MS 2/351, Idaho State Historical Society. Archives, Boise, Idaho. [294]

¹⁹⁰ Anon. "Sacred Heart." *Woodstock Letters*, Vol. 11 No. 1 (1881): pp. 49-52. [7]

Kowrach, Edward J., and Thomas E. Connolly (eds.) *Saga of the Coeur d'Alene Indians: An Account of Chief Joseph Seltice*. Fairfield, Washington: Ye Galleon Press, 1990, pp. 175 and 183, reported that Joset first suggested the move in 1863, and made more arguments for the move in 1863. [101]

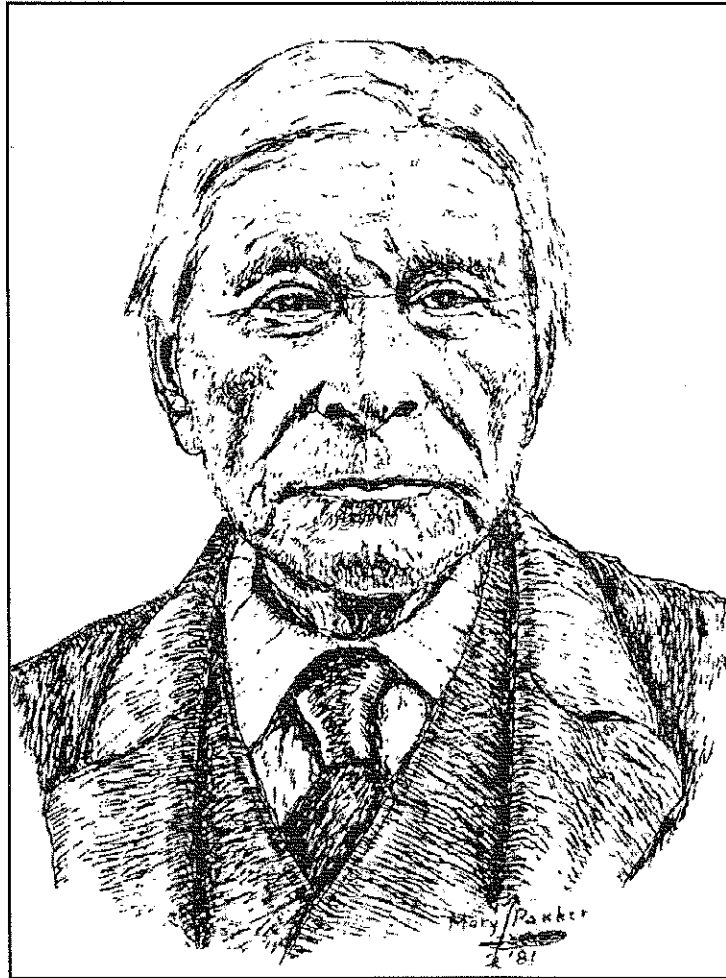


Figure 28: Chief Andrew Seltice (Chief from 1865 to 1903), from Peltier, 1981. [132]

in turn, counted on Seltice to assist them in obtaining consent from the Tribe for their recommendations and advice.¹⁹¹

IV A Tribal Homeland: The Purpose of the 1873 Coeur d'Alene Reservation, 1865-1873

The Rejected 1867 Executive Order

On September 22, 1865, in response to Governor Lyon's report and the increasing pressures on the Coeur d'Alenes by non-Indian prospectors, the Acting Commissioner of Indian Affairs wrote to the governor, instructing him to negotiate a treaty with the Coeur d'Alenes, among other Tribes:¹⁹²

...establishing permanent peace between them and the United States, and providing for their settlement on a permanent reservation...in the vicinity of the Great Kammas prairie, and embracing a cession from them of all other lands now claimed by them, and agreeing, in behalf of the United States, to establish a permanent agency with the said Indians and to provide them with a farmer, blacksmith, miller, and teacher, and to erect for their use a grist-mill and saw-mill, and suitable agency buildings, and also to pay to them, in consideration of said cession, a reasonable sum in agricultural implements and other useful articles, live stock and improvements.

The Commissioner authorized the governor to send the Nez Perce Agent James O'Neill to negotiate a preliminary treaty with the Coeur d'Alene.

The 1865 invasion of miners in Coeur d'Alene country had likely prompted the action that

¹⁹¹ Kowrach, Edward J., and Thomas E. Connolly (eds.) *Saga of the Coeur d'Alene Indians: An Account of Chief Joseph Seltice*. Fairfield, Washington: Ye Galleon Press, 1990, p. 202. [101]

¹⁹² United States. Department of the Interior. *Annual Report of the Commissioner of Indian Affairs*. Washington: Government Printing Office, 1867, pp. 419-420. [228]

took place the following year on the part of a new Governor of Idaho Territory. In his annual report for 1866, new Idaho Governor D. W. Ballard (also acting as Superintendent of Indian Affairs for the Territory), provided information to the Secretary of the Interior indicating that he also believed a reservation for the Coeur d'Alene should be set aside. Governor Ballard, who took office on June 14, submitted a report to the Secretary of the Interior on Indian affairs in early September. He commented on the impact of mining in the northern portion of the territory.¹⁹³

The immense wealth of the Pacific coast has had the effect to people our shores with a vast population in advance of the extinguishment of what is called "the Indian title." Idaho is not an exception to other States and Territories west of the Rocky mountains, and all the unhappy consequences resulting from a promiscuous intermingling of whites with the Indians have been painfully experienced in our Territory. The mountains of Idaho, abounding as they do in many rich deposits of precious metals, some of them, perhaps, the richest known to the world, will still continue to invite an increasing population to our Territory. These deposits of mineral wealth not being confined to any particular locality, but abounding in both northern and southern Idaho, some of them almost fabulous in richness, will continue to present in the future, as now, the most profitable fields of labor for the active and industrious miner and tradesman, and as profitable investments for the capitalist as can be found in any other part of our Union. Hence, we may reasonably calculate the already unhappy condition of affairs will but increase in an equal ration with the increase of the white population until all of the Indians of our Territory are separated from the whites and taken under the fostering care of the government.

Ballard said that shortly after he took office in June he received letters from the Superintendent of Indian affairs in Washington and the Governor of Montana suggesting the removal of the Indians

¹⁹³ United States. Department of the Interior. Annual Report of the Commissioner of Indian Affairs for 1866-67. Washington: Government Printing Office, 1866-67, pp. 190-192. [227]

in northern Idaho to the Flathead Reservation. Acting on the Commissioner's letter to the previous governor of Idaho, Governor Ballard contacted James O'Neill, Agent to the Nez Perce, who told him that neither the Spokanes nor the Coeur d'Alenes would agree to go to the Flathead Reservation and would only stay where they were currently located. However, the Nez Perce Agent had told Ballard he had identified a location where he thought they could be located.

There is in the bounds of their own country, at the head of Latch [sic, Latah] or Hangman's creek, a fine location for a reservation, on which might be collected all the tribes of northern Idaho, including the Spokanes, Pend d'Oreilles, Coeur d'Alenes, and Kootenays. The location referred to is a beautiful valley some twenty miles in length, and comprises in that length fine farming lands, kammas grounds, grazing grounds, good location for saw-mill, with fine quality of timber adjoining, and is accessible from Lewistown and other points below, from Snake river, by good wagon roads.

The Governor said while considering this option he had consulted with Father Misplie, a Catholic priest who had spent many years among the Indians of northern Idaho, and was then currently the pastor of Boise. As a result of this report, the Commissioner of Indian Affairs again instructed the Governor of Idaho Territory to select lands for the Tribe. Governor Ballard sent Nez Perce Agent James O'Neill to inspect the area in the summer of 1866. O'Neill filed his report, accompanied with a map, on August 15, and the Governor subsequently submitted the papers to the Secretary of the Interior. Ballard recommended that all Indians north of the Nez Perce be removed to the proposed reservation, including the Pend d'Oreilles, Kootenays, Spokanes and the Coeur d'Alenes. Ballard claimed that the Coeur d'Alenes and Spokanes desired such a move. He also asserted that the Nez Perce were on the verge of going to war and that if they did so the Coeur d'Alenes, among

other Tribes, would likely join in the hostilities.¹⁹⁴

The Commissioner of the General Land Office provided the description of the proposed reservation to President Andrew Johnson (see Map 7), and on June 14, 1867, the President issued an Executive Order (see Appendix) establishing a reservation with the following boundaries.¹⁹⁵

¹⁹⁴ United States. Department of the Interior. Commissioner of Indian Affairs. "Annual Report," 1866-67. Washington, D. C.: Government Printing Office, 1867, pp. 190-192. [227]

"Report of the Commissioner of Indian Affairs, 1878-79," *Report of the Secretary of the Interior*, Washington, D. C., Government Printing Office, 1879, pp. 745-746. [239]

Kappler, Charles Joseph. *Indian Affairs, Laws and Treaties*. Washington, D. C.: Government Printing Office, 1904, Vol. I, p. 835. [99]

Schoenberg, Wilfred P. *A History of the Catholic Church in the Pacific Northwest, 1743-1983*. Washington, D. C.: The Pastoral Press, 1987, p. 241, who called Mispie "hyperactive." [158]

Downer to Commissioner, May 9, 1866, Microfilm, M 234, Roll 337, Letters Received, Idaho Superintendency, RG 75, National Archives. [295]

Ballard to Hough, September 18, 1866, Microfilm, M 234, Roll 337, Letters Received, Idaho Superintendency, RG 75, National Archives. [296]

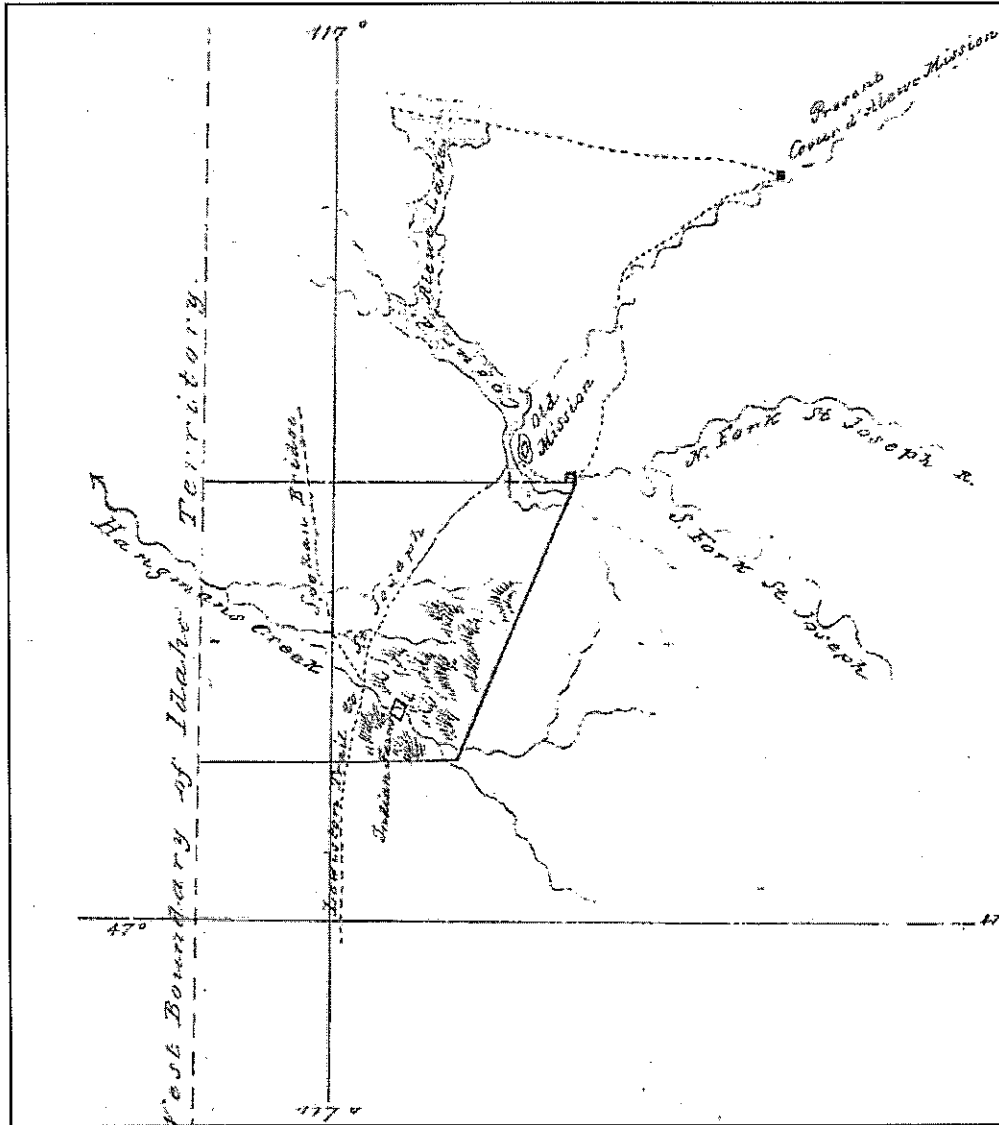
Ballard to Cooley, November 20, 1866, Microfilm, M 234, Roll 337, Letters Received, Idaho Superintendency, RG 75, National Archives. [297]

Commissioner of General Land Office to Commissioner of Indian Affairs, July 18, 1867, Microfilm, M 234, Roll 337, Letters Received, Idaho Superintendency, RG 75, National Archives. [298]

Ballard to Taylor, October 9, 1867, with attachments, Microfilm, M 234, Roll 337, Letters Received, Idaho Superintendency, RG 75, National Archives.[299]

¹⁹⁵ Kappler, Charles Joseph. *Indian Affairs, Laws and Treaties*. Washington, D. C.: Government Printing Office, 1904, Vol. I, p. 835. [99]

"Report of the Commissioner of Indian Affairs, 1878-79," *Report of the Secretary of the*



Map 7: This manuscript map shows the reservation proposed by Idaho's governor in 1867. [726]

Commencing at the head of the Latah, about six miles above the crossing on the Lewiston trail, a road to the Spokane Bridge; thence running north-northeasterly to the Saint Joseph River, the site of the old Cœur D'Aléne mission; thence west to the boundary line of Washington and Idaho Territories; thence south to a point due west of the place of beginning; thence east to place of beginning.

The reservation was represented to be about 20 square miles, containing approximately 250,000 acres. The reservation boundaries were certainly established without adequate (if any) consultation with the Coeur d'Alene Tribe. It may have included a sliver of Coeur d'Alene Lake, none of the Coeur d'Alene River and only the mouth of the St. Joe River. Although it might have been agreeable to non-Indian prospectors, it clearly was unacceptable to the Coeur d'Alenes because it did not include the Tribe's important water resources, including Coeur d'Alene Lake, the Coeur d'Alene River and the St. Joe River. In fact, the Tribe was probably not even notified of the Executive Order until four years later, in 1871. At that time, tribal officials said they would not accept any reservation that did not include their mission, the St. Joe River and all of Coeur d'Alene Lake. When the commissioner learned of their objections to the reservation, he ordered the postponement of the survey of the reservation boundaries, until the Indians were consulted.¹⁹⁶

Interior, Washington, D. C., Government Printing Office, 1879, pp. 745-746. [239]

¹⁹⁶ Dozier, Jack. "History of the Coeur d'Alene Indians to 1900." M.A. Thesis, University of Idaho 1961, pp. 87-88.[64]

Dozier, Jack. "Coeur d'Alene Country: the Creation of the Coeur d'Alene Indian Reservation in North Idaho." *Idaho Yesterdays* (1962), p. 3. [63]

United States. Department of the Interior. Commissioner of Indian Affairs. "Annual Report for 1873," Washington, D. C.: Government Printing Office, pp. 385 and 392. [234]

Murray, Alberta. *These My Children*. Fairfield, Washington: Ye Galleon Press, 1976, p.

The commissioner later said “the Coeur d’Alenes...being dissatisfied with the location [of the 1867 Executive Order Reservation]...never located thereon, and continued to roam over the tract of country claimed by them.”¹⁹⁷

By 1872 it was clear that the Coeur d’Alenes would not move to the 1867 Executive Order Reservation. They continued to have numerous camps and villages where they fished, hunted, and now farmed little farms under the guidance of the Catholic priests. The priests and Seltice had by this time implemented a system that allowed them some level of control of the activities of the Tribe. By 1870 the “Soldiers of the Sacred Heart” had been established. This religious police force was under the control of Seltice and the priests. Oswald George, who was Tribal Chairman in 1968, described the Soldiers of the Sacred Heart.¹⁹⁸

Originally this organization was primarily to help the church in its regular functions. The Indian chiefs, however, used this organization in a militant sense--as a sort of Law and Order branch of the chief’s militia. Their primary function was to bring drunks, adulterers, gamblers, etc., to face a panel of judges appointed by the chief. Penalties were often severe. Many cruel acts were attributed

22. [119]

Royce, Charles C. “Indian Land Cessions in the United States.” In *Eighteenth Annual Report of the Bureau of American Ethnology*, Washington, D. C.: Government Printing Office, 1899, pp. 866-869. [151]

¹⁹⁷ Smith, Edward P. “Annual Report of the commissioner of Indian Affairs, November 1, 1873,” in *Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1873*. Washington: Government Printing Office, 1874, p. 24. [713]

¹⁹⁸ George, Oswald. “Historical MSS.” Library and Archives. Cheney-Cowles Museum, Spokane, Washington, 1968, p. 3. [71]

Cataldo, J. M. “Indian Missions.” *Woodstock Letters*, Vol. 2 No. 1 (1873): pp. 57-58. [32]

to this militant group. These severe functions were largely curtailed in later years. As the group dwindled, with deaths, there were no replacements.

Joseph Seltice, writing from notes dictated by his father Andrew, reported there were 20 Soldiers of the Sacred Heart in 1867, and that they enforced religious laws as well as civil laws:¹⁹⁹

They promised to take orders from their Chief and to keep down immorality and violations of the law. These Soldiers were obliged to receive Communion on the First Friday of every month, as long as they were under oath. Steer-Summit, or Regis, was appointed to be the first Captain of the Soldiers.

On the First Friday of every month, all the Coeur d'Alenes received Holy Communion and sang the hymn, "Sacred Heart, I am Your Soldier." The words and music of this hymn are also part of the Credo in the latest Indian Mass, which is sung in Latin and Indian.

The Soldiers of the Sacred Heart were used, in part, by Seltice and the priests to ensure compliance with, not only civil law, but with religious strictures. Coeur d'Alene people still report that the priests used the Soldiers of the Sacred Heart to enforce political control of the people. Stories of cruel treatment by the Soldiers are still recalled.²⁰⁰ In 1870 the priests drafted a letter to the Pope offering to send the Soldiers of the Sacred Heart to the Vatican, where the Pope was encountering political difficulties. The Pope responded with a letter to the people, declining their offer. This was

¹⁹⁹ Kowrach, Edward J., and Thomas E. Connolly (eds.) *Saga of the Coeur d'Alene Indians: An Account of Chief Joseph Seltice*. Fairfield, Washington: Ye Galleon Press, 1990, pp. 210-214. [101]

²⁰⁰ Stensgar, Ernest and Lawrence Aripa. Interview by Richard Hart, with Hank Meshorer, July 26, 1993, Plummer, Idaho. [82]

Saxon, Dixie. Interview by Richard Hart, May 12, 1993, De Smet, Idaho. [81]

the first papal brief ever addressed to a Native American chief, and it may have worked further to cement the influence of Chief Seltice and the priests at Coeur d'Alene.²⁰¹

Purportedly, in 1871 Andrew Seltice was involved in a small cession of land. His father Moses Seltice, who was reported to be 96 in 1867, lived on the Spokane River at what is now Post Falls. Immigrant Frederick Post, who saw development potential at the site, offered Moses Seltice \$500 for the site in 1867. Whether a real tribal action or not, this transaction was ratified by Congress in 1891 (see Appendix).²⁰² Today the Tribe disputes the validity of this transaction.²⁰³

By 1872, the Coeur d'Alenes were firmly allied with the priests. At the same time, they continued to fish and hunt in order to obtain food, and they continued to exercise control over their waterways, upon which they remained dependent and to which they were inextricably tied. The priests' influence went only so far. It may have been that the priests, especially Joset, suggested the boundaries for the 1867 Reservation. Nevertheless, the Coeur d'Alenes firmly rejected any such move, or reservation. Stevens' failure to fairly negotiate a treaty with the Coeur d'Alene

²⁰¹ Schoenberg, Wilfred P. *Paths to the NorthWest: a Jesuit History of the Oregon Province*. Chicago: Loyola University Press, 1982, p. 97. [159]

²⁰² Kowrach, Edward J., and Thomas E. Connolly (eds.) *Saga of the Coeur d'Alene Indians: An Account of Chief Joseph Seltice*. Fairfield, Washington: Ye Galleon Press, 1990, pp. 215 and 233. [101]

United States. *The Statutes at Large of the United States of America, from December, 1889, to March 1891...*, Vol. XXVI, Washington, Government Printing Office, 1891, p. 1031 (26 Stat. 1031). [221]

²⁰³ Aripa, Lawrence. Interview by Richard Hart, with Hank Meshorer, July 26, 1993, Plummer, Idaho. [82]

haunted United States' efforts to deal with the Tribe in the 1870s. The Coeur d'Alene still claimed their aboriginal lands and knew the United States had yet to conclude a treaty of cession with them. Territorial and United States officials recognized Coeur d'Alene title to their territory, including the lakes and rivers, and understood the United States needed to negotiate a treaty of cession. Officials anticipated that soon construction of a railroad through Coeur d'Alene country would begin, and that, too, meant a treaty was necessary.²⁰⁴

The 1873 Agreement

Great changes were taking place in federal Indian administration in the early 1870s. Not only was Congress determined to establish a new direction in the area of policy, the organization of the Indian Bureau was being revised. With the completion of a transcontinental railroad in 1869, settlement of what had been remote portions of the West now seemed imminent, and Congress determined that it was time to bring an end to treaty-making. The Indian Appropriations Act of March 3, 1871 contained a provision stating that "hereafter no Indian nation or Tribe within the territory of the United States may contract by treaty." It was still possible to make agreements with Tribes, subject to approval by the Senate and House, but Commissioner Edward P. Smith said even

²⁰⁴ United States. Secretary of the Interior. *Report of the Commissioner of Indian Affairs for the Territories of Washington & Idaho, and the State of Oregon for the Year 1870*. Fairfield, Washington: Ye Galleon Press, 1981, pp. 15 and 63-64. [279]

Kowrach, Edward J., and Thomas E. Connolly (eds.) *Saga of the Coeur d'Alene Indians: An Account of Chief Joseph Seltice*. Fairfield, Washington: Ye Galleon Press, 1990, p. 37. [101]

agreements should be ended.²⁰⁵

We have in theory over sixty-five independent nations within our borders, with whom we have entered into treaty relations as being sovereign peoples; and at the same time the white agent is sent to control and supervise these foreign powers, and care for them as wards of the Government. This double condition of sovereignty and wardship involves increasing difficulties and absurdities, as the traditional chieftain, losing his hold upon his tribe, ceases to be distinguished for anything except for the lion's share of goods and moneys which the Government endeavors to send, through him to his nominal subjects, and as the necessities of the Indians, pressed on every side by civilization, require more help and greater discrimination in the manner of distributing the tribal funds. So far, and as rapidly as possible, all recognition of Indians in any other relation than strictly as subjects of the Government should cease.

The federal government also limited state influence on Indian matters, and solidified its central authority. In 1870 the Idaho Superintendency was abolished and agents were told to report directly to Washington, D. C. The same was done for the Washington Superintendency in 1874. In the early 1870s it was not always clear which superintendency or agency had responsibility over the Coeur d'Alenes.²⁰⁶ Agents for the Nez Perce were sometimes called upon to deal with Coeur d'Alene, as were agents from the newly established special agency at Colville.

Despite the formal change in federal Indian policy, United States officials still felt

²⁰⁵ Tyler, S. Lyman. *A History of Indian Policy*. Washington, D. C.: United States Department of the Interior, 1973, pp. 84-85 and 91. [182]

Josephy, Alvin M., Jr. *The Indian Heritage of America*. New York: Alfred A. Knopf, 1974, p. 339. [96]

²⁰⁶ Hill, Edward E. *Guide to Records in the National Archives of the United States Relating to American Indians*. Washington, D. C.: National Archives and Records Service, General Services Administration, 1981, pp. 135 and 146. [85]

compelled to try to arrange an agreement with the Coeur d'Alenes. If the Tribe could agree to a reservation that was acceptable to it, it would work to prevent violence and insure peaceful settlement in the area by non-Indians. It was necessary to both establish an acceptable reservation and to negotiate an extinguishment of Coeur d'Alene territory not included in such a reservation.

In 1872 pressures mounted to either force the Coeur d'Alenes to move onto the already set aside 1867 Reservation, or to negotiate in good faith with the United States, not only to establish a new, acceptable reservation, but to arrange a cession of the Tribe's aboriginal holdings. The Commissioner of Indian Affairs reported that the Coeur d'Alene had refused to locate on the lands set aside in the 1867 Executive Order, and thus "continued to roam over the tract of country claimed by them."²⁰⁷ The remote Tribe was relatively small in numbers, perhaps totaling 500, had little experience dealing with outsiders, and was confronted with what must have been a daunting political state of affairs. Nevertheless, Coeur d'Alene tribal leaders also responded to the pressure. Having become aware of the inadequate reservation that had been proposed and provisionally set aside for them, the chiefs of the Tribe petitioned the Commissioner of Indian Affairs in 1872 to create a new reservation, one that included their important waterways. Their first petition, which apparently has not survived, was submitted in October, 1872, probably to the Nez Perce Agent, John A. Simms. One month later nine Coeur d'Alene leaders, headed by Andrew Seltice, sent a petition to the Commissioner of Indian Affairs, requesting additional lands.²⁰⁸

²⁰⁷ United States. Department of the Interior. Commissioner of Indian Affairs. "Annual Report for 1873," Washington, D. C.: Government Printing Office, pp. 385 and 392. [234]

²⁰⁸ Chiefs of the Coeur d'Alene Nation to [Commissioner of Indian Affairs], November 18, 1872,

The Chiefs of Coeur d'Alene said that they wanted an adequate portion of land set aside for them. They said they had assumed that any reservation for the Coeur d'Alene would, as "a matter of course," include the mission and valleys of the St. Joe and Coeur d'Alene Rivers, but were now worried that they did not have these valleys. They said they had buried their parents, children, relations and friends at the mission, "and never for a moment could we have harbored the thought of abandoning it."

As to the two valleys, we did not think to ask for them, though they have been from old the habitual residence of most of us; because being every spring under water, we thought no white man could ever settle there in fact there is none as yet; the few spots which usually escape being inundated, we have them fenced in and cultivated.

They went on to say, in their petition to the commissioner, that the greatest part of the lands they requested was not suitable for farming, and that they could not yet sustain themselves on farming alone, and "for a while yet we need... some hunting and fishing." The chiefs recalled the treaty signed between the Tribe and Colonel Wright, and said they still retained their copy. They reminded the United States that the Tribe had promised to allow roads to be built through their territory, but that in return the United States had promised, "that the land should remain ours." The chiefs pointed out that the Tribe had kept their promises, had not molested either road builders or neighboring white settlers, and if the United States cared to test their assertion, "we confidently appeal to the testimony of the settlers on Pine Creek; let them say whether they found us good neighbors or not." They concluded by asking that Mr. Simms, Agent to the Nez Perce, "or another

Letters Received, Washington Superintendency, Microfilm, M 234, Roll 912, RG 75, National Archives. [300]

whom you might appoint would come and visit the land, see what we ask for, and what we have done already. Uncertainty tends to paralyze our people; when certain of a home they will work with new energy." Education was already an important issue for the Coeur d'Alenes (as it was important to the then current policy-makers in Washington), and they asked to have Catholic schools, with support from Washington.

Therefore we hope you will grant us this bit of land, and we will feel thankful for it. We know you do help other Indians with tools, clothing and food; this is only one thing we might need. We want Brothers and Sisters to educate our children, perhaps we won't yet be able to maintain them, but about that we intend to write on another time, for all the balance we choose rather to depend on our own hands.

The petition was signed by nine Coeur d'Alene Chiefs and witnessed by three Catholic priests, including Joset and Cataldo.²⁰⁹

Agent Simms, who was suffering from ill health, contacted the Superintendent of the Washington Superintendency, providing him with information about the Coeur d'Alenes' desires for a treaty and reservation. General R. H. Milroy, the Superintendent, closely mirroring the beliefs of Commissioner Smith, strictly ordered Simms to abide by the language of the recent Appropriation Act. Milroy gave instructions for Simms in dealing with all of the Tribes under his agency, including Coeur d'Alene. He said he had:²¹⁰

²⁰⁹ Chiefs of the Coeur d'Alene Nation to [Commissioner of Indian Affairs], November 18, 1872, Letters Received, Washington Superintendency, Microfilm, M 234, Roll 912, RG 75, National Archives. [300]

²¹⁰ Superintendent of the Washington Superintendency, R.H. Milroy to John A. Simms, December 14, 1872, Letters Received, Washington Superintendency, Microfilm, M 234, Roll 912, RG 75, National Archives, emphasis in original. [301]

...no hope that the Govt. will grant any authority to make a treaty with your Indians, as the policy of the Govt. is decidedly against making any more treaties with Indians. I feel pretty sure that the last treaty by the United States with any Indian Tribes within her limits has been made.

The superintendent said it was Simms' duty to make sure the Indians understand that they could only remain on their aboriginal lands subject to the terms he had already offered (that is solely as citizens of the United States, like other citizens). He compared small individual allotments, or homesteads, to small individual reservations. The government, he said, "offers to Every Indian a reservation in his individual right on the same terms that he offers & gives to all his white children who choose to accept them." Tribes with no treaties, such as the Coeur d'Alene have nothing to lose, he added, by "thus accepting individual reservations or claims except the empty & worthless right" of being regarded as a Tribe rather than as "individual American citizens." Milroy said that,

By renouncing this useless right they will not be required to separate...themselves away from each other. They can select lands in adjoining tracts and thus cover & hold all of their old homes and country that they desire.

He said that without a treaty, "morally and socially they can remain as Indian Tribes but not legally." He concluded that, "they have everything to gain and nothing to lose by renouncing that worthless legal right," meaning that if they would renounce their tribal affiliation they could make homestead entries and be like all other American citizens.²¹¹

As it is the policy of the Govt. to encourage the Indians to become settled like white citizens and draw their subsistence from the soil as much as possible and to cease their dependence on wild game and

²¹¹ Superintendent of the Washington Superintendency, R.H. Milroy to John A. Simms, December 14, 1872, Letters Received, Washington Superintendency, Microfilm, M 234, Roll 912, RG 75, National Archives, emphasis in original. [301]

fish...

Milroy also wrote to the Commissioner, enclosing copies of reports of Special Agent Simms, and reporting on Indians in that jurisdiction, while commenting on the work of the Catholic Missions.²¹²

I am informed that the Catholic Fathers having one or more comfortable missions among the Colville Indians East of the Columbia where they are surrounded by their converts are opposed to having them move on to the [Colville] reservation and have influenced Mr. Simms to their views and hence his request to have the lines of the reservation extended.

He attached speeches of Indian Chiefs from Council held November 6, 1872, by Agent Simms. Spokane Garry spoke. The Coeur d'Alenes expressed their belief that they remained sovereign, and that absent any treaty, they still owned their aboriginal territory. Quin-a-mous-a, a Coeur d'Alene said:

I am going to talk to you and the President. I am going [to] tell you about my lodge, all of the people the men, the women and the children and the children that are not yet born. This is what I am attending to and I want you to attend to them likewise. I want you to do right. What you are going to do. I want to live like the white man. We our people do not want the President to make laws for us. We have our own laws, they are good enough for us and we want to live by them. When my children talks to you about the reserve, I want you to listen to them what they ask.

Seltice of the Coeur d'Alene said:

I did not intend saying anything today, but I have heard something that now makes me speak. "Garry" [Spokane] says that he will not go over to the Okanagan. I am of the same mind. We have not sold

²¹² Supt. of Indian Affairs, Washington Territory, to Commissioner of Indian Affairs, December 15, 1872, Letters Received, Washington Superintendency, Microfilm, M 234, Roll 912, RG 75, National Archives. [302]

our country and shall not leave it.

As more non-Indians moved closer and closer to the Coeur d'Alenes, pressures increased on territorial and federal officials to establish a new reservation for the Tribe. In 1873 officials were pressured to have the 1867 Reservation surveyed so that the Tribe could be removed there and the lands they were then occupying could be opened to white use.²¹³ As a result, funds were allocated to survey the 1867 Coeur d'Alene Reservation. The Surveyor General recommended using any excess funds to subdivide the 1867 Coeur d'Alene Executive Order Reservation. The Surveyor General said there was a great deal of excitement among the Indians as a result of the Modoc hostilities they had heard about in California. Subdividing the Coeur d'Alene Reservation, he said, would help quiet the Indians' excitement.²¹⁴ Early in May, D. P. Thompson was appointed to carry out the survey. Thompson reported to the Surveyor General that he had spoken with Father Cataldo, whom he said he knew represented the views of the Tribe. He said that the old mission site was on the St. Joe River, but the mission was now situated on the Coeur d'Alene River. He went on to report that the 1867 Reservation was inadequate.²¹⁵

The section of country to be included is almost worthless as an agricultural country but will include the fisheries on the lake and the St. Joseph's River. To run to the old mission would not include the fisheries on either the lake or river. I think the matter should be

²¹³ Thompson to Hon. H. W. Corbett, January 23, 1873, Letters Received, Washington Superintendentcy, Microfilm, M 234, Roll 912, RG 75, National Archives. [303]

²¹⁴ Surveyor General of Idaho to Commissioner of General Land Office, April 29, 1873, Letters Received, Washington Superintendentcy, Microfilm, M 234, Roll 912, RG 75, National Archives. [304]

²¹⁵ D. P. Thompson to Surveyor General, May 6, 1873, Letters Received, Washington Superintendentcy, Microfilm, M 234, Roll 912, RG 75, National Archives. [305]

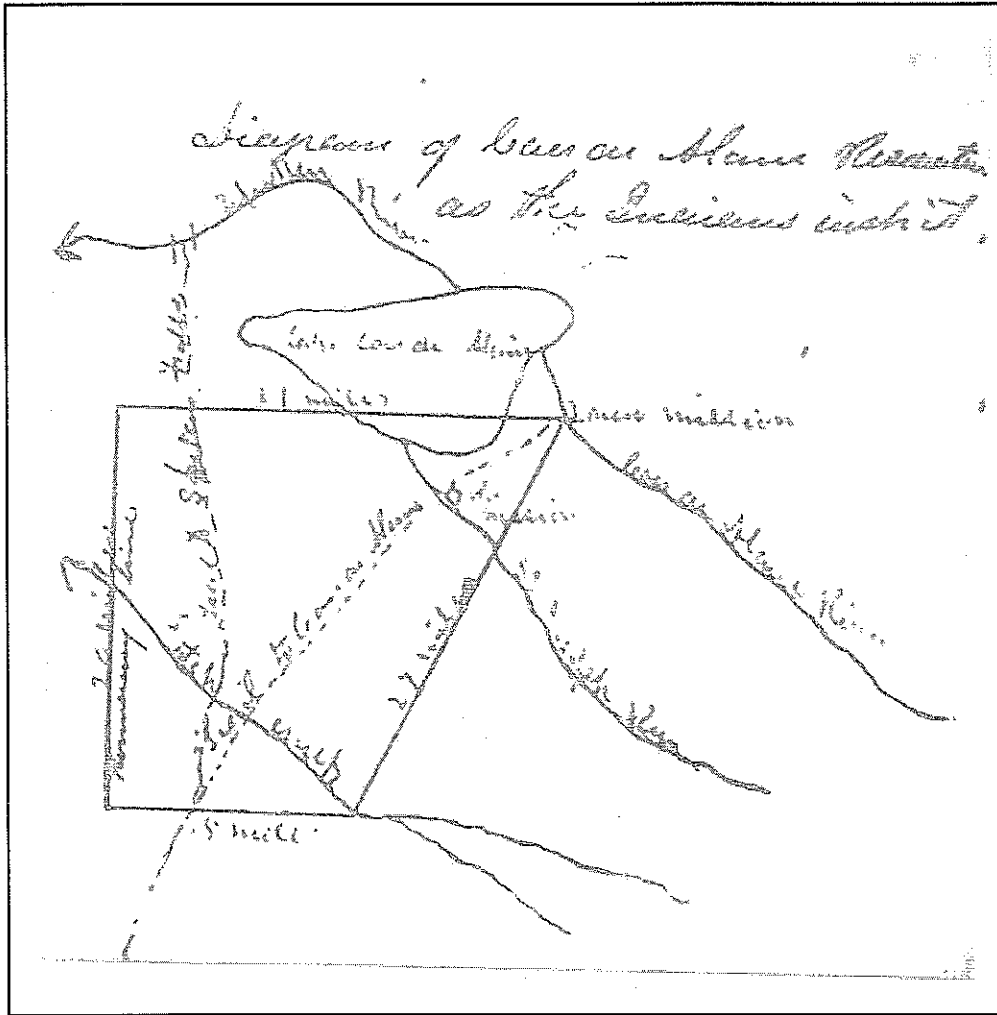
arranged before the Reservation line is run. Should the fishing be excluded there will in my opinion be trouble with these Indians but should they be included and also the mission which should also be in the Reserve there will be no trouble.

He included a sketch (see Map 8) of what he (after talking with Cataldo) thought the reserve should include, although he had never been to the lake or the mission. He said no settlers were in the area that he proposed. Since the boundary line had not yet been run, there was time to arrange it, he said. His diagram was entitled, "diagram of Coeur d'Alene Reservation as the Indians wish it," and shows a line running from the mission to a point on Latah Creek 15 miles from the Idaho border, then west to the border, then north along the Idaho/Washington border until opposite the mission, and to the point of beginning, thus, with correctly drawn lines, taking in the southern two-thirds of the lake, all of Coeur d'Alene River from the Mission to the lake and a portion of the St. Joe River.²¹⁶ The Acting Commissioner of the General Land Office forwarded his letter to the Commissioner of Indian Affairs on May 31, 1873.²¹⁷

In the meantime, the priests at Sacred Heart Mission had worked hard to exert influence in Washington. Without their efforts it is unlikely that a new agreement and reservation would have been established. The priests contacted the Catholic officials in Washington, D. C., and on June 5, Charles Ewing, Catholic Commissioner of Indian Missions, wrote to the Secretary of the Interior.

²¹⁶ D. P. Thompson to Surveyor General, May 6, 1873, Letters Received, Washington Superintendency, Microfilm, M 234, Roll 912, RG 75, National Archives. [305]

²¹⁷ Acting Commissioner of the General Land Office to Commissioner of Indian Affairs E. P. Smith, May 31, 1873, Letters Received, Washington Superintendency, Microfilm, M 234, Roll 912, RG 75, National Archives. [306]



Map 8: On May 6, 1873, Deputy Surveyor Thompson submitted a diagram proposing a much smaller Coeur d'Alene Reservation. [305]

Ewing's letter was strong, direct, and proved to be very influential. He said he had reliable reports that the Indians in the north of Washington Territory were converted to Catholicism, except the Spokanes.²¹⁸

The Coeur d'Alenes want to have a reservation set apart large enough for themselves & their Indian friends who wish to settle among them. They want to have it secured to them before the whites have possessed themselves of the choice portions of it. They have several times petitioned the Indian Bureau to that effect, & have designated the boundaries they desire. A reservation was set apart for them June 14, 1867, but has not been surveyed; & the Indians did not know that their reservation had been designated until some two years ago: they at once said it is not large enough.

This opinion of the Indians having been represented to the Department, it was ordered that the survey be postponed until the Indians could have an opportunity to make their wishes & reasons known in regard to it through the commissioner to be appointed by the Government. When they have the guarantee that their reservation, as they want it, is secured to them, they are disposed to relinquish all their lands without any charge, except that they will want schools and a saw and grist mill.

But the Indians say that this their settlement must be a permanent one, & for this reason they want to see a high officer, direct from their Great Father; the highest authority the Government can send; a man whose report will be respected at Washington, so that what he says will be law, permanent law, unchangeable law. He must be also a man whose honesty of purpose, personal integrity, friendship & devotedness to the Indians they can be sure of; so that they may have a big talk with him, fully speak their hearts to him, confident that whatever they say will be taken in good part & will be used for

²¹⁸ Catholic Commissioner of Indian Missions Charles Ewing to Secretary of the Interior, June 5, 1873, Letters Received, Washington Superintendency, Microfilm, M 234, Roll 912, RG 75, National Archives, provides quotation, with emphasis in original. [307]

Schoenberg, Wilfred P. *A History of the Catholic Church in the Pacific Northwest, 1743-1983*. Washington, D. C.: The Pastoral Press, 1987, p. 247. [158]

their greater good.

They want, they say, a big talk; they want to unburden their hearts from a heavy load of grievances, real or imaginary, which have been accumulating for many years. When this load is off their hearts, and they have the positive assurance from the highest representative of the Government that they will never be disturbed on their reservation they will be the happiest and most devoted wards or citizens of this Republic.

Ewing went on to say much the same about the Spokane and the Colvilles. The Spokanes refused to go to the Colville Reservation, he reported, but “the larger portion of the them may be induced to go on the Coeur d’Alene Reservation.” He added that the Coeur d’Alenes said they do not want to negotiate with Nez Perce Agent Monteith, because he was not a high enough official, nor was he their friend. Someone should be sent, Ewing implied, who was not opposed to the Catholic religion.

On June 30, the Secretary of the Interior told the Commissioner of Indian Affairs that an inspector should be sent to Coeur d’Alene.²¹⁹ The following day the Commissioner took action, authorizing a commission to travel to Coeur d’Alene and meet with the Tribe. A commission had earlier been appointed to deal with the Bannock Indians at Fort Hall. The Commission was comprised of J. P. C. Shanks, Governor T. W. Bennett of Idaho, and Special Agent Henry W. Reed. The Commissioner of Indian Affairs contacted Shanks and authorized his commission to “visit the Coeur d’Alene Indians, to hear complaints, with a view to their cure or removal, and to

²¹⁹ Acting Secretary of the Interior to Commissioner of Indian Affairs, June 30, 1873, Letters Received, Washington Superintendency, Microfilm, M 234, Roll 912, RG 75, National Archives. [308]

induce them to abandon a roving life and to consent to confine themselves to a reservation."²²⁰ Bennett indicated in correspondence to the Commissioner that he thought the Coeur d'Alenes, who were having difficulties with the Whites, should be removed to an already existing reservation and that troops should be used in the territory, if necessary, to see that Indians did not travel outside their reserves.²²¹

Despite Ewing's admonition that Agent Monteith should not be involved in any negotiations, the party that met with the Coeur d'Alenes on July 29 on Latah or Hangman's Creek, included Monteith, along with Commissioners Shanks and Bennett. Ironically, it seems to have been Monteith, who was largely responsible for the agreement signed with the Tribe. On August 1, Shanks wrote to the Secretary of the Interior, enclosing a copy of the agreement. In his cover letter he complained about Ewing's letter to the Secretary, a copy of which he said had been circulating. He said the Indians were now expecting to receive favorable treatment as Catholics,

²²⁰ Smith to Shanks, July 1, 1873, Letters Sent by the Commissioner of Indian Affairs, RG 75, Microfilm, M21, Roll 112, RG 75, National Archives. [309]

United States. Department of the Interior. Commissioner of Indian Affairs. "Annual Report for 1873," Washington, D. C.: Government Printing Office, pp. 385 and 392. [234]

Bennett to Secretary of the Interior, April 10, 1873, Letters Received, Idaho Superintendency, Microfilm, M 234, Roll 341, RG 75, National Archives, had indicated he supported the idea of a commission, but did not want to be on it. [310]

²²¹ Bennett to Commissioner, May 21, 1873, Letters Received, Idaho Superintendency, Microfilm, M 234, Roll 341, RG 75, National Archives. [311]

Bennett to Commissioner, June 4, 1873, Letters Received, Idaho Superintendency, Microfilm, M 234, Roll 341, RG 75, National Archives. [312]

which he evidently opposed, saying "the letter purporting to be from Charles Ewing does not do him & his people full justice." He asked the Secretary to suspend the survey of the 1867 Reservation pending the commission's final report.²²² Five days later, the Commissioners also sent a telegram asking for the suspension of the survey, and suggesting their agreement would require a change in the reservation boundaries.²²³ One Commissioner, Governor Bennett, would later acknowledge that a primary reason for the extension of the reservation boundary was that "[w]e found that the Indians demanded an extension of the reservation so as to include the Catholic Mission and fishing and mill privileges on the Spokane River."²²⁴ The General Land Office complied with these requests and suspended the survey of the 1867 Executive Order Reservation.²²⁵

²²² Shanks to Sec. of the Interior, enclosing agreement with Coeur d'Alene, August 1, 1873, Letters Received, Idaho Superintendency, Microfilm, M 234, Roll 341, RG 75, National Archives. [313]

United States. Department of the Interior. Commissioner of Indian Affairs. "Annual Report for 1873," Washington, D. C.: Government Printing Office, pp. 385 and 392. [234]

Ewing to Secretary of the Interior, June 5, 1873, Letters Received, Washington Superintendency, Microfilm, M 234, Roll 912, RG 75, National Archives, also suggested the ongoing survey was counter-productive. [307]

²²³ Shanks, Bennett and Monteith, Telegram, August 6, 1873, Letters Received, Washington Superintendency, Microfilm, M 234, Roll 912, RG 75, National Archives. [314]

²²⁴ "Governor Bennett's Letter," Idaho Signal, Vol. 1, October 4, 1873 (the governor's letter was dated September 18, 1873). [704]

²²⁵ United States. Department of the Interior. General Land Office. "Report of the Commissioner of the General Land-Office to the Secretary of the Interior for the Year 1873," 1873. Washington, D. C.: Government Printing Office, pp. 141 and 144. [270]

Under the terms of the 1873 Agreement, the Coeur d'Alene Tribe agreed to give up (or "cede") a portion of the Tribe's aboriginal territory in return for certain land, rights, and other considerations. The Tribe agreed to a cession of the portion of their aboriginal territory lying outside the reservation described in the agreement, provided that the United States paid for any improvements Coeur d'Alenes might have in lands outside the boundaries of the proposed reservation. The Tribe also agreed to allow the United States to construct roads through the new reservation.

In return for the cession of aboriginal territory, the Tribe was to receive a reservation and other valuable considerations. The agreement that was reached between the 1873 commission and the Coeur d'Alene called for setting aside a reservation "for the exclusive use of the Coeur d'Alene Indians" that would enclose all of Coeur d'Alene Lake, the Catholic Mission and all of the Coeur d'Alene River from the mission to the lake, and a stretch of the St. Joe River from near the location of the first mission to where it entered the lake, along with "all and singular the lands and privileges lying" within the proposed boundaries.

It is clear from the circumstances leading up to 1873 and the terms of the 1873 Agreement, which included, among other rights, a land base much larger than the 1867 Executive Order Reservation that the Tribe was more concerned with preserving the water resource than it was with the potential arable land that would have been within the 1867 Reservation boundaries. While under the proposed terms, the United States reserved the right to construct roads through the reserve, significantly, in return it promised "that the waters running into said reservation shall not be turned from their natural channel where they enter said Reservation." The Tribe was also to receive a large amount of goods and money in return for the

cession described in the agreement. The United States agreed to provide agricultural implements, two mills, a schoolhouse, and one hundred seventy thousand dollars at five percent interest, to be used to pay for a blacksmith, millers and other things that the President might deem proper to, in the government's view, advance the civilization of the Indians.

The agreement required approval by Congress to be binding (see Appendix). It was signed by Shanks, Bennett, and Monteith on the part of the United States; Andrew [Seltice], Vincent and six others on the part of the Coeur d'Alene; was witnessed by P. B. Whitman (who was also listed as an interpreter) and Father Cataldo; and was interpreted by Whitman and a Nez Perce called Moons.²²⁶

This agreement was advantageous to the Coeur d'Alene. They would receive a reservation larger and better located than the rejected 1867 Executive Order Reservation, which they had already rejected. The agreement specifically added the rivers, lake and waters with which they demanded remain under their control. In addition they were to receive all "privileges" associated with the land and water they retained. Both the reference prohibiting water diversions and manner in which the reservation boundaries were drawn indicate that both parties considered the water, including the channels, rivers and lakebeds, to be a part of the reservation. Tribal requests for mills

²²⁶ Shanks to Sec. of the Interior, enclosing agreement with Coeur d'Alene, August 1, 1873, Letters Received, Idaho Superintendency, Microfilm, M 234, Roll 341, National Archives. [313]

Monteith to Commissioner, August 6, 1873, Letters Received, Idaho Superintendency, Microfilm, M 234, Roll 341, RG 75, National Archives. [315]

indicate they were concerned with future economic development and were thinking about future investment and use of natural resources on their proposed reservation²²⁷ Shrewdly, Seltice and the Tribe were working to protect their natural resources, both for their traditional uses, and for future economic development.

On August 17, 1873, Seltice wrote to Catholic representatives in Washington D.C. because he had found that two important points were left out of the agreement. First, he had asked for separate schools for the boys and girls, with the boys' school to be run by the Catholic Fathers and the girls' school to be run by the Sisters. Second, he said that the Tribe did not want to have an agent. They were happy with their relationship with the priests, and saw that Tribes with agents had troubles, so they did not want to have an agent assigned to them.²²⁸ The points raised by Seltice with Father Brouillet were minor compared with the overall issue, whether or not there would be a Coeur d'Alene Reservation at all. While the Coeur d'Alene people likely benefitted by the Catholics' efforts to intervene on their behalf, it is apparent from the tone and details of the negotiations that the Coeur d'Alenes themselves had maintained control of the content of the agreement. For instance, the provision to protect waters flowing from off-reservation land onto

²²⁷ United States. *The Statutes at Large of the United States of America, from December, 1889, to March 1891...*, Vol. XXVI, Washington, Government Printing Office, 1891, p. 1031 (26 Stat. 1031).[221]

²²⁸ Seltice, Andrew to Father J. B. Brouillet, translated by Father Cataldo (copy transmitted to Indian office), August 17, 1873, Letters Received, Washington Superintendency, Microfilm, M 234, Roll 912, RG 75, National Archives. [317]

Schoenberg, Wilfred P. *A History of the Catholic Church in the Pacific Northwest, 1743-1983*. Washington, D. C.: The Pastoral Press, 1987, pp. 102-104 and 244. [158]

the proposed reservation evidences the primary concern of the Tribe for protecting its water resources. The alliance of the Tribe with the Catholics certainly benefitted the Tribe, but the Tribe controlled the content of the 1873 Agreement and the resulting 1873 Executive Order Reservation. In this way the Tribe continued to occupy the heart of its aboriginal territory and achieved the establishment of a reservation with sufficient resources to represent an enduring homeland.

The day after Seltice wrote the letter to Brouillet, it was reported that he met again with members of the commission, who had traveled to the little town of Marcus on the Colville Reservation. The chief of the Lakes Indians reported that Chief Seltice met at a council that also included chiefs from the Spokane, Okanogan, Colville, and other tribes. According to Lakes (Sinixt) Chief James Bernard, the council took place in Marcus, Washington, on August 18, 1873.²²⁹

The 1873 Executive Order

The 1873 Agreement was not effective until ratified by Congress. However, there was growing concern among federal officials that non-Indians would encroach on the land, rights, and resources set aside in the Agreement before Congress could act. The Commissioner reported that

²²⁹ Bernard, James. Deposition, June 23, 1930, enclosed in letter of Harvey E. Meyer to Commissioner of Indian Affairs, June 25, 1930 [cover letter—partly illegible]. MS 194, Robert D. Dellwo Papers, Museum of Arts and Culture; Spokane, Washington, photocopy of National Archives document and labeled “National Archives, Spool 6, Item 10, #56)” [actual citation likely: Record Group 75, Records of the bureau of Indian Affairs, Central Correspondence File 36586-24-260, Colville, Part 1, National Archives]. Transcript by E. Richard Hart. [714]

pending the recommended ratification of that agreement, he was arranging for a new executive order to set aside and protect the land and water described in the agreement, “in order that white persons may be prohibited from settling thereon and claiming compensation for improvements from the Government.” This was seen as a temporary measure to fully protect the agreement until the necessary legislation could be passed.²³⁰ The executive order was intended to mirror the agreement signed between the United States and the Coeur d’Alene Tribe and protect the land, rights, and resources set aside in the 1873 Agreement until such time as Congress confirmed the reservation.

The Coeur d’Alene Executive Order was signed by President U. S. Grant on November 8, 1873 (see Appendix and Map 9). The Coeur d’Alene River and Coeur d’Alene Lakes are mentioned as being within the boundaries of the new reservation, and the boundary line is drawn in such a way to indicate that the rivers, lake and other waters were considered part of the reservation.²³¹

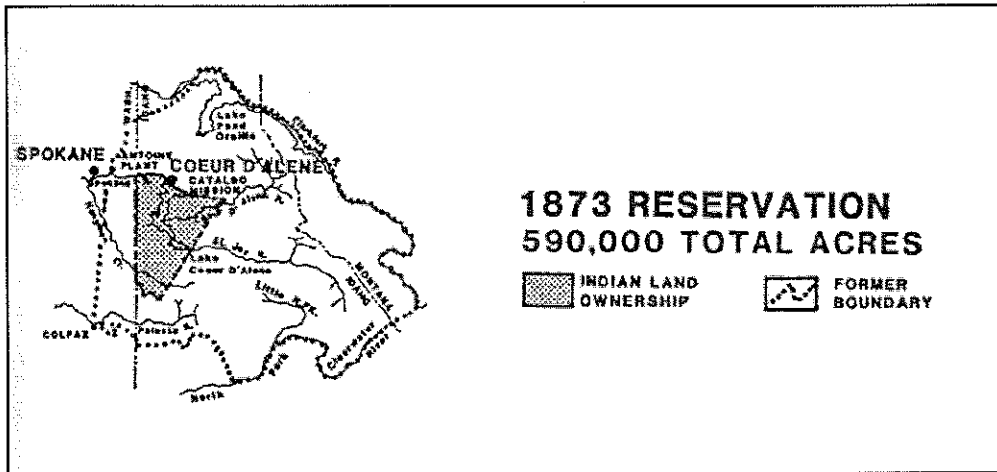
By 1873 officials representing the United States were fully aware of the extent of Coeur

²³⁰ United States. Department of the Interior. Commissioner of Indian Affairs. “Annual Report for 1873,” Washington, D. C.: Government Printing Office, pp. 385 and 392. [234]

²³¹ United States. *Executive Orders Relating to Indian Reservations, From May 14, 1855 to July 1, 1912*, Washington, D. C., Government Printing Office, 1912, p. 72. [275]

Dept. of Interior file notice, November 8, 1873, Letters Received, Washington Superintendency, Microfilm, M 234, Roll 912, RG 75, National Archives. [316]

Royce, Charles C. “Indian Land Cessions in the United States.” In *Eighteenth Annual Report of the Bureau of American Ethnology*, Washington, D. C.: Government Printing Office, 1899, pp. 866-869, Plate CXXIII. [151]



Map 9: Although the 1873 reservation was only a fraction of the Coeur d'Alenes' aboriginal territory, it did include Lake Coeur d'Alene and the heart of their territory.

d'Alene territory, the vigor with which the Tribe would defend that territory, and the importance to the Tribe of the waters within its territory. By now the Tribe had a half-century of dealings with Europeans and the trappers, traders, miners, prospectors, Indian agents and government commissioners were now knowledgeable about the Tribe's subsistence practices (see Section II for an overview).

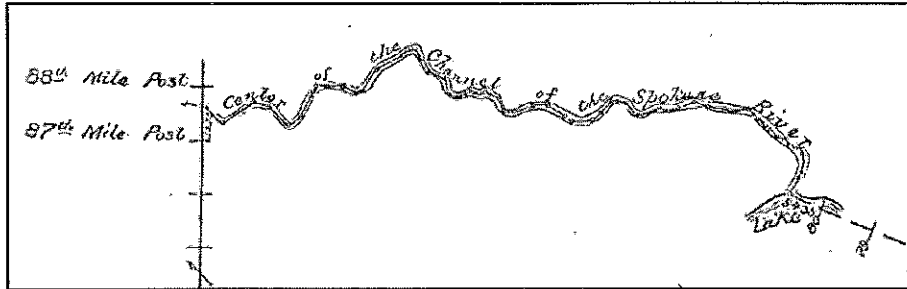
Coeur d'Alene villages were located along the rivers and lake in the heartland of the Tribe's territory. With canoes, weirs and other complex traditional technologies tribal members harvested fish from the same rivers, waterways and lakes. Tribal gathering, digging, and now small efforts at agriculture also took place adjacent to and within the waters in tribal territory.

Although the overly ambitious Shanks Commission that negotiated the 1873 Agreement with the Coeur d'Alene Tribe later withdrew its support for the agreement and suggested a huge completely unrealistic reservation for many Northwest tribes, in December 1873, the Commissioner of Indian Affairs continued to support ratification of the original Coeur d'Alene agreement. The Shanks Commission's change of heart was meaningless in the end, because the President had already signed the executive order that mirrored the agreement and protected the reservation outlined in that agreement.²³²The Commissioner of Indian Affairs and the Department

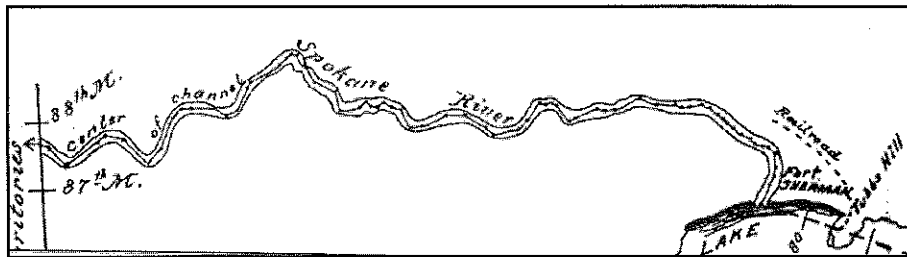
²³² United States. Department of the Interior. Commissioner of Indian Affairs. "Annual Report for 1873," Washington, D. C.: Government Printing Office, pp. 527-532. [234]

Shanks, Bennett, and Reed to Commissioner of Indian Affairs, November 17, 1873, Letters Received, Idaho Superintendency, Microfilm, M 234, Roll 341, RG 75, National Archives. [319]

Clum to Secretary of the Interior, December 4, 1873, Records of the Bureau of Indian Affairs, Letters Received, 1874, Idaho, I 46, National Archives. [662]



Map 10: All official surveys of the 1873 Coeur d'Alene Reservation showed the boundary line drawn down the middle of the Spokane River. [727]



Map 11: This 1887 map also shows the reservation boundary marked in the middle of the Spokane River channel. [476]

of Interior also moved ahead with the protection of the new reservation, as required under the 1873 Agreement, and a contract was let to survey the new reservation.²³³ Despite the Secretary's and Shanks Commission opposition, the Commissioner of Indian Affairs seemed to continue his support for ratification in his report for 1874.²³⁴

Reports in 1874 and 1875 indicated that the Coeur d'Alene continued to engage in traditional subsistence activities in their territory. The Tribe continued to rely on the heartland of its territory, now comprised in the 1873 Executive Order Reservation, for hunting, fishing and gathering for subsistence purposes. Reports now indicated that a line of the Northern Pacific

Secretary of the Interior to Commissioner of Indian Affairs, January 14, 1874, Records of the Bureau of Indian Affairs, Letters Received, 1874, Idaho, I 46, National Archives. [663]

Acting Commissioner to Secretary of the Interior, December 4, 1873, Letters Received, Idaho Superintendency, Microfilm, M. 234, Roll 342, RG 75, National Archives. [320]

²³³ Surveyor General of Idaho to Commissioner of General Land Office, April 29, 1873, Letters Received, Washington Superintendency, Microfilm, M 234, Roll 912, RG 75, National Archives. These funds were to survey the 1867 Reservation. [304]

Contract, August 25, 1873, Letters Received, Washington Superintendency, Microfilm, M 234, Roll 912, RG 75, National Archives. This contract was to survey the 1873 Executive Order Reservation. [322]

²³⁴ United States. Department of the Interior. Commissioners of Indian Affairs. "Annual Reports," 1874. Washington, D. C.: Government Printing Office, p. 367-368. [235]

United States. Department of the Interior. Commissioners of Indian Affairs. "Annual Reports," 1875. Washington, D. C.: Government Printing Office, p. 562 In 1875 Commissioner of Indian Affairs John Q. Smith resigned after taking actions that would lead to Sioux warfare. A short while before his resignation he suggested removing the Coeur d'Alene to the Colville Reservation, apparently forgetting that they now had their own reservation. By this date, apparently the agreement was all but forgotten, at least by Commissioner John Q. Smith. [236]

Railroad was planned to pass through the new reservation.²³⁵

The Indian Office tended to leave the Coeur d'Alenes on their own, apparently confident that traditional subsistence was sufficient for the Tribe's survival and encouraged by the Catholic missionaries' efforts to persuade tribal members to begin planting gardens and small fields of grain. By 1876 the Coeur d'Alenes were simply listed in Commissioner of Indian Affairs reports as "Indians in Idaho not under an agent."²³⁶ The Tribe was left with the priests acting as *de facto* agents on the reservation between 1873 and 1877, and during that period the priests continued to try to persuade the Coeur d'Alenes to move their people away from Cataldo Mission to a new site; away from the Mullan Road, and onto the Camas Prairie to the southwest. The priests believed the Coeur d'Alenes had insufficient agricultural fields in the vicinity of Cataldo Mission, were too far from markets, and too close to encroaching Whites.²³⁷

Though the 1873 Agreement was never ratified, the establishment of the 1873 Reservation was a triumph for the Coeur d'Alene Tribe. It represented the protection of the heartland of their

²³⁵ United States. Department of the Interior. Commissioners of Indian Affairs. "Annual Reports," 1875. Washington, D. C.: Government Printing Office, p. 562. [236]

John B. Monteith to Edward P. Smith (C.I.A.), July 20, 1874, Letters Received, Idaho Superintendency, Microfilm, M 234, Roll 342, RG 75, National Archives. [323]

Diomedi, Alexander. *Sketches of Indian Life in the Pacific Northwest*. Fairfield, Washington: Ye Galleon Press, 1978 (originally published 1902), p. 66, noted that the Tribe was aware of the new Northern Pacific line as a result of newspaper reports. [60]

²³⁶ United States. Department of the Interior. Commissioners of Indian Affairs. "Annual Reports," 1876. Washington, D. C.: Government Printing Office, p. 614. [237]

²³⁷ Clark, Ella. "The Old Mission." *Idaho Yesterdays* Vol. 15, No. 3 (Fall, 1971): p. 25. [35]

traditional territory and necessary waters, including Coeur d'Alene Lake, the Coeur d'Alene River and the St. Joe River. More and more Whites were pouring into the country, and there had been terrific pressure to have the Tribe removed from their homeland to an already existing reservation. The alliance with the Catholic priests and intercession and assistance of the Catholics was of great help to the Tribe in this instance and helped result in the establishment, in 1873, of a 590,000 acre executive order reservation that contained nearly all of their village sites, all of Coeur d'Alene Lake, a large section of the Coeur d'Alene River, a section of the St. Joe River, and the Tribe's Camas Prairie. The relations between the Tribe and the United States, the negotiations leading to the executive order, and the language in the agreement and executive order make it clear that the United States intended to convey Coeur d'Alene Lake and the rivers on the reservation to the Tribe, including the river water flowing into the reservation. The Tribe, in turn, continued to be dependent on these resources for their livelihood and survival. Even though the agreement was not ratified, because of these negotiations, the United States, in effect, recognized the extent of Coeur d'Alene territory, that it had never been ceded to the United States, and that the Tribe retained all of their original rights to that land. The Indian Claims Commission later concluded that the Coeur d'Alenes "held all the waters of Spokane River from a little above Spokane Falls to the sources, including Coeur d'Alene Lake and all its tributaries."²³⁸

²³⁸ United States. Indian Claims Commission. "Findings of Fact." Docket No. 81, *The Coeur d'Alene Tribe of Indians v. The United States of America*, 1955, National Archives, pp. 4--6 and 4--10. [276]

United States. Indian Claims Commission. "Opinion." Docket No. 81, *The Coeur d'Alene*

Intent of the Coeur d'Alene Tribe

Studies of Coeur d'Alene tribal culture demonstrate beyond any doubt that the lake, rivers and other waterways of the Tribe were central to the people's very notion of being. Traditional stories, narratives and knowledge focused on the importance of preserving their homeland in order to secure the Tribe's very survival. The 1873 Coeur d'Alene Executive Order Reservation mirrored the requirements demanded by the Tribe in the 1873 Agreement.

Between the time of contact with Whites and the establishment of the 1873 Executive Order Reservation, the Coeur d'Alene Tribe made it abundantly clear that it intended to preserve its homeland at all costs. During the early period of contact the Tribe demonstrated to trappers and traders that it welcomed trade but wanted no permanent settlement within its homeland. Tribal members were regarded as sharp traders who welcomed trade for beneficial technology, but had no interest in trinkets.

When the first Catholic missionaries arrived in the heart of Coeur d'Alene aboriginal territory the Tribe saw opportunities for an alliance to help prevent European immigration into their lands, as well as the possibilities of future expansion of new agricultural technologies. One

Tribe of Indians v. The United States of America, 1955, pp. 4--15 and 4--28. [277]

United States, Indian Claims Commission. "Commission Findings." In *Interior Salish and the Eastern Washington Indians I: the Coeur d'Alenes*. New York: Garland Publishing, Inc., 1974, pp. 304, 308, 313, 326 and 328. [648]

Bischoff, William N. "The Coeur d'Alene Country, 1805-1892." In *Interior Salish and Eastern Washington Indians I*. New York: Garland Publishing Inc., 1974, pp. 302, 308, 313, 326. [16]

of the most important political positions of the priests was that they, too, did not want white people moving into Coeur d'Alene territory and agreed with the Tribe that the tribal homeland should be insulated against white intrusion.

When Colonel Steptoe and his command invaded Coeur d'Alene territory in 1858, the United States military force was soundly defeated. This constituted not only a major military defeat for the army, but a clear indication of the ferocity with which the Coeur d'Alenes would defend their homeland. The loss was quickly reported in the national press. Lieutenant John Mullan of Steptoe's command wrote to James G. Swan, on June 1, 1858, reporting that the Steptoe command had been defeated by a large force of Indians, who fought "like fiends." Mullan said that Father Joset had warned Mullan that the Indians "have counselled together, and have formed a solemn pledge to massacre any party that shall attempt another survey through their country." Mullan also said he had moved his men back to the Dalles and written to the Secretary of War, abandoning any idea of constructing a road through that country. Steptoe, himself, reported "The savages appear to have been excited by rumors that the Government intends to take possession of their lands...to lay out a military road" through their territory. The *Times* concluded that Steptoe's command "fought bravely," but given the extent to which they were outnumbered had to retreat, as they did, in the middle of the night.²³⁹

²³⁹ "Colonel Steptoe's Battle with the Indians. Letters from Col. Steptoe and Lieut. Mullan," *New York Times*, July 21, 1858, enclosing a letter from Lieut. [John] Mullan to James G. Swan, June 1, 1858. [715]

After General Wright failed to win a victory over the Tribe and was forced to negotiate a Treaty of Peace and Friendship, the Tribe was confident in its ability to defend and preserve its homeland against the United States. When in 1867 the United States attempted to establish a reservation that did not include the Tribe's important sources of water, the Tribe firmly rejected the offer, completely refusing to accept the proposed reservation. The Tribe demanded that the reservation include the heartland of its territory and the necessary rivers and lake found there.

The Tribe's conduct leading up to and during the 1873 Agreement negotiations make it clear that their intent was to reserve the heart of its territory as its permanent homeland. The Coeur d'Alene Tribe envisioned the reservation described in the 1873 Agreement and established by the 1873 Executive Order as a permanent homeland, a place where they could continue to live as a cohesive tribe, without intrusions by Whites. As they had told Colonel Wright in 1858, they wanted a treaty, or agreement, that created a strong wall around them. As Chief Seltice said to the Northwest Commission, "Make the paper strong; make it so strong that we and all Indians living on it shall have it forever."²⁴⁰ They conceived of the reservation as being built by the agreement with a "stone wall" constructed around it, to protect the Tribe from white interlopers.²⁴¹

²⁴⁰ United States. Congress. House. *Reduction of Indian Reservations*. House Executive Document No. 63. 50th Congress, 1st Session. Washington, D. C.: Government Printing Office, 1888, pp. 9-11, 30-43, 53-56, and 60-65. [203]

²⁴¹ Seltice *et. al.* to Commissioner of Indian Affairs, November, 1893, "Harrison Townsite on Coeur d'Alene Reservation," February 2, 1894, Special Case No. 200, Record Group 75, National Archives. [605]

The Tribe intended to include in the reservation its major sources of water: Coeur d'Alene Lake, the Coeur d'Alene River and the St. Joe River. Although little is known of the actual settlement discussions, one of the federal negotiators, Governor Bennett, later stated that "[w]e found that the Indians demanded an extension of the reservation so as to include the Catholic Mission and fishing and mill privileges on the Spokane River."²⁴² The Tribe also required the inclusion in the agreement "that the waters running into said Reservation shall not be turned from their natural channel where they enter said Reservation." The 1873 Coeur d'Alene Executive Order mirrored the 1873 Agreement and provided a reservation that included the heartland of Coeur d'Alene territory.

The Tribe intended that all their traditional sources of subsistence should also be protected. These included the environment in their homeland necessary for hunting, fishing, gathering and transportation. The Coeur d'Alene Tribe had subsisted since time immemorial on the basis of resources associated with the waters within its territory. These resources included fishing, hunting, gathering of plants and digging of roots. All these resources required the waters that the Tribe protected in its territory, including what are known today as Coeur d'Alene Lake, the Coeur d'Alene River and the St. Joe River. Wetlands and bottomlands were necessary for gathering traditional plants, for agricultural purposes and for grazing of their animals. Springs, seeps and wetlands constituted important locations where specialty plants could be obtained. Villages, transportation, trade, and other necessary tribal activities all centered around

²⁴² "Governor Bennett's Letter," Idaho Signal, Vol. 1, October 4, 1873 (the governor's letter was dated September 18, 1873), underline added. [704]

these tribal waters. Even recreational activities were focused on waters in the Tribe's territory. Over and over again the Tribe demonstrated its willingness and ability to fight to protect those resources.

The Coeur d'Alene leaders and their people saw the reservation as preserving enough of their fishing, hunting and gathering that they could subsist on the reservation, using traditional means, for the foreseeable future. They could continue their traditional methods of transportation, and even recreation.

But their communications with the Catholic priests, settlers and traders, and representatives of the United States had let them see the possibility of other uses for their reservation in the future. The Coeur d'Alene intended that the 1873 Reservation should have ample arable land and water to allot future agricultural expansion. In addition, the Tribe was sophisticated enough to know that they needed to preserve a portion of their homeland necessary for future hydropower for flour and saw mills as well as for other purposes. As a result, the Tribe intended the Reservation would allow for increased agriculture, hydropower, and the construction of mills to grind grain and process lumber.

The Tribe did not in any way think of some kind of quantification of their water. They saw the reservation as a whole and a homeland and envisioned all water sources on the reservation as being available for all the various uses for that water which they foresaw. The primary purpose of the reservation from the Tribe's point of view was to preserve the heart of their aboriginal territory as a homeland for their permanent and exclusive occupation, including protection of its waters and related uses.

Intent of the United States

The intent of the United States in establishing the 1873 Coeur d'Alene Executive Order Reservation was driven, in essence, by the Tribe's intent. The United States understood that the Tribe would fight to protect its homeland and the United States understood that homeland consisted of a large aboriginal territory and that aboriginal title to that territory required extinguishment. Negotiation was the only feasible tool available to the United States in order to create a reservation for the Tribe and extinguish aboriginal title to tribal territory outside that reservation.

All early accounts indicated the Tribe's reliance on its water resources. The United States understood during those years leading to the establishment of the reservation and during the 1873 negotiations that Coeur d'Alene Lake, the Coeur d'Alene River, the St. Joe River and other tribal waters were required by the Tribe. Both government and non-government officials had pointedly emphasized the importance of the Tribe's waters. For instance, in 1863 Father De Smet published a report on the Tribe, in which he described the importance of Coeur d'Alene Lake and its tributaries:

Taking Coeur-d'Alene Lake as a central point, their country may extend fifty miles to every point of the compass. The lake is a beautiful sheet of clear water, embedded amid lofty and high mountain bluffs, and shaded with a variety of pines, firs, and cedars; in its whole circumference to my knowledge, there is no arable land. The low bottoms in several of its many bays are subject to frequent and long inundations in the spring. The lake is about thirty miles in extent from south to north, its width throughout is from one to two or three miles. It receives its waters principally from two beautiful rivers, the St. Joseph and the Coeur d'Alene rivers, running parallel from east to west; each is from sixty to eight[y] yards broad, with a depth of from twenty to thirty feet. After the spring freshet their currents are smooth and even,

and are hardly perceptible for about thirty miles from their mouths...²⁴³

Government explorer and road-builder John Mullan also expounded on the beauty and value of Coeur d'Alene Lake and the heart of Coeur d'Alene territory, and said,

The Coeur-d'Alénes number about three hundred, live at the mission, and along the Coeur-d'Aléne and St. Joseph's rivers. They own houses, cattle, and canoes, and with the Spokanes and Nez Percés often cross the mountains in quest of buffalo. They live by hunting, fishing and cultivating the soil. They have no treaty with the government, and I think they should be moved to the Flathead reservation; they live partly in log-houses, mostly in skin lodges.²⁴⁴

The 1858 defeat of Colonel Edward Steptoe's United States Army forces by the Coeur d'Alene and their allies had been a major national embarrassment and concern for politicians. In the mid-19th century *Harper's Weekly* was the most-read news journal in the United States. It reported the "Defeat of Colonel Steptoe's Command," on June 10, 1858, describing it as "disastrous news." This is what the national audience read about the battle:

The action resulted in three officers and fifty men being killed. Two of the officers killed are Captain Wynders and Lieutenant Gasden. The Indians took two howitzers which belonged to the command and all but sixty pack animals. In fact, so complete is said to have been the rout, that the officer in command was compelled to fall back with the utmost precipitation.²⁴⁵

²⁴³ De Smet, Pierre-Jean. *New Indian Sketches*. Fairfield, Washington: Ye Galleon Press, 1985 (first published 1863), p. 130. [56]

²⁴⁴ Mullan, Captain John. *Miners and Travelers' Guide to Oregon, Washington, Idaho, Montana, Wyoming, and Colorado, Via the Missouri and Columbia Rivers*. New York: Arno Press, 1973 (originally published 1865), pp. 5, 11, 18, 23-24, 27, 33, 43-44, 50-51, 80, and 83-84. [118]

²⁴⁵ *Harper's Weekly*, June 10, 1858, "Domestic Intelligence." [716]

Wright's Treaty of Peace and Friendship with the Coeur d'Alene strengthened the Tribe's hold on its homeland and put additional pressure on the United States to acquire extinguishment of Coeur d'Alene aboriginal title through negotiation and not war. As Judge William Compton Brown put it, in his account of the whole affair, "figuratively speaking, the Colonel [Wright] went down on his knees and begged the Coeur d'Alenes to come in out of the surrounding mountains and go through the formalities of making a surrender." However, as Brown pointed out, the result was a "Treaty of Peace and Friendship," not a surrender at all.²⁴⁶

Thus, a number of political *exigencies* existed for the United States by the late 1860s in regard to the Coeur d'Alene and their territory. These exigencies included the fear of war with the Tribe, the reported discovery of gold and other valuable minerals in the area, the resulting approach of the railroad, and necessity to open the region to non-Indian settlers, miners and prospectors. The United States also knew it needed to provide a reservation for the Tribe that included resources adequate to provide long-term subsistence. These exigencies required swift action on the part of the United States in order to prevent the imminent danger to life or serious damage to property.

Politicians at the national level were well aware that there were only two ways to achieve the extinguishment of Coeur d'Alene aboriginal title to much of its traditional territory. One was through warfare and the other through negotiation. With the horror of the Civil War in the immediate past, politicians were also well aware that at a more banal level, negotiating a peace

²⁴⁶ Brown, William Compton. *The Indian Side of the Story*. Spokane, Washington: C. W. Hill Printing Co., 1961, pp. 260-261. [23]

and establishing a reservation was much less costly than carrying out a war. As a result of this knowledge and the above exigencies the United States engaged in negotiations and reached an agreement satisfactory to both the United States and the Coeur d'Alene Tribe.

The commissioners knew that the Tribe needed its homeland to include the lakes and rivers and be able to sustain the Tribe's traditional subsistence practices of hunting, fishing, and gathering. The Tribe's agricultural activities were limited to small garden plots that would not have sustained the entire Tribe. Further, the Tribe had expressly rejected the 1867 reservation and asked for the inclusion of the Lake and "the two valleys" in its second petition.²⁴⁷ The United States understood that the Tribe would not agree to a reservation that did not include these important tribal lands, rights, and resources.

At the same time, the commissioners, representing the United States, understood that the reservation must also provide ample arable land for present and future agricultural activity of the Tribe. The agreement made it clear the commissioners were aware of the necessity of including Coeur d'Alene Lake, the Coeur d'Alene River and the St. Joe River and in-stream flow in those rivers. The agreement also made it clear that a portion of the land and water were being reserved for the Tribe for the purpose of hydropower—for mills and other water-power generated purposes.

²⁴⁷ Chiefs of the Coeur d'Alene Nation to [Commissioner of Indian Affairs], November 18, 1872, Letters Received, Washington Superintendency, Microfilm, M 234, Roll 912, RG 75, National Archives. [300]

The 1873 Agreement resulted in the 1873 Executive Order, signed by the President on behalf of the United States. The requirements of the reservation established by that order included all those exigencies known to the United States plus the demands that were required by the Tribe in order to create a permanent homeland. These exigencies and demands had been documented in contacts with the Tribe up to that point in time. The agreement and executive order which mirrored the agreement, reserved enough of the Coeur d'Alenes' aboriginal territory to allow continued subsistence practices of hunting, fishing and gathering; to set aside sufficient land and water to allow agricultural growth for the Tribe; to allow development of hydropower on the reservation; to preserve tribal transportation corridors, especially on their waterways; and most importantly, to permanently protect the core of the Coeur d'Alene Tribe's homeland for its perpetual use. This homeland included Coeur d'Alene Lake, the Coeur d'Alene River, the St. Joe River and the other waters that enabled the Tribe to subsist and exist at the time and for the future.

V Confirmation of the Coeur d'Alene Tribal Homeland, 1873-1894

The Founding of DeSmet, 1876-1881

Events in the late 1870s and early 1880s would have a permanent effect on the natural available natural resources in Coeur d'Alene territory, and, consequently, permanent impacts on Coeur d'Alene life-style. The Coeur d'Alene lived in one of the most remote areas of the United States and as a result were insulated until this relatively late date from pressures that might

completely disrupt their traditional economy.²⁴⁸ The destruction of the buffalo, the discovery of gold in Coeur d'Alene territory, and the outbreak of the Nez Perce War all led to extensive tribal economic reorganization between 1876 and 1886.

Father Alexander Diomedi was transferred to the Sacred Heart Mission in 1876, arriving in August at the Mission, which he described as being on a hill near the Coeur d'Alene River, which was "copiously supplied with mountain trout." He said the Mission was purposefully built in a place where there was a good supply of game and fish, and that other fishing and hunting camps and villages were in use at that time. In 1879 he wrote a tract, later published, much of which was devoted to a description of his efforts to convince the Coeur d'Alene to move their mission and farming activities to the present location of De Smet. Although this tract lapses into self-promotion, in which Diomedi takes responsibility for convincing the Tribe to make the move, in reality a number of outside factors finally convinced many members of the Tribe to settle in a village in that location.²⁴⁹

Diomedi said that soon after arriving he persuaded the Tribe to give up their annual buffalo hunt, and that the chiefs said that 1876 would be their last year to make the hunt.²⁵⁰

²⁴⁸ Livingston-Little, D. E. "An Economic History of North Idaho, 1800-1900--Part I." *Journal of the West* Vol. II, No. 2 (April 1963): p. 127. [107]

²⁴⁹ Diomedi, Alexander. *Sketches of Indian Life in the Pacific Northwest*. Fairfield, Washington: Ye Galleon Press, 1978 (originally published 1902), pp. 61-65. [60]

²⁵⁰ Diomedi, Alexander. *Sketches of Indian Life in the Pacific Northwest*. Fairfield, Washington: Ye Galleon Press, 1978 (originally published 1902), p. 63. Many of Diomedi's assertions about his own influence have been repeated by later Catholic historians. [60]

Ackerman, Lillian. "The Effect of Missionary Ideals on Family Structure and Women's

However, the historical record demonstrates that the real reason for the cessation of the Coeur d'Alene buffalo hunt was the nearly complete destruction of the buffalo herds. In order to destroy a staple food supply of many tribes, the United States consciously determined to speed the destruction of the buffalo by encouraging the slaughter of the big herds.²⁵¹ Cheap transportation made the destruction of the buffalo possible in the years between 1870 and 1883. Between 1872 and 1873 alone, the railroads hauled out 1.25 million hides. The following year, an observer in the Arkansas River Valley observed:²⁵²

Where there were myriads of buffalo the year before, there were now myriads of carcasses. The air was foul with a sickening stench, and the vast plain, which only a short twelvemonth ago teemed with animal life, was a dead, solitary, putrid desert.

“Eastern tanners bought the hides by the million,” from thousands of hunters who were killing every buffalo they could find. An 1878 photograph shows 40,000 buffalo hides piled in a hide yard in Dodge City.²⁵³ By 1876 “drastic inroads on the buffalo herds” had been made by white hide hunters. Southern Plains Tribes “conducted their last successful buffalo hunts in 1878 and the

Roles in Plateau Indian Culture.” *Idaho Yesterdays* Vol. 31, Numbers 1-2 (Spring/Summer 1987): pp. 64-73, p. 66, who added that the “resource was disappearing.” [1]

²⁵¹ Josephy, Alvin M., Jr. *The Indian Heritage of America*. New York: Alfred A. Knopf, 1974, p. 339. [96]

²⁵² Branch, E. Douglas. *The Hunting of the Buffalo*. New York and London: D. Appleton and Company, 1929, pp. 169-170. [19]

²⁵³ Lamar, Howard R (ed.). *The Reader's Encyclopedia of the American West*. New York: Thomas Y. Crowell Company, 1977, p. 136. [102]

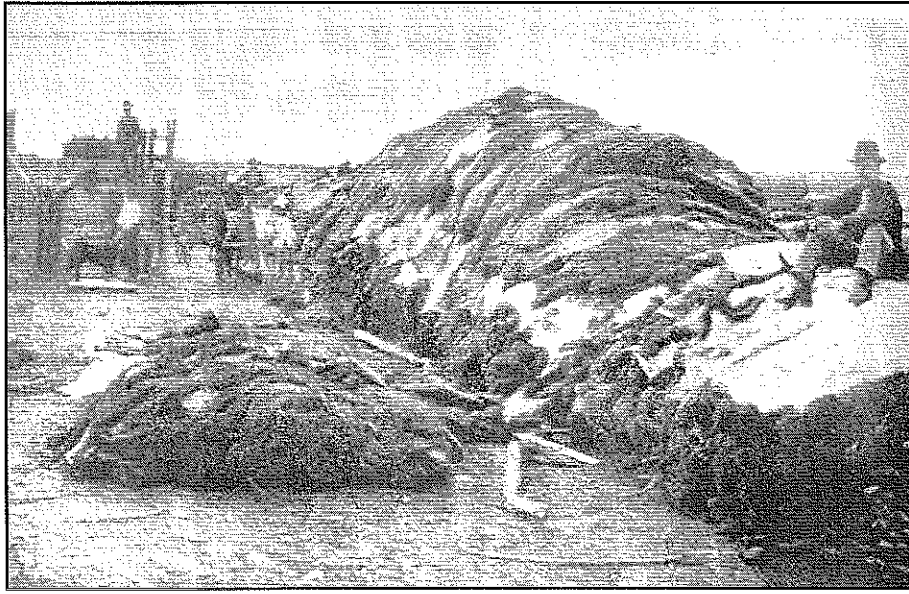


Figure 29: National Archives photograph shows 40,000 buffalo hides piled in front of a hide yard in Dodge City, Kansas in 1878, from Lamar, 1977. [102]

herds had disappeared from the northern plains by 1884.”²⁵⁴ The Coeur d’Alene probably stopped making a large annual hunt for buffalo in about 1877, though some hunting may have gone on until 1885, when the buffalo was practically extinct.²⁵⁵ The destruction of the buffalo created a sizeable vacuum in the tribal larder, economy, and life-style. The Tribe had been making their annual hunt for buffalo meat and robes since early in the 18th century. For the Coeur d’Alene, who once thought their “supply of game and fish would go on forever,” the disappearance of the buffalo now created a void that had to be filled by other means.²⁵⁶

White settlers wanting to move into the Coeur d’Alene Reservation, prompted, in 1876 another bill to be introduced in Congress to authorize negotiations with the Coeur d’Alene for the extinguishment of aboriginal title to lands outside their reservation. The bill died, but Coeur d’Alenes began to suffer more from white encroachment.²⁵⁷ A telegraph line was strung along

²⁵⁴ Hagan, William T. “United States Indian Policies, 1860-1900,” *Handbook of North American Indians: History of Indian-White Relations* Vol. 4. Washington: Smithsonian Institution, 1988, pp. 55 and 57. [77]

²⁵⁵ Teit, James A. “The Coeur d’Alene.” In *Forty-Fifth Annual Report of the Bureau of American Ethnology, 1927-1928*, edited by Franz Boas. Washington, D. C.: Government Printing Office, 1930, pp. 96-129. [171]

²⁵⁶ Kowrach, Edward J., and Thomas E. Connolly (eds.) *Saga of the Coeur d’Alene Indians: An Account of Chief Joseph Seltice*. Fairfield, Washington: Ye Galleon Press, 1990, p. 24. [101]

²⁵⁷ United States. Congress. *Congressional Record*. 44th Congress, 1st Session. Washington, D. C.: Government Printing Office, 1876, p. 4403. [184]

Schoenberg, Wilfred P. *Paths to the NorthWest: a Jesuit History of the Oregon Province*. Chicago: Loyola University Press, 1982, p. 108. [159]

Diomedi, Alexander. *Sketches of Indian Life in the Pacific Northwest*. Fairfield,

Mullan Road and on to the Mission and lake in 1876.²⁵⁸ A year later Frederick Post built the first gristmill at Post Falls, which he claimed to have acquired from Chief Seltice a few years earlier.²⁵⁹ By 1877, the Coeur d'Alene problem could no longer be ignored by officials. In that year, the Coeur d'Alene Tribe was officially placed under the Colville Agency. The Colville Agency was established as a special agency in 1872, became a regular agency in 1875, and had reported on the Coeur d'Alene Tribe off and on in previous years.²⁶⁰

The nation was focused on the region during the year 1877 as a result of the Nez Perce War. The story of Chief Joseph and the Nez Perce conflict is one of the most well-known in United States Indian history, and need not be recounted here except to indicate that Seltice and the Coeur d'Alene sided with the United States during the hostilities. However justified Joseph's Nez Perce were in their actions, and notwithstanding the injustice meted out to them by the United States, at the time, the Coeur d'Alenes had very little sympathy for their cause. It had not been that long since Nez Perce had allied themselves against the Coeur d'Alene, Spokane and their neighbors

Washington: Ye Galleon Press, 1978 (originally published 1902), p. 65. [60]

²⁵⁸ Magnuson, Richard G. *Coeur d'Alene Diary; the First Ten Years of Hardrock Mining in North Idaho*, 1968, p. 8. [109]

²⁵⁹ Kowrach, Edward J., and Thomas E. Connolly (eds.) *Saga of the Coeur d'Alene Indians: An Account of Chief Joseph Seltice*. Fairfield, Washington: Ye Galleon Press, 1990, p. 315. [101]

²⁶⁰ Hill, Edward E. *Guide to Records in the National Archives of the United States Relating to American Indians*. Washington, D. C.: National Archives and Records Service, General Services Administration, 1981, p. 146. [85]

United States. Department of the Interior. Commissioners of Indian Affairs. "Annual Reports," 1877. Washington, D. C.: Government Printing Office, pp. 405-413. [238]

during the Steptoe Wars. At the time, the Coeur d'Alene perceived that the Nez Perce had helped to precipitate the entire Steptoe conflict. In 1877 the Nez Perce again attempted to draw the Coeur d'Alene into their conflict as allies against the United States. Father Joseph Giorda, one of the priests at the Sacred Heart Mission, wrote an account, which was the basis of an history of the episode written by Robert Ignatius Burns. The Fathers viewed the Nez Perce War as "A Blessing in Disguise," because they believed it helped them to convince the Coeur d'Alene to make their move to De Smet. The priests had increased their effort to effect that move.²⁶¹

The Fathers insisted that the main mission center [Cataldo] was too small for the increasing farm needs, isolated from markets, and open to the immoral influences of White emigration. They urged removal of the "whole tribe to a place about sixty miles below . . . a beautiful and fertile prairie."

That "fertile prairie" was the Tribe's Camas Prairie, in the Hangman's Creek drainage, and called *Ni'luwa'l'qu* in Coeur d'Alene. It was "two miles west of present De Smet, Idaho near the St. Joe Forest, [and] is described by different writers as Andrew's Spring on Camas Prairie, as Hole in the Woods, and as Spring in the Timber."²⁶²

At the time of the outbreak of the Nez Perce War, the Coeur d'Alenes were digging camas near St. Maries, guarded by the Soldiers of the Sacred Heart. In past years Seltice had been generous in allowing other Tribes to use Coeur d'Alene camas fields. Recently members of other

²⁶¹ Burns, Robert Ignatius. "Coeur d'Alene Diplomacy in the Nez Perce War of 1877." *Records of the American Catholic Historical Society of Philadelphia* Vol. LXIII, No. 1 (March 1952), pp. 44-45. [24]

²⁶² Diomedi, Alexander. *Sketches of Indian Life in the Pacific Northwest*. Fairfield, Washington: Ye Galleon Press, 1978 (originally published 1902), p. 63. [60]

Tribes had abused his conditions--in particular the rules against drinking or gambling--so he determined that none should join them, and the "Soldiers of the Sacred Heart were grimly resolved that should any of these latter set foot on the mission grounds, as they intended, "there will certainly be bloodshed." Joset said it was a great honor to be a member of the Soldiers of the Sacred Heart, and a great disgrace to suffer a breach of honor while a member. "The army numbered 40 'soldiers' at the end of 1878." With these soldiers, the priests had since 1858 said they made Seltice an "absolute master and in a position to enforce his commands with that picked band of warriors, the Soldiers of the Sacred Heart."

Nineteen years of Christianity had changed the outlook of this warrior-hero of 1858. Seltis was in constant communication with the Fathers, and determined if necessary to fight for peace.

Against this backdrop the Nez Perce killed a white man named Ritchie in hopes of drawing the Coeur d'Alenes into the war much the same as had happened 19 years before during the period of the Steptoe affair, but Seltice and his soldiers prevented that. The previous year, in 1876, the Coeur d'Alene had rejected an offer to join in war with the Sioux. In 1877 they firmly rejected the Nez Perce and, in fact, Coeur d'Alene and the Soldiers of the Sacred Heart would not allow any support or harbor for the Nez Perce, and worked hard to protect the property of Whites in the area around their reservation. Seltice (with Cataldo behind him) prevented the spread of the war, and both the Soldiers and Father Cataldo visited Whites to calm them, probably using canoes to cross the lake and reach non-Indian settlements. Details of eleven men each, not only guarded white homesteads

in the area, but fed stock and repaired gates. As Father Giorda put it:²⁶³

In fact the splendid behavior of the Co[e]ur d'alen[e]s not only saved many families from utter destitution, by mounting the guard on their crops and homes abandoned, but has undoubtedly been the means of averting another indian [sic] war. Because the Spokanes, Palouse, and other Tribes were intently looking at Seltish [sic] ready to follow him, so great is his influence, owing to his upright and gentle but firm government of his people. Had he but raised one finger, had he not constantly sent words of peace to the whites around, and indians [sic] abroad, we should have had another large conflagration of another war; the country would have been left deserted. He Seltish by this thoroughly Christian conduct, saved thousands of lives, and millions of dollars to Government, besides the horrors of a war--

The priest went on to say, "The Coeur d'Alenes had given an example of Christian charity unique in Indian history," adding, "This attitude in turn had foiled the inclinations of many non-Catholic tribes to join the war." As a result of Coeur d'Alene efforts to protect Whites from the Nez Perce, many settlers and the military complimented the Coeur d'Alenes through letters and petitions and promised to help them to keep their lands.²⁶⁴ From another viewpoint, the Coeur d'Alene were

²⁶³ Burns, R. Ignatius. "The Jesuits, the Northern Indians, and the Nez Perce War of 1877." *Pacific Northwest Quarterly* Vol. 42 (1951): pp. 66-67. [25]

Diomedi, Alexander. *Sketches of Indian Life in the Pacific Northwest*. Fairfield, Washington: Ye Galleon Press, 1978 (originally published 1902), p. 79-80, also mentioned the Soldiers, saying, "A little body of policemen prevent crime and punish it when it happens." [60]

Burns, Robert Ignatius. "Coeur D'Alene Diplomacy in the Nez Perce War of 1877." *Records of the American Catholic Historical Society of Philadelphia* Vol. LXIII, no. No. 1 (March 1952), pp. 7-8, 11, 36-42, 44-45, 48-50, 52, 132-33, 139-40, 189-91, 210. [24]

²⁶⁴ Burns, Robert Ignatius. "Coeur d'Alene Diplomacy in the Nez Perce War of 1877." *Records of the American Catholic Historical Society of Philadelphia* Vol. LXIII, No. 1 (March 1952), pp. 44-45. [24]

United States. Department of the Interior. Commissioner of Indian Affairs. "Annual

simply abiding by the agreement which they had made with the United States and which guaranteed them their homeland in return for peaceful relations.

With the buffalo gone, with Whites moving into the region in swelling numbers across the Mullan Road, with construction planned for a railroad that would pass near the Cataldo Mission, with the Nez Perce War, with reduced available hunting and fishing resources, and with their farm lands near Cataldo greatly inadequate, the Coeur d'Alene finally agreed to make the big move, to establish a new town near their traditional camas fields, at the present-day site of De Smet, Idaho. This represented not only a geographical relocation, but the beginning of a change in village life and economy. The Tribe was adjusting to the loss of important resources and committing themselves to new strategies for survival. A crop failure at the mission in the mid-1870s may also

Report," 1877. Washington, D. C.: Government Printing Office, pp. 405-413. [238]

Burns, R. Ignatius. "The Jesuits, the Northern Indians, and the Nez Perce War of 1877." *Pacific Northwest Quarterly* Vol. 42 (1951): pp. 40-76. [25]

Dozier, Jack. "History of the Coeur d'Alene Indians to 1900." M.A. Thesis, University of Idaho 1961, pp. 77-80. [64]

Schoenberg, Wilfred P. *Paths to the NorthWest: a Jesuit History of the Oregon Province*. Chicago: Loyola University Press, 1982, p. 111. [159]

Hale, Janet Campbell. *Bloodlines: Odyssey of a Native Daughter*. New York: Random House, 1993, pp. 147-148, makes the claim that some Coeur d'Alene did join the Nez Perce. [78]

Brogan, James M. *An Historical Landmark: Old Mission Church of the Coeur d'Alene Indians (Church of the Sacred Heart)*. Spokane: Gonzaga University, 1926, p. 11. [21]

Carriker, Robert C. "Joseph M. Cataldo, S. J.: Courier of Catholicism to the Nez Percés," *Churchmen and the Western Indians, 1820-1920* (Clyde A. Milner and Floyd A. O'Neil, eds.). Norman, Oklahoma: University of Oklahoma Press, 1985, p. 123. [31]

have contributed to the decision. Prior to 1878 some members of the Tribe had refused to be completely confined upon the reservation, arguing that the 1873 Agreement had provided for payment for their aboriginal territory and that this payment had never been made. During that period, they continued to occupy and use many villages, fishing camps and hunting areas, some of them outside of the reservation. When tribal members relocated in 1878, they were also acknowledging the reservation boundaries, adopting a strategy to protect these boundaries, and beginning to accept the loss of resources upon which they had previously relied.²⁶⁵

The final decision and move was prompted by a specific incursion by Whites into the Coeur d'Alene Reservation. Trespass and encroachment on tribal lands had been a problem for some years, but it was increasing exponentially in the late 1870s. According to tribal members the incident that prompted the final decision involved a Coeur d'Alene woman called Mary Louise. The incident provides another interesting glimpse of the strict ethical standards the Tribe set for itself and among its members in the late 19th century. Mary Louise was among a group digging for camas roots in the De Smet area. The group discovered a log cabin that had recently been built by a white person who was illegally squatting on Coeur d'Alene land. While the others were otherwise occupied, she raided the illegal homestead and took food. Later, at her village, the others discovered that she had taken the goods and regarded her actions as constituting theft. They made

²⁶⁵ Dozier, Jack. "Coeur d'Alene Country: the Creation of the Coeur d'Alene Indian Reservation in North Idaho." *Idaho Yesterdays* (1962), p. 4. [63]

Kowrach, Edward J., and Thomas E. Connolly (eds.) *Saga of the Coeur d'Alene Indians: An Account of Chief Joseph Seltice*. Fairfield, Washington: Ye Galleon Press, 1990, pp. 178-179. [101]

her return the goods to the homestead. But then the men burned the squatters' buildings. This was an example of the dilemma the Tribe faced. They did not want to allow usurpation of their lands by Whites, but neither did they want tribal members to be tempted to steal. After Mary Louise's story was recounted to tribal leaders, they met at Old Mission to discuss the problem of Whites moving onto their lands. An elderly Coeur d'Alene later recalled that one of their priests sent a letter to the soldiers at Lapwai. An officer sent a letter back to the Tribe. A crier called the people together and the letter was read.

The Indians were to understand that our great country was a free country. It was open for settlement by Whites as well as Indians;

That wherever the land was vacant and open, anyone had a right to settle upon it as a homestead.

This law has been made by the lawmakers of our country, who live in the great Chief City of our land, Washington D. C. The law was approved by the Great Father and Chief of our nation.

Moctelme was the Coeur d'Alene who took the message to the military and who brought back the reply. Although this message was not strictly correct, it may actually have mirrored the beliefs of the commander of the troops. The Coeur d'Alene Indians were being told to settle on lands they wanted, for if they did not, the lands would be settled by someone else soon. Accordingly, tribal leaders consulted with the priests. Many tribal members did not want to establish new homes farther away from where they fished and hunted. The priests asserted that tribal members had to leave the mountains and settle on the prairie--Whites were coming and wanted to settle on their lakes and rivers. Speaking more from observation, really, than in the way of prediction, the priests said:

There will be no more vacant or open land. They will kill off all the buffalo, the elk, all big game, the birds of game. They will destroy

all the salmon, trout, and all fish in our lakes and streams. They will plow up the prairie lands where the camas and all eatable roots grow, and there shall be no more camas.

Father Diomedes told them they could still visit the old mission, but that they would soon lose the area to Whites anyway. "Neither should they depend upon the river, which would soon be filled with boats and rafts and logs for fuel which would cause the fish to migrate to safer and quieter places."²⁶⁶ The priests told the Tribe that more and more Whites would come and do more damage to the lands, and that it was necessary to relocate the mission. The Coeur d'Alenes argued and discussed the matter extensively. Many did not want to relocate. Agusta, a Coeur d'Alene, asked the priests if they really wanted him to leave "this river which has given us trout and beaver?" Some were in favor of moving and some opposed the move. But clearly many of the people saw this move as the only way to keep any of their land. As Bartholomew Chimiues of Chatcolet said:

The whites have started to come and squat upon our soil. Mary Louise saw with her own eyes where they have already built their homes of our logs. They intend to stay. They are not joking or playing by any means and if we don't go and take up our lands, there will be many hundreds and hundreds more white people who will come and take the rest of our lands. Where once our forefathers

²⁶⁶ Diomedes, Alexander. *Sketches of Indian Life in the Pacific Northwest*. Fairfield, Washington: Ye Galleon Press, 1978 (originally published 1902), p. 69. [60]

Anon. "Sacred Heart." *Woodstock Letters*, Vol. 11 No. 1 (1881): pp. 49-52, reported that the Coeur d'Alenes paid the squatters for their improvements. [7]

Cox, Thomas R. "Tribal Leadership in Transition: Chief Peter Moctelme of the Coeur d'Alenes." *Idaho Yesterdays* Vol. 23, No. 1 (Spring 1979): p. 5. [47]

Harms, Su, ed. *The Coeur D'Alene Teepee* Vols. I-III (1937-1940) (July 1980). Plummer, Idaho: Serento Press, pp. 35, 47, 51, 56-57, 61-62, 83-86, 101, 110-111, 132, 134, 144-145, 147, 150-152, 157-59, 165, 170, 192-193, 198, 213, 220, 222, 232, 234, 237, 239-240, 245, 260, 279-81, 307-8, 319, 324-25, 357, 366-67 and 373.

enjoyed their hunting and fishing grounds, where they enjoyed the vast camas diggins [sic], where they enjoyed their races of all sorts with all sorts of different neighboring tribes...who came to gather their annual supply of camas and enjoyed their games. Now consider what the Blackrobes have said, they will come with us, they will rebuild a church, they will entreat the Blackrobes Sisters to come and teach our children.

In February, 1878, a large group of people crossed the lake by canoe at today's Harrison and traveled to Andrew Springs (Seltice' home), where they began to lay out a town. Moctelme never forgot the message he took to the soldiers, and the reply the Coeur d'Alene received, nor did he forget the story of Mary Louise. "If it had not been for Mary Louise's conduct, the land where we live now would have been lost to the white people."²⁶⁷

Many families were living at numerous villages on and outside of the reservation in 1877. When the Tribe made the move to De Smet in 1878, it was as a strategy to hold on to the land and water resources located within the reservation boundaries. They had become convinced that if they did not establish the equivalent of homesteads in the De Smet area, not only that area, but the entire reservation could be lost. Certainly they were also acknowledging the fragility of their hold on the

²⁶⁷ Harms, Su, ed. *The Coeur d'Alene Teepee* Vols. I-III (1937-1940) (July 1980). Plummer, Idaho: Serento Press, pp. 56, 83, 85, and 110-111. [79]

Anon. "The Catholic Mission Among the Coeur d'Alene Indians. Memoranda." Gonzaga University. Oregon Province Archives of the Society of Jesus, Spokane, Washington, confirms some of the details of these talks. [293]

Diomedi, Alexander. *Sketches of Indian Life in the Pacific Northwest*. Fairfield, Washington: Ye Galleon Press, 1978 (originally published 1902), p. 69, also confirms the tribal account of these discussions. [60]

Cox, Thomas R. "Tribal Leadership in Transition: Chief Peter Moctelme of the Coeur d'Alenes." *Idaho Yesterdays* Vol. 23, No. 1 (Spring 1979): p. 5. [47]

northern portion of the reservation, where squatters and illegal prospectors were beginning to occupy their lands with seeming impunity. Joseph Seltice recalled that many families did not want to leave their accustomed fishing grounds, and some did not move, but remained on the St. Joe River and elsewhere.

Some families living at or near the Mission were opposed and could see no reason for moving. They said often: "We already have a permanent home: the pure fresh waters of the Coeur d'Alene River filled with fish, the mountains full of game, lakes with an abundant supply of water potatoes, nearby timber with all the wood we need! Why should we move to the Palouse Valley?"

The Coeur d'Alenes, he said, once thought their "supply of game and fish would go on forever." He also pointed out that some families already had staked claims in the area years before, so that the move took place as a result of a tribal decision and had nothing to do with Father Diomedi's exhortations. "Their [decision] had nothing to do with Father Alexander Diomedi's ordering everybody to go."²⁶⁸ On the other hand, many histories concerned with the Catholic Missions have praised Diomedi for encouraging the Tribe to settle De Smet.²⁶⁹

²⁶⁸ Kowrach, Edward J., and Thomas E. Connolly (eds.) *Saga of the Coeur d'Alene Indians: An Account of Chief Joseph Seltice*. Fairfield, Washington: Ye Galleon Press, 1990, pp. 24, 178-179, 184, 189, 229, 235-236. [101]

St. Hilaire, S.J. "Sacred Heart Mission, Idaho; History Manuscript." Gonzaga University. Oregon Province Archives of the Society of Jesus, Box 732, Early History 1872-1911, Spokane, Washington, 1963, p. 12. [165]

Diomedi, Alexander. *Sketches of Indian Life in the Pacific Northwest*. Fairfield, Washington: Ye Galleon Press, 1978 (originally published 1902), p. 78. [60]

Clark, Ella. "The Old Mission." *Idaho Yesterdays* Vol. 15, No. 3 (Fall, 1971): p. 25. [35]

²⁶⁹ Brogan, James M. *An Historical Landmark: Old Mission Church of the Coeur d'Alene Indians*

Later that same year, prospecting in the upper Coeur d'Alene River drainage began in earnest, and one claim was filed on land near the Mullan Road. One of the 1878 parties probably made a large discovery of gold in 1878, but the strike was not revealed until four years later. Nonetheless, in 1879 miners began coming into the upper Coeur d'Alene in larger and larger groups.²⁷⁰ In order to prevent hostilities between the miners and Coeur d'Alenes, the United States established Fort Coeur d'Alene in 1878 at the request of General William Tecumseh Sherman, who had stopped there the previous year while inspecting the forts in the Northwest along the Mullan Road. In the spring of 1879 the fort was actually built and garrisoned.²⁷¹ Fort Coeur

(*Church of the Sacred Heart*). Spokane: Gonzaga University, 1926, pp. 5-6. [21]

St. Hilaire, S.J. "Sacred Heart Mission, Idaho; History Manuscript." Gonzaga University. Oregon Province Archives of the Society of Jesus, Box 732, Early History 1872-1911, Spokane, Washington, 1963, p. 11. [165]

Anon. "The Catholic Mission Among the Coeur d'Alene Indians. Memoranda." Gonzaga University. Oregon Province Archives of the Society of Jesus, Spokane, Washington. [293]

²⁷⁰ Wood, John V. *Railroads Through the Coeur d'Alenes*. Caldwell, Idaho: The Caxton Printers, Ltd., 1984, p. 4. [290]

Bischoff, William N. "The Coeur d'Alene Country, 1805-1892." In *Interior Salish and Eastern Washington Indians I*. New York: Garland Publishing Inc., 1974, p. 211. [16]

Magnuson, Richard G. *Coeur d'Alene Diary; the First Ten Years of Hardrock Mining in North Idaho*, 1968, p. 11. [109]

²⁷¹ Bischoff, William N. "The Coeur d'Alene Country, 1805-1892." In *Interior Salish and Eastern Washington Indians I*. New York: Garland Publishing Inc., 1974, p. 210. [16]

Magnuson, Richard G. *Coeur d'Alene Diary; the First Ten Years of Hardrock Mining in North Idaho*, 1968, p. 8. [109]

d'Alene was established directly on top of the site of "Nchim Kilgos," formerly the largest Coeur d'Alene village.²⁷² When Sherman died in 1891, the fort was renamed Fort Sherman in his honor.²⁷³ General Nelson A. Miles described the fort as it existed in 1881.²⁷⁴

Fort Coeur d'Alene is a well-built post; the buildings are of a permanent character, with ample accommodation for six companies of infantry; location, healthful, and the present garrison, four companies Second Infantry, in good condition. The post is now within eight miles of Westwood, a station on the Northern Pacific Railroad; can easily be supplied and the troops quickly moved. The command gives security to the settlements in that district, and is also an available reserve force.

The Coeur d'Alene people took advantage of commerce with the new fort as best they could, supplying hay for army stock and cultivating land near the fort as a hay farm.²⁷⁵ People having homes and summer camps at Lake Chatcolet also sold hay to the fort.²⁷⁶ Colville agents

²⁷² George, Oswald. "Historical MSS." Library and Archives. Cheney-Cowles Museum, Spokane, Washington, 1968, p. 2. [71]

²⁷³ Hult, Ruby El. *Steamboats in the Timber*. Caldwell, Idaho: The Caxton Printers, Ltd., 1953, p. 20. [88]

²⁷⁴ United States. Congress. Senate. *Letter from the Secretary of War. for a Permanent Military Post in Northern Washington Territory*. Ex. Doc. No. 1. 47th Congress, 1st Session. Washington, D. C.: Government Printing Office, 1881. [211]

²⁷⁵ United States. Congress. Senate. *A Letter of the Secretary of the Interior Relative to the Purchase of a Part of the Coeur d'Alene Reservation*. Ex. Doc. No. 14. 51st Congress, 1st Session. Washington, D. C.: Government Printing Office, 1889, p. 11.[215]

²⁷⁶ Hart, E. Richard. Field notes, Telephone interview with Father Thomas Connolly, Sacred Heart Mission, De Smet, Idaho, May 5, 1993. [83]

Hart, E. Richard. Field notes, interview with Father Thomas Connolly, July 26, 1993, Sacred Heart Mission, De Smet, Idaho. [80]

who reported on the Coeur d'Alene seemed astonished to discover how industrious tribal members were. By 1879 Coeur d'Alene tribal members had established over one hundred small gardens and farms, many of them with fenced fields, had built many houses, and were already selling oats at Fort Coeur d'Alene (using the lake to haul their goods by boat) and Palouse City. One agent complimented them for eating meals in restaurants in the cities and "paying without hesitation their 50 cents...the same as whites."²⁷⁷ The priests had promised the Tribe to establish a school under the direction of the Sisters of Charity, and this had been established by 1878.²⁷⁸ By 1881 they had built a new mission church and had hired Whites to cut a million board feet of lumber for their houses.²⁷⁹ Though great changes had taken place, the Tribe also continued to use their traditional fishing spots and to remain true to tribal culture, as is evidenced by the comments of Mr. P. Arthuis, S. J., a Jesuit scholastic, who said on arriving at the mission in the early 1880s.²⁸⁰

Although civilized, these Indians have not abandoned their laws and their own peculiar customs. Their reservation is a small state. The agent of the U. S. Government has very little to do with them. It is Celtis who administers justice, and rules this petty state. He possesses an army of well-drilled Indians, who perform the office of

²⁷⁷ United States. Department of the Interior. Commissioners of Indian Affairs. "Annual Reports," 1878-79. Washington, D. C.: Government Printing Office, pp. 625-626, 744-747. [239]

United States. Department of the Interior. Commissioners of Indian Affairs. "Annual Reports," 1879, Washington, D. C.: Government Printing Office, p. 250. [240]

²⁷⁸ United States. Department of the Interior. Commissioner of Indian Affairs. "Annual Report," 1878-79. Washington, D. C.: Government Printing Office, pp. 625-626 and 744-747. [239]

²⁷⁹ Brogan, James M. *An Historical Landmark: Old Mission Church of the Coeur d'Alene Indians (Church of the Sacred Heart)*. Spokane: Gonzaga University, 1926, pp. 6-11. [21]

²⁸⁰ Arthuis, P. "Rocky Mountains." *Woodstock Letters*, Vol. 13 No. 3 (1884): pp. 381-382. [10]

policemen, (The Soldiers of the Sacred Heart). . . . He is also a clever politician and has often puzzled skilful lawyers with his subtle questions and artful explanations.

By 1881, the Tribe had recognized to a still greater degree the potential threat to their traditional territory. They acknowledged the boundaries of the 1873 Executive Order Reservation. As a result of increasing numbers of Whites moving into the area, especially prospectors, as well as because of the destruction of the buffalo herds and the Nez Perce War, the Tribe founded the town of De Smet, as a strategic effort to increase their farming and to protect their reservation. Additional farming was necessary as a result of lost resources, like the buffalo, which could not be replaced from traditional sources. In spite of those losses, the Tribe continued to use what traditional technologies and resources were still available to them. The lake, rivers and other water resources in their homeland reservation made changing economic strategies possible. They took advantage of economic markets in the region and shipped goods by water for sale. Though their strategies and tactics were changing, they continued to be dependent on their lakes and rivers for survival as they had for centuries.

Gold Fever, 1881-1885

Although the Coeur d'Alene Tribe had secured an executive order reservation of 590,000 acres, including Coeur d'Alene Lake and portions of the St. Joe and Coeur d'Alene Rivers, events in the early 1880s would cause encroachments and great pressures on the northern portion of the reservation. A gold rush, encouraged by a new railroad, would bring tens of thousands of miners into the area. The gold fields and the mills built to process the mineral would begin to cause damage to the Coeur d'Alene River and Coeur d'Alene Lake. Privately-owned steamboats would

be built and begin to run on the lake, but the United States would recognize the lake as part of the reservation and regulate the boats subject to federal Indian law.

By 1881, the Coeur d'Alenes had constructed a granary and a root house on the shores of Coeur d'Alene Lake and reportedly had at least 160 small farms and gardens in operation. Potatoes, grains and produce could then be shipped from the storage houses on the shore, "by flat-boats, made by lashing two or three canoes together with platform, and enabling them to take a load of three tons down the lake to camp Coeur d'Alene."²⁸¹ The Tribe made several requests through their agent for a sawmill on the reservation. When the children's school at De Smet burned down, a sawmill was established and large quantities of lumber became available for tribal buildings.²⁸²

²⁸¹ United States. Department of the Interior. Annual Report of the Commissioner of Indian Affairs, 1880. Washington, D. C.: Government Printing Office, pp. 275-276. [241]

²⁸² O'Neil to Commissioner Price, June 22, 1881, Record Group 75, Letters Received, National Archives. [324]

Simms to Commissioner Price, September 29, 1881, Record Group 75, Letters Received, National Archives. [325]

Simms, John A, Colville Agency to Rev. J. B. A. Brouillet, December 22, 1881, Record Group 75, Letters Received, National Archives. [326]

Simms to Commissioner, December 22, 1881, with attached clipping, Record Group 75, Letters Received, National Archives. [327]

Simms to the Congressional Delegate from Idaho, December 24, 1881, Record Group 75, Letters Received, National Archives. [328]

O'Neill to Ainslie, Delegate from Idaho, December 28, 1881, Record Group 75, Letters Received, National Archives. [329]

Simms to Commissioner, June 25, 1882, Record Group 75, Letters Received, National

Coeur d'Alenes were also making some income selling cords of wood cut from deadfall to white settlers.²⁸³ By 1882, the Tribe had increased its cultivated acreage by a third, to a total of perhaps 5,000 acres, and were raising horses, cattle, oxen, dairy cows and pigs. A government farmer, friendly with the Tribe, was now in residence at Coeur d'Alene and reporting regularly to the agent on their condition.²⁸⁴ Coeur d'Alene people were anxious to have their reservation surveyed so that there would be no further encroachment and they would be secure in knowing what belonged

Archives. [330]

Simms to Commissioner, May 3, 1882, Record Group 75, Letters Received, National Archives. [331]

Simms to Commissioner, October 4, 1882, Record Group 75, Letters Received, National Archives. [332]

Price to Simms, February 9, 1882, Record Group 75, Letters Received, Colville Agency, Pacific Northwest Regional Repository, National Archives. [333]

Price to Simms, March 30, 1882, Record Group 75, Letters Received, Colville Agency, Pacific Northwest Regional Repository, National Archives. [334]

Price to Simms, July 15, 1882, Record Group 75, Letters Received, Colville Agency, Pacific Northwest Regional Repository, National Archives. [335]

Price to Simms, October 26, 1882, Record Group 75, Letters Received, Colville Agency, Pacific Northwest Regional Repository, National Archives. [336]

²⁸³ Brooks to Simms, August 7, 1880, Letters Received, Colville Agency, Record Group 75, Box 5, Pacific Northwest Regional Federal Repository, National Archives. Tribes were prohibited from cutting live timber. [337]

²⁸⁴ Commissioner to Simms, January 10, 1880, Record Group 75, Letters Received, Colville Agency, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [338]

Peltier, Jerome. *A Brief History of the Coeur d'Alene Indians, 1806-1909*. Fairfield, Washington: Ye Galleon Press, 1981, p. 52. [132]

to them. More and more white trespass was occurring.²⁸⁵ One of the priests associated with the mission reported that Whites were encroaching on Indian land, and that if a survey was not completed, “they anticipated much trouble in the near future.”²⁸⁶ In mid-1881, Agent Simms posted notices in the area providing a legal description of the reservation and announcing that, “All persons Trespassing within the above described Boundaries, by the Cutting of Timber or otherwise, will be Prosecuted.”²⁸⁷

The Northern Pacific Railroad line continued to be under construction and large amounts of timber were necessary for ties and bridges. Whites began to trespass on the reservation to cut timber and as a result violence was feared. Agent Simms reported that settlers were taking advantage “of undefined lines to encroach upon the reservation.” The Resident Farmer said that a

²⁸⁵ United States. Department of the Interior. Annual Report of the Commissioner of Indian Affairs, 1881. Washington, D.C.: Government Printing Office, p. 219. [242]

Price to Simms, September 9, 1882, Record Group 75, Letters Received, Colville Agency, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [339]

Brooks to Simms, July 9, 1880, Record Group 75, Letters Received, Colville Agency, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [340]

²⁸⁶ Brouillet to Price, August 20, 1881, Record Group 75, Letters Received, National Archives. [341]

Commissioner to Simms, May 22, 1880, Record Group 75, Letters Received, Colville Agency, Pacific Northwest Regional Archives; Seattle, Washington; National Archives, also expressed fear of trouble. [342]

²⁸⁷ Simms, John A. “Notice!” July 26, 1881, Record Group 75, Letters Received, Colville Agency, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [343]

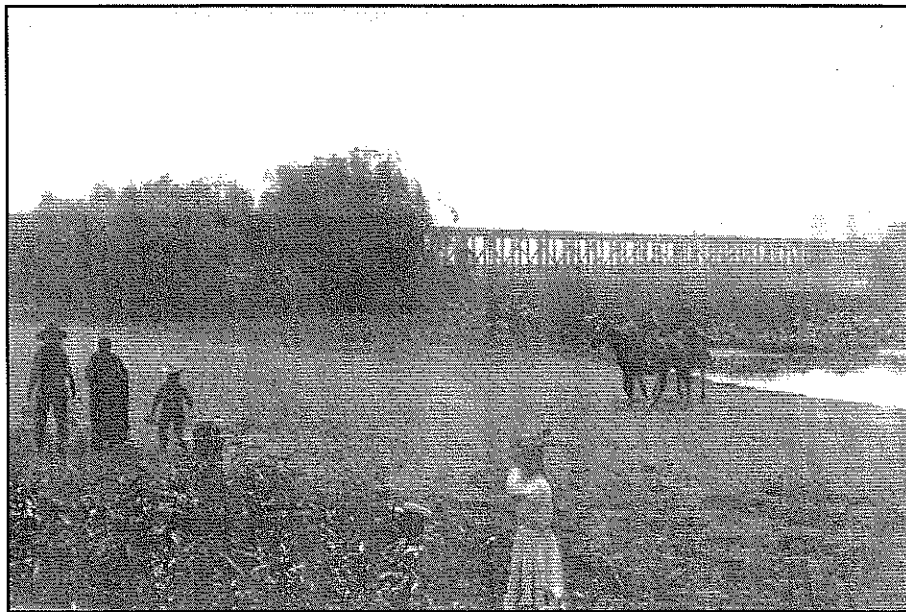


Figure 30: Turn of the century (ca. 1900) photograph of Coeur d'Alene people near the railroad trestle across Lake Coeur d'Alene. Photograph courtesy Cheney Cowles Museum.

survey was an “imperative necessity.”²⁸⁸ The agent went on to say:²⁸⁹

...It is not only important, but absolutely necessary that the boundaries of the Coeur d’Alene Indian Reservation should be surveyed in order to avoid trouble between the Indians and white settlers on the south eastern border of the Reserve...

When the Indian Office asked the Idaho Surveyor General to survey the line, he said he was too busy. More and more settlers began to pour into the region. They began to complain that they could not take the Indians’ timber and asked for that right, and also asked that the Coeur d’Alenes be removed to live with some other tribe in some other location.²⁹⁰ Idaho Territorial officials seemingly had little empathy for the depredations being committed against the Coeur d’Alenes. The tax collector of Kootenai County attempted to sell their mission for “back taxes.” Against this backdrop, the Secretary of War notified the Secretary of the Interior, reminding him that the Coeur d’Alenes had protected Whites during the Nez Perce War and that the “old settlers” supported the Tribe and mission.²⁹¹ The Jesuits were rewarded by a contract from the federal government to run

²⁸⁸ United States. Department of the Interior. Annual Report of the Commissioner of Indian Affairs, 1882. Washington, D. C.: Government Printing Office, pp. 213-214. [243]

²⁸⁹ Simms to Commissioner, July 31, 1882, Record Group 75, Letters Received, National Archives. [344]

²⁹⁰ Shinn, James to Secretary of Interior, November 15, 1882, Record Group 75, Letters Received, National Archives. [345]

Commissioner McFarland of the General Land Office to Secretary of Interior Feller, November 6, 1882, Record Group 75, Letters Received, National Archives. [346]

²⁹¹ Secretary of War to Secretary of the Interior, April 5, 1882, with enclosures and clipping, Record Group 75, Letters Received, National Archives. [347]

the schools, but difficulties only increased with more Whites coming into the area.²⁹²

By 1882 word of a discovery of gold on the upper Coeur d'Alene River spread rapidly across the nation. Although a large discovery may have been made as early as 1878, widespread knowledge of that gold field didn't reach the outside world until 1882. Almost immediately, in 1882 thousands of miners and prospectors rushed to the region, where "fantastic claims" were reported.²⁹³

With more and more discoveries of gold and precious metals in the years 1883-1885, the rush to the gold fields built to a crescendo, encouraged by the Northern Pacific Railroad, which drove its golden spike in September of 1883, and "did all that it could to encourage the boom and thus increase its own traffic."²⁹⁴ With railroad access to Spokane, the increase of settlers in the Coeur d'Alene mining fields increased the pressures on the Coeur d'Alene reservation and tribal

²⁹² Brouillet to Commissioner, June 14, 1882, Record Group 75, Letters Received, National Archives. [348]

"Agreement," January 1, 1883, Letters Received, Colville Agency, Box 18a, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [349]

²⁹³ Wood, John V. *Railroads Through the Coeur d'Alenes*. Caldwell, Idaho: The Caxton Printers, Ltd., 1984, p. 5. [290]

Bischoff, William N. "The Coeur d'Alene Country, 1805-1892." In *Interior Salish and Eastern Washington Indians I*. New York: Garland Publishing Inc., 1974, p. 211. [16]

Dozier, Jack. "Coeur d'Alene Country: the Creation of the Coeur d'Alene Indian Reservation in North Idaho." *Idaho Yesterdays* (1962), p. 4. [63]

²⁹⁴ Wood, John V. *Railroads Through the Coeur d'Alenes*. Caldwell, Idaho: The Caxton Printers, Ltd., 1984, p. 5. [290]

resources. Further timber trespass was reported on the reservation and Whites submitted a petition asking for the Coeur d'Alenes' removal. Complaints reached the Secretary of the Interior about Whites having to pay for lumber cut on the Coeur d'Alene Reservation.²⁹⁵ Seltice and other Coeur d'Alene leaders quickly responded to the Whites' petition, submitting a petition of their own. They said Whites could take all the firewood they wanted, and if they paid a fee they could cut lumber for construction purposes. The Coeur d'Alenes added that they wanted their reservation surveyed and protected.²⁹⁶ On October 30, 1883, Agent Waters held a Council at Coeur d'Alene with Seltice, ten tribal leaders and Farmer O'Neill. He assured them that no petition from Whites to open their reservation would result in them losing their lands and homes. He said the Coeur d'Alenes' farms were improving rapidly, and they were further advanced than their white neighbors. Only four or five families continued to live in lodges, he said, and he reported to the Indian Office that the people "only ask that they be made secure in their homes so that their lands may not be taken from them."²⁹⁷ To help remind United States officials of the Coeur d'Alene

²⁹⁵ Secretary of the Interior to Commissioner of Indian Affairs, May 11, 1883, Record Group 75, Letters Received, National Archives. [350]

²⁹⁶ Seltice and eleven other Coeur d'Alene leaders, November 4, 1883, Record Group 75, Letters Received, National Archives. [351]

See also

Seltice et al. to Simms, October 21, 1883; Museum of Arts and Culture; Dellwo Collection, Box 7, Folder 13, General Series 1887. [717]

²⁹⁷ Waters to Price, November 10, 1883, Record Group 75, Letters Received, National Archives.

support for Whites in the region in the past, Seltice also submitted copies of petitions signed by nearly one hundred fifty white settlers in 1877, whom the Tribe had helped during the Nez Perce War, asking, at that time, that “a good title” to tribal land be granted to the Coeur d’Alenes.²⁹⁸ The Commissioner wrote back to the agent, inquiring if the Coeur d’Alene petition was genuine. Agent Waters responded that it was indeed genuine, and the Coeur d’Alenes were “expressing fear” about the government opening their reserve.²⁹⁹

In November, 1883, the agent sent to the Commissioner a Coeur d’Alene school copy book, demonstrating how well the Coeur d’Alene children were learning to read and write in English. He reported that many students were now well educated in English.³⁰⁰ With greater and greater friction between Whites and the Coeur d’Alenes, the presence of English-speaking members of

[352]

²⁹⁸ Johnson, *et. al.*, August 25, 1877, Record Group 75, Letters Received, National Archives. [353]

Price *et. al.* to the Priests, Chief & Coeur d’Alene Indians, June 19, 1877, Record Group 75, Letters Received, National Archives. [354]

²⁹⁹ Waters to Price, November 24, 1883, Record Group 75, Letters Received, National Archives. See also: [355]

Waters to Seltice, *et al.*, October 27, 1883; Sacred Heart Collection, Folder 1, Box 2; Special Collections, Gonzaga University. [718]

³⁰⁰ Waters to Price, November 30, 1883, Letters Received, Record Group 75, National Archives. [356]

Waters to Price, June 26, 1884, Letters Received, Record Group 75, National Archives, congratulated the Jesuits (although he himself was a Protestant, he said) on the advancement of the Coeur d’Alene children. [373]

the Tribe would be of great benefit to the Coeur d'Alenes in negotiations and communications with officials.

For some years the Colville Agent and the Office of Indian Affairs had been trying to decide what they thought should be done for, or with, the Upper Spokanes, who were now clustered about the town of Spokane Falls, without a meaningful reservation. In 1883 the Coeur d'Alenes offered to have Spokanes move in with them, and away from what they considered to be the bad influences at Spokane Falls. The agent agreed, and the Indian Office began to take steps to see such a move implemented.³⁰¹

A few years earlier the Commander of Fort Coeur d'Alene had built an eighty-five foot stern-wheeler and launched it in 1880 in order that he and his troops could travel across Coeur d'Alene Lake and River. During the winter of 1883-1884 another two new steamers were constructed on the shore of the lake.³⁰² Almost immediately questions arose about jurisdiction on

³⁰¹ Waters to Price, November 10, 1883, Record Group 75, Letters Received, National Archives. [357]

Stevens to Simms, June 13, 1883, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [358]

Price to Simms, July 24, 1883, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [359]

Price to Simms, July 25, 1883, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [360]

Price to Waters, November 24, 1883, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [361]

³⁰² Hult, Ruby El. *Steamboats in the Timber*. Caldwell, Idaho: The Caxton Printers, Ltd., 1953,

Coeur d'Alene Lake. As the first of the commercial steamers was being constructed on the shore of the lake, a senator asked the Commissioner why a commercial steamer could not operate on the lake in the same manner as the Army stern-wheeler, buying wood from the Tribe on the same terms, and landing passengers. In response, the Commissioner informed the agent that there should be no discrimination against a commercial steamer, but that "nothing should be done contrary [to] law or regulations," and then communicated with the agent to ask if this commercial steamer would interfere with the Indians' rights.³⁰³

By 1883 a thousand men were said to be prospecting along Pritchard Creek (upper Coeur d'Alene drainage) alone, and by the following year Eagle City had a population of 2,000. Lead and silver mining began in the district the following year. Marysville had a thousand people and 50 saloons by 1884.³⁰⁴ On March 20, 1884, Agent Sidney D. Waters was authorized to visit the various landings on Coeur d'Alene Lake, and roads across the reservation, in order to prevent difficulties between Indians and Whites coming onto the reservation as a result of the gold rush.³⁰⁵ On March 29, Waters again wrote to the Commissioner describing the problems with enforcing

pp. 21 and 30. [88]

³⁰³ Price to Waters, April 30, 1883 (telegram), Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [362]

³⁰⁴ Bischoff, William N. "The Coeur d'Alene Country, 1805-1892." In *Interior Salish and Eastern Washington Indians I*. New York: Garland Publishing Inc., 1974, p. 213. [16]

³⁰⁵ Price to Waters, March 20, 1884, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [363]

the laws on and around the lake.³⁰⁶

I have the honor to call the attention of your Office to the condition of affairs upon the Coeur d'Alene reservation, in consequence of the unprecedented rush of miners to the new discovered gold mines bordering upon said reservation, the building of roads, bridges...& the crossing of the reservation at different points by thousands of miners, the building of steamboats at different points to run upon Coeur d'Alene Lake within the borders of the reserve, with different landings upon the same and other trespassing, which I am powerless to prevent, and asking of your office such instructions as may be necessary in the matter.

Resident Farmer O'Neill was asked to investigate complaints of trespassing on the Coeur d'Alene Reservation. On April 1, he traveled to Spokane Falls and then to Fort Coeur d'Alene, where he obtained passage on the new General Sherman steamer (on her trial run), making stops at Rockford Landing, Priest's or Farmington Landing, and Mission Point. He found Whites at Rockford, where a small steamer had been built during the winter, but he claimed no reservation timber was used. A warehouse had been built there in 1882 or 1883 for the purpose of storing grain to be supplied to Fort Coeur d'Alene, shipped via Rockford and Priest's Landing. At Priest's Landing O'Neill found a cabin built, "by the whites & Indians" and used to store grain, hay, and vegetables. A log cabin was also built there and occupied by a caretaker. He said there were now four boats working the lake, three built the previous winter, the Coeur d'Alene, the General Sherman, and the Nugget (a government steamer built in 1882). Indians were cutting timber to

³⁰⁶ Waters to Price, March 29, 1884, Letters Received, Record Group 75, National Archives. Emphasis in original. [364]

build their own ferry boat.³⁰⁷

...from all I could hear outside, it is contemplated by the owners of the boats to have work for the use of their boats out along the shores of the lake upon the reserve, the daily use of which for all of the boats would be about fifteen cords. I think an early visit from you to Coeur d'Alene & the landings upon the lake, would prevent much trespassing & the production of much good to the Indians.

Because the lake was part of the Coeur d'Alene Reservation, special authority was necessary for the commercial boats to operate there. On April 2, 1884, the Secretary of the Coeur d'Alene Steam Navigation Co. wrote to his Congressman in Washington, asking for permission from the Secretary of the Interior to land at landings on the lake, and to "cut and buy wood from the Indians on the Coeur d'Alene Reservation," saying "the Indians are very anxious and willing to cut wood for our steamer," but that the agent was trying to prevent the company from purchasing wood from the Indians.

You probably are aware that the steamer built by our company is about the only means of reaching the Coeur d'Alene Gold mines, and so you see, most of the navigable water is within the reservation limits, we are compelled to get wood from the Indians.

He claimed it was necessary to be able to buy wood from the Indians, and he had given orders to his captain "to land wherever the necessity demands, to buy wood from the Indians whenever his vessel needs it, but in all cases to do no damage or injury to any one..."³⁰⁸ Waters told the

³⁰⁷ O'Neill to Waters, April 14, 1884, Letters Received, Record Group 75, National Archives. Emphasis in original. [365]

³⁰⁸ Secretary of the Coeur d'Alene Steam Navigation Co. to Hon. J. N. Dolph, April 26, 1884, Letters Received, Record Group 75, National Archives. [366]

Commissioner that those running the steamers had wood available and didn't need to steal the Indians' wood, and that they had equal opportunity to use the lake.³⁰⁹ Another businessman tried to obtain permission to build a hotel at Rockford Landing, but was denied.³¹⁰

The Commissioner responded to Agent Waters in May on issues relating to the Coeur d'Alene gold discoveries.³¹¹

You state that people are crossing the reservation by thousands en-route to the mines; that they are making roads and building bridges on the reservation; that steamboats are building at different points on Coeur d'Alene lake, and landings for their convenience, all of which you say you are powerless to prevent, and consequently request to be instructed as to your duty in the premises.

In reply, I have to say that in view of the circumstances in the case, I do not think it would be wise to attempt to put a stop to the peaceable passing of people over the reservation to and from the mines. In all probability the rush will soon be over, and the people ought not to be put to the inconvenience and expense of going around the reservation when a much shorter route is open to them across the same. Under no circumstances however should they be allowed to erect houses of any description on the reserve; but if it is found necessary to lay out roads and build bridges to facilitate travel to and from the mines, I think it might be permitted, to a limited extent, provided there be no infraction of the Intercourse laws by the parties engaged thereat. Neither is there any objection to the

³⁰⁹ Waters to Price, May 11, 1884, telegram, Letters Received, Record Group 75, National Archives. [367]

³¹⁰ Murphy to Waters, March 6, 1884, Letters Received, Record Group 75, National Archives. [368]

Waters to Price, March 27, 1884, Letters Received, Record Group 75, National Archives. [369]

³¹¹ Price to Waters, May 21, 1884, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. Emphasis in original. [370]

building of steamboats on the Lake. There are several already plying the Lake from point to point and I do not see that any harm would result if more were added. No timber should be taken from the reservation in the construction of boats or landings, nor to supply fuel for the boats. Persons should not be permitted to loiter in passing over the reservation. They may simply have the right of way for their better convenience in getting to the mines and returning therefrom, but they must not interfere with the Indians in any manner whatsoever, nor hang about their dwellings.

I think it would be well to communicate the purport of this letter to the farmer at the Coeur d'Alene, and instruct him to be watchful to the end that no settlements be made anywhere on the reservation and that no timber trespass be committed.

Trespass did, however, continue to be a serious problem. Many settlers believed they had some right to Coeur d'Alene resources, and when told that they did not, reacted strongly, as indicated in the largely unfounded letter of April 25, 1884, from Idaho Territorial Delegate to the Secretary of the Interior.³¹²

I have the honor to request that all that portion of the Coeur d'Alene Indian Reservation in Idaho Territory, situated east of the Coeur d'Alene Lake, and located between the mouth of Wolf Lodge Creek on the Northeastern extremity of said reservation and the St. Joseph's River on the southeastern portion of said reservation be restored to the public domain, and opened for settlement. This portion of the said reservation is not now, nor never has been occupied by the Indians, and, in the present mining excitement in the Coeur d'Alene Mountains, to retain their portion of the Reservation for the Indians will prove a fruitful source of trouble to the miners and settlers, as well as to the Government, without proving in the slightest degree beneficial or useful to the Indians.

Early in May, Agent Waters reported the Coeur d'Alenes had complained about trespassing

³¹² T. F. Singisen, Delegate from the Territory of Idaho, to Secretary Teller, April 25, 1884, Letters Received, Record Group 75, National Archives. [371]

and as a result he had authorized Farmer O'Neill to investigate. As a result of O'Neill's report, Waters also visited the lake and landings. He traveled via the General Sherman steamer and found Whites were building a restaurant and hotel at Rockford, wood-cutting was being done at the Old Mission site and a cabin was being erected there, and wood cutting was being carried out to supply the boats. Considerable illegal cutting of wood for the steamers was also taking place, he said.³¹³

As a result of the passage of the River and Harbor Act of July 5, 1884,³¹⁴ an examination of the Coeur d'Alene Lake and River and of the St. Joe River was carried out in 1884. Major W. A. Jones of the Chief of Engineers reported that the lake was free of obstacles and could be navigated easily from the Spokane River to the St. Joe River. He recommended removing a large sand bar at the mouth of the Coeur d'Alene River. He said the river was navigable from the mouth to the Mission, with only a few obstacles that needed to be removed.

The commerce over this portion will be the products of and supplies for the mining region just above, and the products of the fine timber forest about the headwaters of the river.

There has been considerable gold shipped from the Coeur d'Alene mines, but I was not able to get any exact statement concerning it.

He said it would take about ten days to remove the snags and obstacles to navigation in the first 40 miles of the St. Joe River. The total cost of all of the work was estimated at \$3,000.00.

There are three steamboats on these waters. One belongs to the United States Army, and was built by the troops at Fort Coeur d'Alene. It is used in bringing down forage supplies and lumber

³¹³ Waters to Price, May 1, 1884, with three enclosures, Letters Received, Record Group 75, National Archives. [372]

³¹⁴ United States. Statutes. *The Statutes at Large of the United States of America, 1884*, pp. 133-151. Washington, D. C.: Government Printing Office, 1885. [220]

from the upper rivers. The lumber is sawed at the mill built and worked by soldiers from the same command. Another of these boats is a large and handsome steamer, such as now ply on the Upper Willamette River.

The trade is of too recent development to enable me to obtain exact commercial statistics.

Because of the extensive potential for timber and mining products he recommended that Congress appropriate the funds required to facilitate his suggestions regarding improvement of navigation.³¹⁵

On January 3, 1885 the Chief of Engineers' navigation report for the Coeur d'Alene and St. Joe Rivers and Coeur d'Alene Lake was presented to the House of Representatives.³¹⁶

Reports of discoveries of gold-bearing quartz within the boundaries of the reservation may have increased trespass.³¹⁷ But, though Agent Waters reported on the Coeur d'Alene Reservation in June, 1884, saying the "mining excitement has somewhat subsided and the consequent travel across the reserve has nearly stopped," Andrew Seltice made an urgent request to the agent to visit the reserve. Waters journeyed there with Farmer O'Neill and an interpreter. He reported that there was, indeed, much trespassing and illegal cutting of timber on the reserve. On the day of his visit,

³¹⁵ United States. Congress. House. *Coeur d'Alene Lake and River, and Saint Joseph's River, Idaho*. Ex. Doc. No. 178. 48th Congress, 2d Session. Washington, D. C.: Government Printing Office, 1885. [199]

³¹⁶ United States. Congress. *Congressional Record*. 48th Congress, 2nd Session, p. 1221. Washington, D. C.: Government Printing Office, 1885. [185]

³¹⁷ McLeod, A. F. to Secretary of the Interior, June 25, 1884, Letters Received, Record Group 75, National Archives. [400]

United States. Department of the Interior. Annual Report of the Commissioner of Indian Affairs, 1884. Washington, D. C.: Government Printing Office, pp. 203-206 and 322-323. [245]

alone, six teams were turned back from cutting timber on the reserve. Waters thought this was harsh treatment for the Whites.

Now this seems to be a hardship to the settlers in that region of country and I am satisfied that they would gladly pay the Indians for the rails they want on their farms if the Dept. would grant permission and I respectfully ask a reply to this clause of my letter at an early date.

Waters went on to say, however, that the Indians complained about the trespassing. The mill that was in operation for the Indian Department was doing a booming business, not only selling timber to Whites, but charging \$7 a thousand board feet to the Indians. Waters ordered the mill removed. Large herds of sheep had also been driven onto the reserve with no pay being made to the Tribe.³¹⁸

On August 13, Chief Seltice petitioned the Commissioner on the matter of trespass and reservation rights.³¹⁹

Having been informed that you kindly received a communication from the head-men of my Tribe, which through our Agent we sent you last fall, I venture now on calling your attention once more upon the subject matter of that letter.

It appears that good many whites of this neighborhood, seeing that my people are industrious, sober and thrifty, that all without one exception cultivate the land & have fine large farms of their own are envious of these fruits of our labors and threaten to disturb our prosperous situation. They do not cease repeating that the reservation is shortly to be thrown open, laws having been already enacted to such effect, that we ought to be sent beyond the St. Joe

³¹⁸ Waters to Price, June 26, 1884, Letters Received, Record Group 75, National Archives. [374]

Price to Waters, July 12, 1884, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [375]

³¹⁹ Seltice, Andrew to Commissioner Price August 13, 1884, Letters Received, Record Group 75, National Archives. [376]

or at least crowded in the Hangman Creek section and that they are busy in getting up petitions to obtain the consummation of their wishes. They invent stories & publish them in the local papers about a toll being exacted from whites passing through the reservation: slanders which we wish our Agent should formally refute. Such people seem particularly to resent Maj. S. D. Waters firm & energetic conduct in vindicating our rights & those of Government and not allowing of trespasses being committed upon our lands. I must say that, specially on this account, we all like Maj. Waters very much, are sincerely thankful to have him for our Agent & only wish he could reside among us. But now you cannot fail to see that bad feelings and a sense of despondency must arise among such of my Indians as believe all they hear from their white neighbors; I only wish I could assure them once more that they have nothing to fear, that the reservation will not be opened but with our consent, when we shall be mature for the measure & prepared to assume the rights and responsibilities of American citizenship, and that in every event our natural rights resulting from the occupancy & cultivation of our land will be respected. I wish therefore to be authorized of thus reassuring my people.

Waters reported to the Commissioner that he had done what he could to reassure Chief Seltice.³²⁰

Of course, I tell them to mind nothing about what their Jealous white neighbors say, or what the local papers contain. The Coeur d'Alenes are a sober industrious people, but cruel when once aroused.

Compounding the problem of trespass in 1883 and 1884 was the absence of an accurate survey of the reservation. The Surveyor General of Idaho finally completed most of the fieldwork necessary in 1883, and in 1884 the work was completed. Late in the year copies of the field notes and the map were finally forwarded to the Indian Office (although it would evidently be the following year before the Agent received copies).³²¹

³²⁰ Waters to Price, September 6, 1884, Letters Received, Record Group 75, National Archives. [377]

³²¹ Price to Waters, May 20, 1884, Letters Received, Colville Agency, Record Group 75, Pacific

The Coeur d'Alenes tried to make the best of the situation. They reported, through Chief Seltice, that they were now in a position to run the sawmill themselves, and asked to have it purchased for their own use and run at their own expense. Agent Waters concurred with their request and it was granted by the Commissioner, giving the Tribe the ability to trade in lumber, though it was still difficult for them to obtain timber to mill, as a result of government regulations prohibiting tribal members from cutting live trees.³²² Commerce increased on the reservation, as

Northwest Regional Archives; Seattle, Washington; National Archives. [378]

Price to Waters, September 29, 1884, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [379]

Price to Waters, November 18, 1884, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [380]

Waters to Price, April 30, 1884, Letters Received, Record Group 75, National Archives. [381]

C.C.Austin to Indian Office, May 3, 1884, Letters Received, Record Group 75, National Archives. [382]

Baker to Waters, June 20, 1884, Letters Received, Record Group 75, National Archives. [383]

Waters to Price, June 26, 1884, Letters Received, Record Group 75, National Archives. [384]

General Land Office to Indian Office, October 9, 1884, Register of Letters Received (entry of October 13, 1884), Record Group 75, National Archives. [385]

³²² Waters to Price, November 17, 1884, Letters Received, Record Group 75, National Archives. [386]

Sexton to Waters, December 8, 1884, Letters Received, Record Group 75, National Archives. [387]

Waters to Finance Division, December 27, 1884, Letters Received, Record Group 75,

was evidenced by the increasing numbers of applications for licenses to trade with the Coeur d'Alene.³²³

The year 1884 closed with continuing discussions with the Spokanes and the Coeur d'Alenes about the possibility of removing the Spokanes to the Coeur d'Alene Reservation. The Commissioner was in favor of such a move, as were at least some of the Coeur d'Alenes, but some Spokanes wanted their own reserve.³²⁴ Through all of the changes, the Coeur d'Alenes retained a

National Archives. [388]

³²³ Waters to Price, April 11, 1884, with enclosure, Letters Received, Record Group 75, National Archives. [389]

Price to Waters, January 2, 1884, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [390]

Price to Waters, March 19, 1884, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [391]

Price to Waters, April 23, 1884, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [392]

³²⁴ Acting Secretary to Commissioner, February 15, 1884, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [393]

Price to Waters, February 20, 1884, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [394]

Price to Waters, February 23, 1884, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [395]

Price to Waters, March 21, 1884, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [396]

Stevens to Waters, May 28, 1884, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [397]

sovereign tribal attitude towards their people and their resources and remained culturally traditional in many ways, as illustrated in a letter in 1884 from a priest who visited the reserve.³²⁵

Listening to the advice of our Fathers, they have settled down at the Mission as farmers. Many of them are well to do, and even wealthy. The great chief, Celtis, owns seven or eight hundred horses, and as many head of cattle. Although civilized, these Indians have not abandoned their laws and their own peculiar customs. Their reservation is a small state. The agent of the U. S. Government has very little to do with them.

The Northern Pacific Railroad had begun an aggressive campaign to encourage mass migration to the Coeur d'Alene fields. In 1884 the railroad published maps and guides to the Coeur d'Alene mining district. The *Official Map and Hand-Book of the Coeur d'Alene Mines, Idaho Territory*, included a description of Coeur d'Alenes crossing the Coeur d'Alene River on horseback, but a steamer was available for those non-Indians traveling to the district. A telegraph was soon to be completed to the mining district, as well.³²⁶ Another guide to the Coeur d'Alene

Price to Waters, July 14, 1884, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [398]

Waters to Price, January 21, 1884, Letters Received, Record Group 75, National Archives. [399]

³²⁵ Arthuis, P. "Rocky Mountains." *Woodstock Letters*, Vol. 13 No. 3 (1884): p. 382. [10]

Cox, Thomas R. "Tribal Leadership in Transition: Chief Peter Moctelme of the Coeur d'Alenes." *Idaho Yesterdays* Vol. 23, No. 1 (Spring 1979): p. 6, also quoted from another letter, saying that in 1884 the Coeur d'Alenes retained their traditional ways along with their new Christianity. [47]

³²⁶ Anon. *Official Map and Hand-Book of the Coeur d'Alene Mines, Idaho Territory*. Portland, Oregon: Lewis & Dryden, 1884. [6]

mines provided a history of the area and made exaggerated claims about the deposits. The guide suggested there were virtually unlimited opportunities for immigrants.³²⁷

The undeveloped placer deposits of the Coeur d'Alenes with the labor necessary to prepare the hydraulic working[s]..., and also the preparations now in operation, and to be put in operation for bed rock drainage, it has been estimated, ought to employ 20,000 more miners than have heretofore been engaged. Where under the industrial conditions now existing can the laboring man find a more promising field? Or where can the capitalist in the present general condition of dullness find openings for safer or more profitable investments?

The guide suggested there were 2,000 square miles of gold-fields, and a new demand for timber. Game was said to be plentiful, and the best route was to take the train to Spokane Falls, the stage to the town of Coeur d'Alene (which had opened in 1883), then the steamboats to the mines. There would be no problem with the Coeur d'Alene Indians, the promoters suggested.

The Indians have always been at peace, and, under the careful management of the kind and patient missionaries, have become for the greater part self-supporting and civilized.

Although there were more than 18,000 ounces of gold produced in 1885, the lead and silver claims soon eclipsed the gold claims. Wallace had been established in 1884 and Bunker Hill was founded in 1885. Coeur d'Alene became the site of gunfights and houses of prostitution.³²⁸ Pollution began

³²⁷ Butler, L. F. *The New Coeur d'Alene Gold Mines*. Chicago: Cushing, Thomas & Co., 1884. [28]

³²⁸ Wood, John V. *Railroads Through the Coeur d'Alenes*. Caldwell, Idaho: The Caxton Printers, Ltd., 1984, pp. 5-8. [290]

Magnuson, Richard G. *Coeur d'Alene Diary; the First Ten Years of Hardrock Mining in North Idaho*, 1968, pp. 11, 15 and 21. [109]

to flow down the Coeur d'Alene River, with a highly detrimental effect on the fish.³²⁹ Damages from this waste discharge continue to this day.³³⁰

For over 100 years, the mining industry in the South Fork Coeur d'Alene River drainage has produced millions of dollars worth of gold, silver, zinc, lead, copper and antimony. However, waste products from mining, milling and smelting operations have seriously affected the soil, air, and water quality of the South Fork valley below Mullan. The environmental impact extends to the mouth of the main stem of the Coeur d'Alene River and into Coeur d'Alene Lake and the Spokane River.

Between 1881 and 1885 several reports suggested potential violence between Whites and Coeur d'Alenes as a result of illegal encroachment and depredations suffered by the Tribe. The United States began to regulate the waters of Coeur d'Alene Lake and the Coeur d'Alene River subject to federal Indian law, since these waters were a part of the reservation. Discovery of precious metals in the upper Coeur d'Alene drainage brought more and more miners and prospectors to the region and began to cause environmental damage to the river.

Bischoff, William N. "The Coeur d'Alene Country, 1805-1892." In *Interior Salish and Eastern Washington Indians I*. New York: Garland Publishing Inc., 1974, pp. 219 and 250. [16]

³²⁹ United States. Department of the Interior. Bureau of Indian Affairs. *Coeur d'Alene Indian Reservation: Human and Natural Resource Supportive Data*. Billings, Montana: Planning Support Group, Bureau of Indian Affairs, 1976, p. 63. [226]

³³⁰ Savage, Nancy L. *A Topical Review of Environmental Studies in the Coeur d'Alene River-Lake System*. Moscow, Idaho: Idaho Water Resources Research Institute, University of Idaho, May, 1986. [156]

United States. Department of the Interior. Bureau of Indian Affairs. *Coeur d'Alene Indian Reservation: Human and Natural Resource Supportive Data*. Billings, Montana: Planning Support Group, Bureau of Indian Affairs, 1976, p. 60. [226]

Steamboats Regulated and a Commission Established, 1885-1886

The country was becoming clogged with miners gripped with and motivated by an insatiable greed, clamoring for wealth, and imbued with incredible energy and durability. The discovery period in the Coeur d'Alene Mining District ran from 1882-1885 and led to the founding of Kellogg, Wallace, Gem, Mace, Milo, Burke and other mining towns and camps. Miners spread out everywhere. Many of these settlers encroached on Coeur d'Alene lands, cutting timber, staking mining claims and even trying to settle on the reservation. Both the Tribe and the Jesuits recognized the danger to Coeur d'Alene lands. Whites were urging that the reservation be opened and the Coeur d'Alenes be removed. In response, the Jesuits hired John Mullan to press the Coeur d'Alenes' cause in Washington. Mullan's name had become well-known nationally for his extensive travel and exploration in the early 1850s while in the Topographical Engineers, his books on the Mullan Road (which he constructed later in the 1850s and 1860s), and, ironically, for his role leading Nez Perce volunteers against the Coeur d'Alene during the Wright campaign. However, he had grown to know the Coeur d'Alene, he and tribal leaders now shared mutual respect, and now he was anxious to assist them in protecting their rights. In addition, the contract was a good one for the Washington law firm that he had opened in 1878.³³¹

Mullan feared that the reservation might not survive, and gave the Jesuits the following suggestions:³³²

³³¹ Thrapp, Dan L. *Encyclopedia of Frontier Biography*, Vol. II. Glendale, California: The Arthur H. Clark Company, 1988, p. 1032. [178]

³³² Harms, Su, ed. *The Coeur d'Alene Teepee* Vols. I-III (1937-1940) (July 1980). Plummer,

1st, We must secure to the Coeur d'Alenes their reservation in perpetuity.

2nd, We must secure to the Coeur d'Alenes pay from the U. S. for the lands of the Indians taken by the U. S.

3rd, We must secure to the Coeur d'Alenes mechanics and The workshops as we have secured for the Flatheads by an annual allowance. Besides, we cannot do so directly.

4th, We must concentrate all the scattered Indians within the present Coeur d'Alene Reservation, first to save them, second to have that reservation to the Indians for all times. Now the practical question is to know how best these things can be done?

Mullan suggested getting Seltice to hold a Council and appoint a delegation to visit Washington with these requests. The Tribe should give advance approval for any arrangements that Seltice might make in Washington, and it would help if the Spokanes went with them. After the United States agreed to pay them, Mullan said they should put up a woolen mill on the Coeur d'Alenes' Reservation, the blankets from which, Mullan thought, could be sold to all other reservations in the United States. Mullan promised to arrange the trip.

Mullan's advice and influence in Washington would be helpful, if not instrumental, during the next three years of negotiations with the United States. Historian Jack Dozier concluded.³³³

Idaho: Serento Press, p. 237. [79]

Peltier, Jerome. *A Brief History of the Coeur d'Alene Indians, 1806-1909*. Fairfield, Washington: Ye Galleon Press, 1981, p. 53. [132]

³³³ Dozier, Jack. "History of the Coeur d'Alene Indians to 1900." M.A. Thesis, University of Idaho 1961, p. 93. [64]

Dozier, Jack. "Coeur d'Alene Country: the Creation of the Coeur d'Alene Indian

Using whatever influence he possessed, he aided the Coeur d'Alenes' cause whenever possible during the decade of 1880-1890. He wrote several letters to officials in Washington in which he recounted the reasons why a treaty had never been established, told of the seizure of Coeur d'Alene [aboriginal] lands without payment, spoke of their exemplary character and requested that protection of their tribal domain be afforded.

On March 23, 1885, Seltice and the Coeur d'Alenes submitted another petition, this one through Resident Farmer O'Neill, their long-time friend and ally. O'Neill submitted the petition to Agent Waters with a strong letter of support, saying he had known the Tribe since 1861.³³⁴

In 1866 when Agent for the Nez Perces at Lapwai, I was directed by Gov. Ballard, Ex Officio Supt. of Indian Affairs for Idaho to proceed to the country of these people and learn whether they desired removing to the Flathead reservation, or if not to select in their own country a suitable place for their reservation, upon that visit I saw that they were working then when it was considered by an Indian a disgrace to work, and when it was almost impossible to procure the necessary implements to work with, but in their fences and in what little farming could be done where they were then located they showed thrift and progress totally unexpected in that day.

In 1875, "Nicodemus" one of the Tribe first commenced farming upon the present reserve, in the spring of 1876 two or three more opened small farms, in 1877 & 1878 they all commenced making small farms in different localities upon the reserve from "Stellam" village of [farms?] upon the Spokane near Cowley's bridge running south to the present mission nearly 40 miles, embracing within that distance some six or seven villages, the largest being near the present mission the De Smet at the head of the Latah or Hangman Creek, nearly two hundred farms have been opened for the first two or three years they struggled along as best they could being poor and unable to purchase necessary farming implements, the only help they had was through the Fathers connected with the mission in

Reservation in North Idaho." *Idaho Yesterdays* (1962), p. 4. [63]

³³⁴ O'Neill to Waters, March 20, 1885, and enclosure, Letters Received, Record Group 75, National Archives. Emphasis in original. [401]

furnishing plows & other tools, and advice. At the present time their farms, fences, houses, &c show the effect of the good teaching they have received, all of the males are good farmers, many of them, the older ones, having two or three hundred acres of land under a good substructural [?] rail fence and under construction, the younger men of the Tribe, [?] as good workers and nearly as willing, but receiving no aid from the Govt except in their schools have not the means to go where as they would wish, with the exception of one or two trappers, old men, all are farmers. You see no long hair worn by them, no blankets, no moccasins, all, men and women wearing the dress of whites, by their own labor and exertions so far with, as before stated the school.

He said they now had 150 wagons, 160 plows, were cutting timber, and were “deeply interested” in education. He earnestly asked for the Agent to comply with their requests.

The Coeur d’Alenes’ petition [see Appendix] was addressed to the President of the United States, the Secretary of the Interior and the Commissioner of Indian Affairs.

Your Petitioners the Coeur d’Alene Indian Tribe...desire to hereby make known to you the fact that their rights as Indians have, up to this date, been very largely neglected by the proper authorities of the United States; by reason of which a large and valuable portion of their country has been taken possession of and is now used, cultivated and occupied by the whites, and without any compensation or indemnity ever having been given them therefor.

The Coeur d’Alenes again reminded the United States of their help during the Nez Perce War, and enclosed copies of petitions from Whites at the time who supported the Coeur d’Alenes’ rights to their lands. They reviewed their boundaries, “owned by your Petitioners and by their forefathers from time immemorial,” and included a description of the boundaries of their aboriginal territory. The Coeur d’Alene pointed out that many of these lands had been taken by Whites without any payment to them. Many valuable mining claims had been staked on those lands, they noted, including gold, silver and lead mines. Much timber was being cut and floated down the Spokane

River for sale. These lands also included many other valuable sections.

It includes the Coeur d'Alene Lake and Coeur d'Alene River, upon the waters of which steamers now run. It includes the beautiful site of the Military Fort at Coeur d'Alene; besides numerous thriving towns and villages, it includes the line of the Northern Pacific Railroad from near Spokane Falls to the Pend d'Oreille Lake, and it also includes one of the valuable portions of the Land Grant to the Northern Pacific Railroad Company.

The Tribe said it knew that Congress had established provisions in 1854 and created an authority to negotiate treaties of cession with the Tribe, but that the late Gov. Stevens failed to negotiate a treaty with them as a result of a war. Since that time they, the Tribe, had tried to initiate negotiation of a treaty with the United States but had failed.

Your Petitioners desire still to maintain peace with all the whites and especially with those whites to whom their country described as aforesaid has become valuable and by whom the same is now largely occupied.

The Coeur d'Alene said that they needed sawmills, and help to encourage their industry.

In view of all these matters therefore your Petitioners now ask that you may be pleased to send them a proper Commission of good and honest men authorized and empowered to consider all these facts, and such other facts as their visit to us may disclose, and to provide for our present and future wants and to make with us a proper treaty of peace and friendship and enter into such proper business negotiations under and by which your Petitioners may be properly and fully compensated for such portion of their lands not now reserved to them; That their present reserve may be confirmed to them, except such as may be confirmed to the Missionary Fathers and Sisters, and that ample provision be made by the United States by which their compensation shall be annual made them partly in stock, tools, mills, and meckanical [sic] instruction by proper mechanics for the permanent benefit of every member, young and old, male and female of the Coeur d'Alene Tribe of Indians...

The petition was written down by Louis Kaizewet, a boy educated at the mission school, and signed by Seltice and forty-seven Coeur d'Alenes, and witnessed by John M. Sweeney, M.D., Colville

Farmer, and four other non-Indians (Connell, Purcell, Evans, Cunningham). Attached were the 1877 petitions from Whites supporting the Tribe.³³⁵

Agent Waters, in turn, submitted the petition and the letter from O'Neil to the Commissioner.³³⁶

The Indians of this Tribe now numbering over 500 were once accounted the most cruel Indians of the North West, but under the backing of the Jesuit Fathers have fast approached a civilized state.

He said they should receive some aid in this matter and reviewed their history and lack of a treaty.

Their reservation set aside by Executive Order is looked upon with longing eyes by the whites who are fast settling up the country owned by these Indians for they have never been recompensed for a foot of it. Even the men whose property and stock the Indians took care of so faithfully during the Nez Perces war of 1877-8 are ready to step in and possess themselves of their reservation. The Indians are continually hearing of petitions being circulated praying Congress to open to settlement this reservation, but before this is done these scattering Tribes who are wandering here and there without homes...should be provided with homes on this reservation...

I cannot too earnestly plead for these Indians and pray that their petition may be granted. I am thoroughly conversant with their needs and know whatever is done for them is money well spent. They are not murderers and cut throats, but are human beings who plead for justice from a great government, that they may be recompensed for their lands taken from them.

³³⁵ O'Neill to Waters, March 20, 1885, and enclosure, Letters Received, Record Group 75, National Archives provides the quotation. [401]

Dozier, Jack. "History of the Coeur d'Alene Indians to 1900." M.A. Thesis, University of Idaho 1961, p. 94. [64]

³³⁶ Waters to Price, March 26, 1885, Letters Received, Record Group 75, National Archives. [402]

The agent also recommended a commission be established to deal with them.

The Commissioner responded in May, 1885, that he had received the petition from Seltice and the other Coeur d'Alenes and that the petition and accompanying papers provided sufficient reason upon which to submit a request to Congress to create a commission to negotiate with the Tribe. He submitted the papers to the Secretary of the Interior, formally requesting the establishment of a commission to deal with the Coeur d'Alenes, not only for the purpose of quieting title to their former aboriginal territory, but to formally remove scattered bands of Spokanes to their reserve.³³⁷

Although the major period of discovery in the Coeur d'Alene mining district had closed, the period of immigration was still well under way, and non-Indian population of the region was growing daily. With that population came continued, and increasing problems of trespass and illegal timber cutting, including complaints against Frederick Post, who was now firmly ensconced

³³⁷ Commissioner to Waters, May 14, 1885, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [403]

See also:

Waters to Seltice, March 27, 1885; Sacred Heart Collection; Box 2, Folder 1; Special Collections, Gonzaga University, reporting on his submission of the petition. [719]

Price to Waters, February 26, 1885, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [404]

Price to Secretary of the Interior, February 4, 1885, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [405]

at Post Falls on the Spokane River.³³⁸ An outbreak of smallpox at the Coeur d'Alene school was, no doubt the result of the gold rush immigration.³³⁹ Whites continued to write and petition the Indian Office in hopes that the reservation would be opened to non-Indian settlement and/or use.³⁴⁰ The Commissioner remained adamant about strictly enforcing the law within the reservation boundaries. In November, 1885, newly appointed Colville Agent Benjamin P. Moore, reported a licensed trader had constructed a building at one of the landings on Coeur d'Alene Lake for the purpose of storing, overnight, goods that were to have been unloaded from boats and removed from the reservation by wagon to the mining fields the next day. He said, "that in doing this the wagons are compelled to go about 200 yards over the reservation; and that among the merchandize there are sealed casks of liquors." The agent asked if that was permissible, and the Commissioner replied in no uncertain terms that the law "prohibits the introduction of ardent spirits, under any

³³⁸ Price to Waters, March 14, 1885, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [406]

Waters to Price, April 2, 1885, Letters Received, Record Group 75, National Archives. [407]

Simms, John A. to Atkins, April 28, 1885, Letters Received, Record Group 75, National Archives. [408]

³³⁹ Waters to Atkins, April 18, 1885, Letters Received, Record Group 75, National Archives. [409]

³⁴⁰ Many Citizens to General Land Office, September 13, 1885, enclosing map, Letters Received, Record Group 75, National Archives. [410]

Reed to Vorhees, December 26, 1885, Letters Received, Record Group 75, National Archives. [413]

pretense, into the Indian Country.” He went on to say that his office “leaves no discretion” on this issue, and “permission cannot be given the trader to store or transport liquor as requested.”³⁴¹

In 1886 the first silver and lead ores were shipped from new mines in the Coeur d’Alene district for smelting.³⁴² The gold rush continued, and with it came increasing needs and wants on the part of the white settlers. Entrepreneurs soon began to hunt and fish in the area to provide for the miners and prospectors.³⁴³

The St. Joe country abounded in fish, ducks, birds, deer, bear--all kinds of game. It became known as the finest trout stream in America, and anglers came from all over the country to fish in it. Unfortunately, commercial fishermen soon followed, scooping out trout by the ton. Spokane markets paid ten cents a pound for a catch laid down at head of navigation. Before long the fishermen took to dynamiting the river, picking up loads of fish to sell in Spokane or in the mining country. But they did not gather up all they killed and for miles the river was strewn with dead fish.

In addition to food, the miners and prospectors consumed large volumes of liquor. The transport, delivery and consumption of liquor caused new problems for the Coeur d’Alene Tribe in 1886, and caused the United States government, at the highest level, to examine the reservation

³⁴¹ Upshaw to Moore, November 6, 1885, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [411]

³⁴² Jones, Fred O. “A Valuation Study of the Mineral Resources of the Lands Ceded by the Coeur d’Alene Tribe of Indians on March 3, 1891.” Expert Testimony submitted in behalf of the Coeur d’Alene Tribe, *Coeur d’Alene Tribe v. United States of America*, Indian Claims Commission, Docket 81. Spokane, Washington, May, 1956, p. 184. [95]

³⁴³ Hult, Ruby El. *Steamboats in the Timber*. Caldwell, Idaho: The Caxton Printers, Ltd., 1953, p. 72. who noted that the Idaho legislature passed law against commercial fishing on the St. Joe River. [88]

and tribal ownership of Coeur d'Alene Lake. Throughout 1886 there were continued reports of the distribution of liquor on the reservation. There were reports of sales to Indians, transport of liquor on reservation territory, and even a report of trespassers setting up a saloon on the Catholics' land at the Old Mission Landing.³⁴⁴ But the most important infraction involving liquor that was discovered during 1886 involved its transport and sale on board steamers while on Coeur d'Alene Lake.

As a result of complaints filed with the Department of the Interior, an investigation was begun in 1886 into the sale of liquor on board steamers while on Coeur d'Alene Lake, inside the Coeur d'Alene Reservation. Numerous depositions and statements were taken and it was determined that liquor had been for sale on the reservation on the steamboat "Coeur d'Alene." Witnesses described an open bar on board the steamer as it navigated across the waters of Coeur d'Alene Lake and the Coeur d'Alene River inside the Coeur d'Alene Reservation. Liquor was served both while the steamboat sailed and while it was docked inside the reservation boundaries.

³⁴⁴ *Hayden v. Frost, et al*, Idaho Territorial Court; March, 1887; Sacred Heart Mission Archives. [412]

McFarland to Atkins, May 14, 1886, Letters Received, Record Group 75, National Archives. [414]

R. E. McFarland to Commissioner J. D. C. Atkins, June 1, 1886, Letters Received, Record Group 75, National Archives. [415]

Atkins to Moore, January 6, 1886, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [416]

Atkins to Moore, March 11, 1886, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [417]



Figure 31: Ore from the Coeur d'Alene mines was loaded on the seamers at the old mission from Kowrach, 1990. [101]

Extensive affidavits provided evidence of this sale on board the boat while steaming across Coeur d'Alene Lake. The Register of the United States Land Office at Coeur d'Alene, Robert E. McFarland, testified that while the steamer was tied up at the Old Mission whiskey was served. As a result of the investigation, the owner of the steamer was formally charged with selling whiskey on the reservation (that is, on board the steamer).³⁴⁵ By 1886 published guide-books were describing the steamers and their routes to the goldfields.³⁴⁶ This matter was considered of grave importance and the Acting Inspector General of the Army was dispatched to Coeur d'Alene to

³⁴⁵ Sec. of War to Sec. of Interior, July 3, 1886, Letters Received, Record Group 75, National Archives. [418]

McFarland to Sec. Atkins, June 28, 1886, submitting various affidavits, Letters Received, Record Group 75, National Archives. [419]

Affidavit of George McCabe, June 24, 1886, Letters Received, Record Group 75, National Archives. [420]

Affidavit of Robert E. McFarland, June 28, 1886, Letters Received, Record Group 75, National Archives. [421]

Affidavit of Charles Smith, December 19, 1886, Letters Received, Record Group 75, National Archives. [422]

Affidavit of Silas Greestable, June 22, 1886, Letters Received, Record Group 75, National Archives. [423]

Upshaw to Moore, May 24, 1886, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [424]

Moore to Atkins, March, 1886, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [425]

³⁴⁶ Anon. *The Great Northwest: A Guide-Book and Itinerary for the use of Tourists and Travelers over the lines of the Northern Pacific Railroad*. St. Paul: Riley Brothers, 1886, p. 297. [3]

determine the facts in the case.

H. M. Lazelle, Acting Inspector General reported to the Adjutant General of the Army on July 27, 1886 that he had investigated the reports of the sale of whiskey on Coeur d'Alene Lake, as he was ordered to do.³⁴⁷

It is to be observed that, with the exceptions of a few indentations on its northern coast, the entire lake of Coeur d'Alene, and about twenty-five miles of the river of Coeur d'Alene--from the mouth up, as far as the landing on that river, known as the "Old Mission"--lay wholly within the Coeur d'Alene Indian Reservation.

The steamer "Coeur d'Alene" made three round trips each week, according to Lazelle, from Coeur d'Alene to the Old Mission, "its entire course is within the limits of the Coeur d'Alene Indian reservation" (see Map 12), stopping *en route* at Rockford and Farmington Landings. Each of the landings was reached via a road which led to small towns outside the reservation.

From the time of leaving the town of Coeur d'Alene to the Old Mission, on the 23rd, and from the Old Mission to the first named place on my return trip, on the 24th, instant, an open bar was kept on the boat, at which drinks of various sorts of liquor, were very freely and frequently sold.

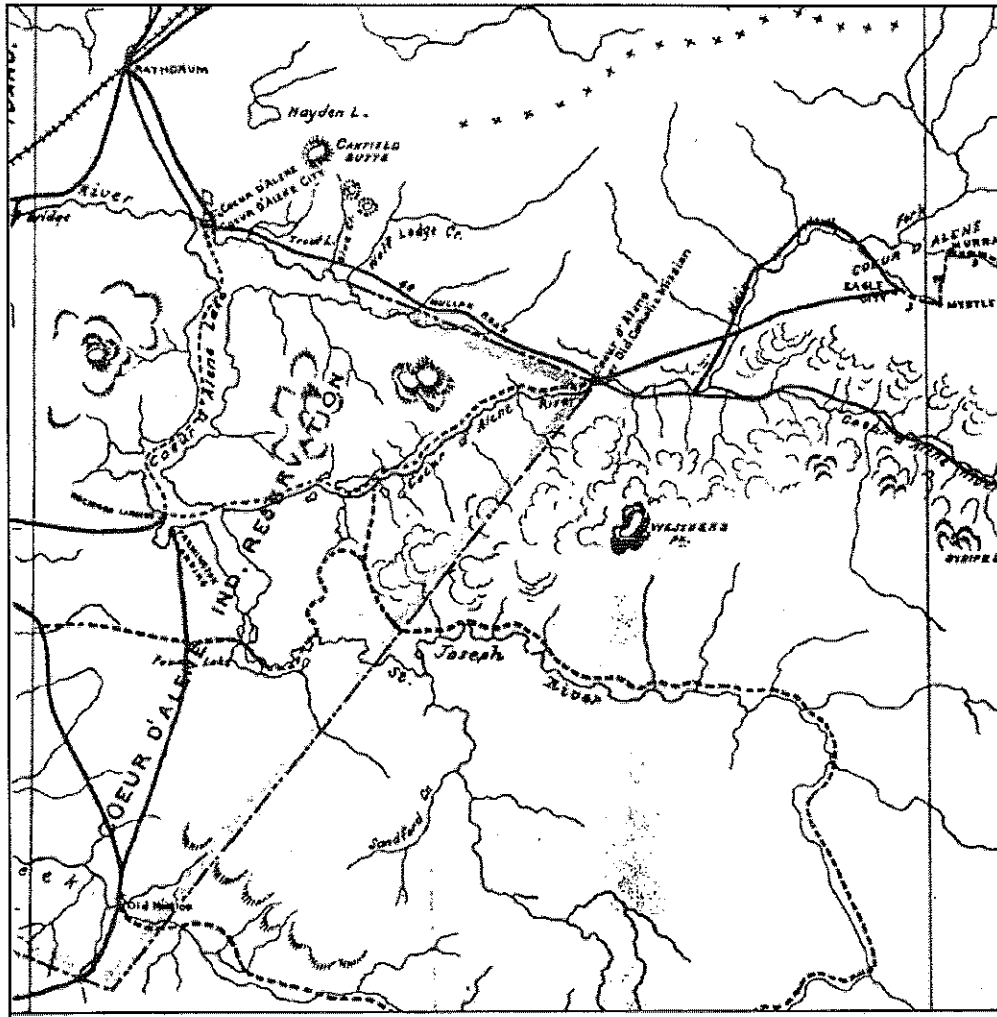
While he was carrying out his inspection, the bar was closed as the steamer docked.

Of the statutory violation by the owners of the steamer "Coeur d'Alene," in my judgment, it is fully susceptible of proof that Sec. 2139, R. S., is now, and has for more than a year past, been constantly transgressed, by the wilful introduction, storage, and sale of liquor within the limits of the Indian reservation...

He recommended having the United States Attorney seize the boat.

The mining enterprises in the Coeur d'Alene mountains have

³⁴⁷ Lazelle to Adjutant General, July 27, 1886, Letters Received, Record Group 75, National Archives. [426]



Map 12: this map was first drafted in 1886 to accompany Inspector General Lazelle's report, and locates the steamship line route through Lake Coeur d'Alene and up the Coeur d'Alene River to the mines. [213]

already, in the opening and developing of mines and attendant interest, absorbed some hundreds of thousands of dollars capital. By reference to the topographical sketch inclosed, it will be seen that there is a route to the mines over the old Mullan road; and that there is another route from Thompson, Montana; so that the mining interests are not dependant upon the route across the lake through the Indian reservation, though no doubt such route is the most expeditious.

Lazelle's report was considered so important that the Secretary of War informed the Secretary of the Interior they should discuss the matter at a Cabinet meeting on August 10, 1886.³⁴⁸ The day after the Cabinet meeting the Secretary of the Interior sent the Commissioner of Indian Affairs a communication, telling him to handle this "violation of law relating to sale of liquor" on the Coeur d'Alene Reservation.³⁴⁹

This investigation and the determination of the violation of law was to have far-reaching effects in the following years. At the highest levels of government, the United States had formally acted on its recognition that Coeur d'Alene Lake was a part of the 1873 Executive Order Reservation. Officials of the military, the Interior Department, the Indian Office and the General Land Office were informed that the lake was a part of the Coeur d'Alene Reservation, and that laws governing Indian territory had to be enforced on the lake. This was seen as a severe restriction on non-Indians' ability to carry out their business on the lake. In response to the ruling, the Resident Farmer on the Coeur d'Alene Reservation acted to eject people he found fishing on the

³⁴⁸ Secretary of War to Secretary of Interior, August 9, 1886, Letters Received, Record Group 75, National Archives. [427]

³⁴⁹ 1st Asst. Secretary of the Interior, Note to File, August 11, 1886, Letters Received, Record Group 75, National Archives. [428]

lake and its tributaries within the reservation boundaries.³⁵⁰

With John Mullan and the Jesuits assisting them, Seltice and the Coeur d'Alenes were finally successful in 1886 in seeing the establishment of a commission to negotiate an agreement with them to quiet title to their aboriginal homeland. The petition signed by Seltice and others was submitted to Congress in 1886 along with a letter from Mullan, which was drafted after consultation with Father Cataldo. Mullan explained the history of the Coeur d'Alenes' relations with the United States and recommended a group of Coeur d'Alenes be brought to Washington to conclude an agreement.³⁵¹ In late March, 1886, the Senate sent a resolution to the Secretary of the Interior, asking for any information relative to removing the Spokanes and Coeur d'Alenes to another reservation, and to any claims they might have against the United States. The Acting Secretary of the Interior responded with a report, which included the text of the 1885 petitions from Seltice asking for compensation for the Tribe's aboriginal holdings, petitions from Whites protected by the Coeur d'Alenes during the Nez Perce War, and the letter from John Mullan recommending that a commission be established to negotiate with the Tribes.³⁵² As a result of Seltice's petition and the work of John Mullan, on May 15, 1886 Congress created the Northwest

³⁵⁰ Holmes, F. Resident Farmer to Gwydir, August 14, 1888, Letters Received, Record Group 75, National Archives. [429]

³⁵¹ United States. Congress. House. *Ratification of Coeur d'Alene Indian Treaties in Idaho*. Report No. 1109. 51st Congress, 1st Session. Washington, D. C.: Government Printing Office, 1890. [206]

³⁵² United States. Congress, Senate. *Letter from the Acting Secretary of the Interior*. Ex. Doc. No. 122. 49th Congress, 1st Session. Washington, D. C.: Government Printing Office, 1886. [212]

Indian Commission, empowered to negotiate agreements with Tribes, including the Coeur d'Alenes. Members were John V. Wright, Jarred W. Daniels, and Harry W. Andrews. The Commission was authorized to negotiate with the Coeur d'Alene for the cession of their aboriginal territory.³⁵³

An Agreement is Reached, but Pressures Increase, 1886-1887

With mines in full production and ore being shipped out of the mining district, the huge big-stakes race to build rail lines into the mining fields was on. A number of rail lines needed to go through the Coeur d'Alene Reservation and all of the rail companies needed express permission from the Tribe in order to obtain a right-of-way through the reservation. The first of several of these agreements with the Coeur d'Alene Tribe was reached in 1886 and the first rail line to the growing town of Coeur d'Alene was completed in the same year.³⁵⁴ A telephone/telegraph line

³⁵³ Dozier, Jack. "Coeur d'Alene Country: the Creation of the Coeur d'Alene Indian Reservation in North Idaho." *Idaho Yesterdays* (1962), p. 4. [63]

Dozier, Jack. "History of the Coeur d'Alene Indians to 1900." M.A. Thesis, University of Idaho 1961, p. 96. [64]

United States. Congress. House. *Reduction of Indian Reservations*. House Executive Document No. 63. 50th Congress, 1st Session. Washington, D. C.: Government Printing Office, 1888. [203]

United States. Statutes at Large. 49th Congress, 1st Session, Chas. 333, p. 44. (24 Stat., 44.) [649]

³⁵⁴ Wood, John V. *Railroads Through the Coeur d'Alenes*. Caldwell, Idaho: The Caxton Printers, Ltd., 1984, p. 26. [290]

"Agreement" (with attached departmental objections), December 29, 1886, Letters

also reached the small settlement at the Old Mission in 1886, which allowed current silver and gold quotations to be obtained from the New York marketplace.³⁵⁵

White settlers continued to pour into the area with many accompanying associated difficulties.³⁵⁶ Coeur d'Alenes did what they could to create some income selling deadfall timber, but immigration of Whites led to increased calls for the opening of at least a portion of the

Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [430]

Commissioner to Moore, December 9, 1886, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [431]

Upshaw to Moore, October 25, 1886, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [432]

Secretary to Commissioner, October 18, 1886, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [433]

Commissioner to Moore, July 28, 1886, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [434]

Secy. of the Wash. & Idaho RR Co. to Moore, July 20, 1886, with enclosures, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [435]

Atkins to Moore, August 4, 1886, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [436]

³⁵⁵ Bischoff, William N. "The Coeur d'Alene Country, 1805-1892." In *Interior Salish and Eastern Washington Indians I*. New York: Garland Publishing Inc., 1974, p. 256. [16]

³⁵⁶ Magnuson, Richard G. *Coeur d'Alene Diary; the First Ten Years of Hardrock Mining in North Idaho*, 1968, p. 13. [109]

Lamar to Sec. of War, May 14, 1886, Letters Received, Record Group 75, National Archives. [437]

reserve.³⁵⁷

While happy that the Northwest Commission had been established and would finally negotiate with them, Seltice and the Coeur d'Alenes expressed serious concerns about threats to their reservation. Seltice suggested that he and other leaders travel to Washington to discuss both

³⁵⁷ O'Neill to Moore, January 2, 1886, Letters Received, Record Group 75, National Archives. [440]

Colville Agent Benjamin P. Moore to Commissioner Atkins, January 4, 1886, Letters Received, Record Group 75, National Archives. [441]

Moore to Atkins, March 20, 1886, Letters Received, Record Group 75, National Archives. [442]

Moore to Atkins, March 26, 1886, Letters Received, Record Group 75, National Archives. [443]

Morris to Moore, November 17, 1886, Letters Received, Record Group 75, National Archives. [444]

Atkins to Moore, December 17, 1886, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [445]

Atkins to Moore, January 25, 1886, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [446]

Upshaw to Moore, September 22, 1886, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [447]

Morris to Land Commissioner of U.S., November 17, 1886, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [448]

Representative Hailey (Idaho) to Indian Office, May 17, 1886, Letters Received, Record Group 75, National Archives. [449]

Notes relative to responding to a Senate Resolution, (1886), Letters Received, Record Group 75, National Archives. [450]

the threats to their reservation and the proposed rail lines through the reserve. The Commissioner complimented Seltice, but said a visit wasn't necessary at that time.³⁵⁸

There were, however, responses from the public in support of the Coeur d'Alenes' rights to their land. A letter to the editor of the *Spokane Review* signed "Traveler" recounted the history of the Coeur d'Alenes' friendship with the Whites and said their reservation should not be opened, as some were demanding. The author stated the Indians knew how to use the bottom lands along the river as well as anybody and were working lands to good effect, especially lands that were engulfed under water part of the year. The Agent said the letter was a good response to the Nez

³⁵⁸ Seltice to O'Neill, March 8, 1886, Letters Received, Record Group 75, National Archives. [451]

O'Neill to Moore, March 13, 1886, Letters Received, Record Group 75, National Archives. [452]

Moore to Atkins, March 25, 1886, Letters Received, Record Group 75, National Archives. [453]

Seltice *et. al.* to Secretary of the Interior, November 29, 1886, Letters Received, Record Group 75, National Archives. [454]

Atkins to Moore, April 16, 1886, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [455]

Upshaw to Moore, October 23, 1886, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [456]

United States. Department of the Interior. Annual Report of the Commissioner of Indian Affairs, 1886. Washington, D. C.: Government Printing Office, 1886, pp. 108 and 449, which also reported that one Coeur d'Alene man was "running a stage from the boat-landing on the lake to Farmington...and is making a good living." [247]

Perce County citizens' recent petition to Washington asking to open the reservation.³⁵⁹ That petition prompted another response in support of the Tribe. The pupils of the St. Ignatius Indian School on the Flathead Reservation, under the direction of Father Lawrence Palladino, published a pamphlet entitled, *Our Friends the Coeur d'Alene Indians*. The publication was produced by pupils, they said, because they had "learned by the newspapers the great anxiety caused to your [the Coeur d'Alene] nation by some white settlers." On opposite pages in the publication were printed the charges made in the above-mentioned "Petition of Freeholders of Whitman County, Washington Territory, and Nez Perce County, Idaho," and then the responses made by Seltice and the Coeur d'Alenes reprinted from "Indians in Council" in the April 24, 1886, *Spokane Falls Review*.³⁶⁰

The petition was purported to have come from "freeholders" of Nez Perce County, Idaho and Whitman County, Washington Territory. The authors of the pamphlet, in response, however, suggested that the attempt to open the reservation was meant not only to benefit Whites at the expense of Indians, but had religious overtones as well (Nez Perce County being Protestant country). The Whites' petition asked that the Coeur d'Alenes be allotted and that the remainder of their land be opened to non-Indians. The response was "That the white settlers should wish for the

³⁵⁹ Moore to Atkins enclosing newspaper clipping, April 16, 1886, Letters Received, Record Group 75, National Archives. [457]

³⁶⁰ Pupils of St. Ignatius Indian School. *Our Friends the Coeur d'Alene Indians*. St. Ignatius, Montana: St. Ignatius Indian School, 1886. [138]

Palladino, Lawrence. *The Coeur d'Alene Reservation and Our Friends the Coeur d'Alene Indians*. Fairfield, Washington: Ye Galleon Press, 1967. Full text reprinted. [123]

permission to seize upon the coveted lands of the Indians needs no explanation other than the natural desire of human nature to benefit itself..." The Whites' petition argued that the Coeur d'Alenes had "become intelligent, civilized, and Christianized, and have long since discarded their aboriginal habits and costumes and have adopted the manners and customs of the Whites in almost every respect....That said Indians now dwell in well built and commodious houses, have large bodies of land under fence, cultivate the same with improved modern machinery, raise large quantities of those cereal products adapted to the soil, operate saw mills, raise cattle, and horses in large numbers, have capacious Churches and School buildings which well attended..." and that they did not participate in the Nez Perce War and protected Whites from the Nez Perce. These facts, said the Whites, suggested that the Indians should be allotted and their reservation opened. But the priest to the Coeur d'Alenes argued that while it was true the Coeur d'Alenes were civilized, they had "the **simplicity of a nascent civilization**," they were innocent and naive and would be easily duped out of their rights by Whites. The citizens of Pine Creek also submitted a testimonial in support of the Tribe, thanking the Coeur d'Alenes for protecting them from the Nez Perce. This petition asked Congress to grant the Coeur d'Alene "good title to your land." The publication reprinted the Coeur d'Alenes' recent petition to Congress, and described the Tribe's efforts to receive payment for their aboriginal lands. The publication noted that the reservation, including Coeur d'Alene Lake

comprises a mountain range, a large lake, several rivers and a considerable amount of lowland liable to inundation. Consequently the mere number of given acres is misleading, since it might be concluded that they were all available for farming lands.

The Nez Perce County people said they needed the Coeur d'Alenes' timber, but the young Indian

authors replied, "Are the Indians to be deprived of their timber lands solely because the neighboring white settlers need them?" They concluded that settlers should rather, "let them petition Congress for the necessary permission for the Indians to sell them lumber. The fact that the Coeur d'Alene Tribe owns a large extent of timber land proves nothing except that they are better off in this respect than those who covet, but do not possess, these same forests." The Tribe did derive limited income from their resources, collecting a small "tax" from Whites who grazed on their reserve, but the Indians said they did not collect a tax at the landings, though they could. The Tribe also received small payments for wood cut on the reserve, but they objected to Whites taking any more of their wood. Seltice added the Indians still wanted ammunition in order to go hunting.³⁶¹

Against this backdrop of continuing controversy and efforts by Whites to gain the opening of the Coeur d'Alene Reservation, the Northwest Commission traveled to De Smet early in 1887 to negotiate an agreement with the Tribe, under which it was hoped the Coeur d'Alenes would formally cede their aboriginal territory, and agree to allow bands of Spokanes to settle on the reservation with them. The Commission reached Spokane Falls on February 23, 1887, and first met with Spokanes, who wanted their own reservation, but were denied that possibility by the Secretary of the Interior. The Upper and Middle Bands of the Spokanes agreed to resettle on the Coeur d'Alene Reservation. After completing the agreement with the Spokanes, the Commission traveled to Farmington and from there to De Smet. Seltice met the group along the road,

³⁶¹ Palladino, Lawrence. *The Coeur d'Alene Reservation and Our Friends the Coeur d'Alene Indians*. Fairfield, Washington: Ye Galleon Press, 1967. Bold in original. [123]

accompanied by forty armed and mounted men (evidently Soldiers of the Sacred Heart), who fired their Winchesters in the air and paraded by the Commission as they welcomed them to the reservation. The entire Tribe reportedly met the Commission in De Smet, and the meeting began with speeches by Seltice and the commissioners. Every individual Coeur d'Alene then arose and shook hands with the commissioners. March 23, 1887 was the first day of Council with the Coeur d'Alene. Commissioners Judge Wright, Dr. Daniels, and Major Andrews were present, along with "the chiefs and bands of the Coeur d'Alenes and the interpreter."³⁶²

The commissioners reported the reservation was the best they had yet seen. "The Indians are industrious, thrifty, provident, and good traders." The Coeur d'Alenes were said to be friends of the Whites, who had protected white property during times of conflict with other Tribes. Polatkin, a schoolboy, made an eloquent address to the commissioners, and a schoolgirl also addressed the commissioners eloquently, while other children discussed spelling with the commissioners. Much of the activity was carried out in English and it was evident that most if not all of the children, at least, spoke English.

The formal meeting opened with a prayer. Judge Wright opened the session by explaining the commissioners' objectives. The commissioners referred to Senate Executive Document 122, 49th Congress, 1st Session, in which a petition from the Coeur d'Alene "setting forth their claim and the boundaries of the land in question" was reproduced. The commissioners noted that the

³⁶² United States. Congress. House. *Reduction of Indian Reservations*. House Executive Document No. 63. 50th Congress, 1st Session. Washington, D. C.: Government Printing Office, 1888, pp. 9-11, 30-43, 53-56, and 60-65. [203]

Northern Pacific Railroad passed through the northern portion of their lands, and also reported on the history of Stevens' failed action with the Tribe. The Commission obtained a copy of the 1873 Agreement from the files at the De Smet Mission and made a copy of that document to submit with their report. They reported they used this agreement in determining the amount of compensation that was due to the Tribe. The Tribe was very anxious to cement their relationship with the United States and to do what was necessary to protect their remaining reservation lands.

The anxiety of the Indians about their reservation and their fears that it might in some way be taken away from them, their unexampled good conduct, their friendship for the neighboring whites, displayed on a late memorable occasion [the Nez Perce War] their rapid advancement in self-support and civilization unaided by the Government, their willingness to allow their reservation to be filled up with Indians, the confidence they repose in the Government to settle their claim on its own terms, all conspired to cause us to put in the fifth clause, which provides that their reservation shall be held forever as Indian land as homes for the Coeur d'Alenes and such other Indians as may be removed thereto, and that no part of the reservation shall ever be sold or occupied, open to white settlement, or otherwise disposed of without the consent of the Indians.

It may be said that this was unnecessary, inasmuch as no such thing would happen; but the loss of their former possessions and other causes had so excited their fears that it was concluded, in order to allay suspicion, and in as strong a manner as possible, bind the Government to that good faith which the Indian prizes so highly and which he thinks has been violated so frequently.

Seltice addressed the commissioners. He made a rather long speech, in which he said the Tribe had "listened very carefully and have understood everything that you have said, and it was good." He said "half-breed" Spokanes could settle there too, adding that although Whites married Indian women, Coeur d'Alene men never married white women. Then he addressed the issue of lost land, "lost to us; it is dead to my people."

You say we may receive for our lost land \$150,000--for our land outside the reservation. Do you know how much there is of it? There are more than 4,000,000 of acres. This land was very dear to us, but we have given it up to the whites. We are on only a small part of our country--I mean this reservation...

Seltice implored the Commission to protect what lands they had left. He described their homes, and farms, their schools and their graves.

The Government has now thought of our claims for our lost land, and they have sent you to us. Of this we are glad, but neither money nor land outside do we value compared with this reservation. Make the paper strong; make it so strong that we and all Indians living on it shall have it forever.

Wright responded that the Government would protect their lands. "It will do so if it takes its whole power."³⁶³

The commissioners presented the draft agreement to the Tribe. "The agreement was then read to them by Commissioner Andrews, and each section carefully interpreted, to which the Indians gave marked evidence of approval."

Chief Seltice and his people manifested great concern about the future of their reservation. The clamor of the whites for the opening of the reservation had reached their ears and made their hearts heavy. The fact that all their land since this reservation had been taken from them without even the pretense of the asking, and the rapid increase of white settlers around them were calculated to arouse their fears. They had no treaty relations with the Government and had no assurances of its fostering care. The visit of the Commission, and more especially when it was known that its visit was of the most friendly character, filled their hearts with gratitude and hope, which were manifested in their faces, their tone, and their

³⁶³ United States. Congress. House. *Reduction of Indian Reservations*. House Executive Document No. 63. 50th Congress, 1st Session. Washington, D. C.: Government Printing Office, 1888. [203]

expressions.

The commissioners promised that the United States would protect the Coeur d'Alene, their rights and property, while Seltice promised that the Coeur d'Alene would defend the flag of the United States. The following day the commissioners met with the Tribe again:

...The chief who had been empowered to speak for the tribe announced that he and his people were ready to sign the agreement. Every man in the council followed, and over two-thirds of the male adults signed the agreement, and it was apparent that all would have done so had they been present.

The agreement was concluded at De Smet Mission, March 26, 1887.

The 1887 Agreement confirmed the Coeur d'Alene's 1873 Reservation. Under the agreement the Coeur d'Alene Tribe formally ceded its former aboriginal holdings for \$150,000.00. The United States promised that "the Coeur d'Alene Reservation shall be held forever as Indian land and as homes for the Coeur d'Alene Indians" Further, the United States promised that "no part of said reservation shall ever be sold, occupied, open to white settlement, or otherwise disposed of without the consent of the Indians residing on said reservation (see Appendix)."³⁶⁴

One month earlier, during February, 1887, in Washington, D. C., the President signed the

³⁶⁴ United States. Congress. House. *Reduction of Indian Reservations*. House Executive Document No. 63. 50th Congress, 1st Session. Washington, D. C.: Government Printing Office, 1888. [203]

Dozier, Jack. "Coeur d'Alene Country: the Creation of the Coeur d'Alene Indian Reservation in North Idaho." *Idaho Yesterdays* (1962), p. 4. [63]

United States. Department of the Interior. Commissioners of Indian Affairs. "Annual Report," 1887. Washington, D. C.: Government Printing Office, pp. 29-30 and 287. [248]

General Allotment, or Dawes Act. Under the provisions of this act, individual Indians were to be allotted small parcels of land on the reservation on which they could establish a family farm. Once allotments to individuals on a particular reservation had been made, the United States could then open the remainder of the reservation to non-Indian purchase, with proceeds going to the Tribe.³⁶⁵ The Dawes Act was used to pressure Tribes to assimilate into white culture and to abandon traditional tribal practices. Historians Ross R. Cotroneo and Jack Dozier observed:

One of the most confusing aspects of federal Indian policy after the enactment of the Dawes legislation was that the government continued to enter into agreements with various tribes whereby supposedly permanent reservations were established for the Indians.

So it was with the promises made in the “treaties” of 1887 and 1889. Cotroneo and Dozier concluded, “one cannot help but question the honesty and intelligence of such a vacillating program”³⁶⁶ After the passage of the Dawes Act, the Commissioner quickly wrote to the Colville Agent, suggesting that since the Coeur d’Alene were so civilized, shouldn’t they quickly be allotted. Moore responded on April 13, saying “it would cause much dissatisfaction among them” as it would not allow them to continue to farm in the manner in which they were engaged.³⁶⁷ Later

³⁶⁵ Tyler, S. Lyman. *A History of Indian Policy*. Washington, D. C.: United States Department of the Interior, 1973, pp. 95-98. [182]

³⁶⁶ Cotroneo, Ross R. and Jack Dozier. “A Time of Disintegration: the Coeur d’Alene and the Dawes Act.” *Western Historical Quarterly* Vol. V, No. 4 (October 1974): pp. 405-419. [42]

³⁶⁷ Moore to Atkins, April 13, 1887, Letters Received, Record Group 75, National Archives. [458]

Atkins to Moore, March 18, 1887, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [459]

Atkins to Gwydir, June 4, 1887, Letters Received, Colville Agency, Record Group 75,

in the year, the agent held a “full and well attended council with the Indians in regard to taking their lands in severalty and they voted unanimously not to take their lands otherwise than they now hold them.” Gwydir argued that in a way they already held their lands in severalty, as each family had a farm of from forty to two hundred acres.³⁶⁸

The 1887 Commissioners were apparently honest in their desire to protect Coeur d’Alene rights to their reservation, “forever.” However, pressures from other Whites to open the reservation, or at least a portion of it, were growing daily. Reports of trespass on the reservation, for the purpose of obtaining tribal timber, and for other reasons, continued throughout 1887. There were new reports of minerals being discovered on the northern portion of the reserve, and requests by Whites to mine and prospect on the reservation.³⁶⁹ The Resident Farmer said that miners were on the reservation, and the Agent concurred, going on to say “if not stopped at once, the numbers will be so great, that it will be very troublesome to remove them,” and asking for troops to help by

Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [460]

See also:

Seltice to Upshaw, July 27, 1887; Special Collections NWM 16: 259-264; Gonzaga University. [720]

³⁶⁸ Gwydir to Commissioner, August 19, 1887, Letters Received, Record Group 75, National Archives. [461]

³⁶⁹ Cook, Gleason and Harrington to Secretary Lamar, April 30, 1887, Letters Received, Record Group 75, National Archives. [462]

Bischoff, William N. “The Coeur d’Alene Country, 1805-1892.” In *Interior Salish and Eastern Washington Indians I*. New York: Garland Publishing Inc., 1974, pp. 265-266. [16]

rendering assistance.³⁷⁰ The Coeur d'Alene Reservation Resident Farmer reported on May 4, 1887, that a large party of Whites had entered the reservation in the Wolf Lodge area for the purpose of mining. He traveled by launch to the area and ordered the several parties to leave. There were some thirty white men on the reservation engaged in mining. He reported that he believed that he should go there again, accompanied by some Coeur d'Alene men and stay long enough to see them all ejected from the reservation, but he was unwilling to expend the necessary funds until he knew the money would be reimbursed. The Commander of Fort Sherman feared violence unless action was taken.

General Carlin the Commanding Officer at Fort Sherman agrees with me that immediate action is necessary, or the country will be so full of men that there will be another Black Hills. In fact I am reliably informed that these men have made their boast that I could not keep them off & that Government would not back me up in my efforts to remove them...

He continued that these men "would not hesitate to shoot an Indian out of pure meanness expecting by this means to gain their ends." He asked General Carlin to supply him with boats and funds to take two or three Indians with him to help eject the miners. Carlin expressed "great interest" in this, said the Resident Farmer, but could do nothing without authority.³⁷¹

The problems with trespass on the reservation became so serious that they were brought

³⁷⁰ Gwydir to Atkins, May 14, 1887, Letters Received, Record Group 75, National Archives. [463]

Gwydir to Atkins, telegram, May 14, 1887, Letters Received, Record Group 75, National Archives. [464]

³⁷¹ Resident Farmer to Moore, May 4, 1887, Letters Received, Record Group 75, National Archives. Emphasis in original.[465]

before the Secretary of War in May, 1887. Agent Gwydir reported miners on the reserve on May 13. The Commissioner referred the matter to the Secretary of the Interior on May 14. The Secretary of the Interior wrote to the Secretary of War, saying there were reports of miners intruding on the Coeur d'Alene Reservation and instructions should be issued for the military to investigate and help expel the intruders. The Secretary of War concurred and issued orders on May 18, 1887. The Commanding Officer of Fort Sherman was issued orders to evict trespassing miners. On July 2, 1887, the Commissioner of Indian Affairs passed along another report, this one from a special inspector, who also reported that Whites were encroaching on the reserve, and that the Commanding Officer of Fort Sherman was anxious to do his duty, if so ordered. Armstrong reported that the Coeur d'Alenes were relatively advanced as farmers, having farmed since 1879, had their own police force, and should be protected from trespassers. The Commissioner again referred the matter to the Secretary of War. Colonel Carlin received the orders and toured the northern strip of the reservation. But Carlin was unwilling to expel the white miners, and used, as an excuse, claims that the northern boundary of the reservation was incorrectly surveyed. On August 15, 1887, Carlin reported that many Whites from Spokane Falls visited the lake each weekend for purposes of recreation. Nevertheless, Carlin was instructed to remove any trespassers, under the specific orders of the Secretary of War. Carlin based his objection to removing white trespassers on his claim that the northern reservation boundary survey was at best unclear. Thus, dispute over the location of the northern reservation survey markers continued.³⁷²

³⁷² Trespassing on Coeur d'Alene Reservation, File 2889, Letters Received by the Office of the Adjutant General (Main Series) 1881-1889, Microfilm Roll 533, Record Group 75, National

Despite direct orders from the Secretary of War, Carlin continued to resist engaging his troops in the removal of Whites from the reserve, arguing that the north boundary was not clear. He had one of his men draw a new line on a map, showing where the Whites would like the reservation boundary to be in order to allow their workings. He then submitted this map and his argument to the Adjutant General's office.³⁷³ The Secretary of War relented and reported to the Secretary of the Interior that the War Department could not be used to eject Whites until Carlin's request for an accurate map was met.³⁷⁴ The Interior Department then also relented. Acting Commissioner of Indian Affairs A. B. Upshaw wrote to the Secretary of the Interior on October

Archives. [466]

Secretary of War to Secretary of the Interior, May 18, 1887, Letters Received, Record Group 75, National Archives. [467]

Secretary of War to Indian Office, July 14, 1887, Letters Received, Record Group 75, National Archives. [468]

Atkins to Gwydir, June 1, 1887, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [469]

³⁷³ Carlin to Asst. Adj. General, August 1, 1887, with map, Letters Received, Record Group 75, National Archives. [470]

Straughan to Sparks, August 10, 1887, Letters Received, Record Group 75, National Archives.[471]

Straughan to Carlin at Fort Sherman, August 10, 1887, Letters Received, Record Group 75, National Archives.[472]

³⁷⁴ Secretary of War to Secretary of the Interior, September 10, 1887, Letters Received, Record Group 75, National Archives. [473]

24, 1887, concurring with Colonel Carlin that a new survey should be made of the reservation.³⁷⁵ Colville Agent Rickard Gwydir agreed there was “considerable dissatisfaction” about the matter. The Commander of Fort Sherman concluded it was impossible to drive off trespassers and outside his duty.³⁷⁶ The Commissioner of Indian Affairs, under this White pressure agreed that the north boundary could be changed to reflect the boundary suggested by the Whites.³⁷⁷

Significantly, while the north boundary line of the reservation was being contested, the correspondence on this affair, and the accompanying maps, indicate that all agreed that the area within the exterior boundaries of the reservation included the lake and rivers³⁷⁸ There was no dispute that the Coeur d’Alene Tribe required those waters for both traditional subsistence, for agriculture and hydropower purposes (such as mills).

Officials at the Interior Department, including the Secretary and the Commissioner of Indian Affairs, were well aware that the northern reservation boundary line was already fixed and that tribal consent and an Act of Congress would be necessary to change it. The mining activity

³⁷⁵ Acting Commissioner of Indian Affairs A. B. Upshaw to Secretary of the Interior, October 24, 1887, Letters Received, Record Group 75, National Archives. [474]

³⁷⁶ Gwydir to Atkins, October 27, 1887, Letters Received, Record Group 75, National Archives. [475]

³⁷⁷ Commissioner Sparks to Secretary of Interior L. Q. C. Lamar, November 11, 1887, and attached maps, Letters Received, Record Group 75, National Archives. [476]

Commissioner Sparks to Secretary Lamar, November 11, 1887, Letters Received, Record Group 75, National Archives. [477]

³⁷⁸ Commissioner Sparks to Secretary of Interior L. Q. C. Lamar, November 11, 1887, and attached maps, Letters Received, Record Group 75, National Archives. [476]

on the reservation and the War Department's refusal to evict trespassers meant something would have to be done. Seltice concurred that a boundary line had to be firmly established and marked properly, but the Agent pointed out that some Indians would lose improvements if the north line was simply redrawn.³⁷⁹ A letter from the Commanding Officer of Fort Sherman indicated both the Tribe and the United States accepted tribal ownership of the lake. In December, 1887, Colonel William P. Carlin made a suggestion that would solve the Whites' problems and would have far-reaching impacts on the Coeur d'Alenes. He wrote to the Commissioner recommending a change in the reservation boundaries.³⁸⁰

Referring to the matter of the boundary line of the Coeur d'Alene Indian Reservation in Idaho Territory, I respectfully recommend that by Executive and Congressional action combined the lines be changed as follows: That the south east side of the Reservation running from the initial point to the Old Mission on Coeur d'Alene River shall stop at the middle of said river and follow down the channel of the same to its mouth and thence westwardly in a direct line to the middle of Coeur d'Alene Lake, and thence down the middle of said lake to the middle of Spokane River where said River leaves said lake, and thence following the lines described in the

³⁷⁹ Atkins to Gwydir, September 29, 1887, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [502]

Upshaw to Gwydir, August 9, 1887, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [478]

Atkins to Gwydir, December 15, 1887, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [479]

³⁸⁰ Carlin, Col. William P. to Commissioner of Indian Affairs, December 19, 1887, Letters Received, Record Group 75, National Archives. [480]

Anon. *The Great Northwest: A Guide-Book and Itinerary for the use of Tourists and Travelers over the lines of the Northern Pacific Railroad*. St. Paul: Riley Brothers, 1886, p. 305, also noted that the Tribe used the river bottom lands to grow hay. [3]

Executive order setting apart said Reservation.

This change of the boundary between the Old Mission and the head of Spokane River would throw open to the public a part of the Lake for purposes of navigation and pleasure. It would also throw open to the public the tract of land lying between Coeur d'Alene River and the Lake which is known to be valuable for its minerals but nearly worthless for agriculture. The bottom lands along the river are valuable as hay land but useless for cultivation, being overflowed every year til July. A map is here in the Asst. Commissioner's office which illustrates the lines as I think they should be, and as they are now. Ultimately I have no doubt it will be necessary to procure from the Indians all the land lying between the Coeur d'Alene and [St.].....Joseph Rivers in order that the mineral resources thereof may be developed. The reduction recommended herein is estimated at from forty to fifty thousand acres.

Throughout 1887 and early 1888 pressures on the Coeur d'Alene Reserve increased. As nearly forty Spokane families prepared to move to the reservation, Whites pestered their Congressmen about opening the reservation to non-Indian use, and the Congressmen and Senators, in turn, questioned Interior Department officials about the validity of Coeur d'Alene title to their reservation.³⁸¹ Tribal members had industriously attempted to make money cutting wood for the

³⁸¹ Cockrell to Atkins, February 24, 1887, Letters Received, Record Group 75, National Archives. [481]

B. Henley (House of Reps.) to Indian Office, February 1, 1887, Register of Letters Received (entry of February 2, 1887) Record Group 75, National Archives. [482]

Cockrell to Atkins, April 4, 1887, Letters Received, Record Group 75, National Archives.[483]

Saltice to Wright, *et. al.*, April 2, 1887, Letters Received, Record Group 75, National Archives.[484]

Wright, *et. al.* to Atkins, April 13, 1887, Letters Received, Record Group 75, National

steamers and railroads. Steamers had been asking formal permission to land and buy wood since 1884. Whites were angered that the Coeur d'Alenes charged them for wood that was cut on the reserve, for grazing, and for easement rights; and that they required permits to conduct business on reservation land or water.³⁸² Powerful railroad interests were attempting to build lines across

Archives. [485]

Magnuson, Richard G. *Coeur d'Alene Diary; the First Ten Years of Hardrock Mining in North Idaho*, 1968, p. 47. [109]

³⁸² Harvey, George, License to Trade at Coeur d'Alene, January 25, 1887, Letters Received, Record Group 75, National Archives. [486]

Note to file, June 18, 1887, Letters Received, Record Group 75, National Archives. [487]

Martin, Nelson to Secretary of the Interior, June 27, 1887, telegram, Letters Received, Record Group 75, National Archives. [487]

Moore to Atkins, January 28, 1887, Letters Received, Record Group 75, National Archives. [488]

King to Acting Commissioner, June 2, 1887, Letters Received, Record Group 75, National Archives. [489]

Moore to Atkins, January 28, 1887, Letters Received, Record Group 75, National Archives. [490]

Secretary of the Interior to Commissioner, September 13, 1887, Letters Received, Record Group 75, National Archives. [491]

Rickard D. Gwydir to J. D. C. Atkins, November 22, 1887, Letters Received, Record Group 75, National Archives. [492]

Atkins to Gwydir, July 8, 1887, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [493]

Hawkins to Moore, May 6, 1887, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [494]

reservation land and were sometimes frustrated with tribal restraint and reticence at providing right-of-ways.³⁸³ Seltice and a delegation of Coeur d'Alenes visited Washington at the expense of

Lamar to Commissioner, June 30, 1887, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [495]

King to Hawkins, June 2, 1887, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [496]

Atkins to Moore, January, 19, 1887, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [497]

Bischoff, William N. "The Coeur d'Alene Country, 1805-1892." In *Interior Salish and Eastern Washington Indians I*. New York: Garland Publishing Inc., 1974, pp. 263-267. [16]

³⁸³ Diomedi, Alexander. *Sketches of Indian Life in the Pacific Northwest*. Fairfield, Washington: Ye Galleon Press, 1978 (originally published 1902), p. 28. [60]

Wood, John V. *Railroads Through the Coeur d'Alenes*. Caldwell, Idaho: The Caxton Printers, Ltd., 1984, pp. 27-33. [290]

United States. Congress. *Congressional Record*. 49th Congress, 2nd Session, pp. 272, 305, 502, 825, 1203, 1244, 1565, 1576-1577, 1682, 1736, 1974, 2729-2731. Washington, D. C.: Government Printing Office, 1886-1887. [186]

United States. Congress. *Congressional Record*. 50th Congress, 1st Session. Washington, D. C.: Government Printing Office, 1887-1888, p. 19. [187]

United States. Congress. House. *Washington and Idaho Railroad Company*. Report No. 4133. 49th Congress 2d Session. Washington, D. C.: Government Printing Office, 1887. [201]

United States. Congress. House. *Spokane and Palouse Railway Company*. Report No. 4134. 49th Congress, 2d Session. Washington, D. C.: Government Printing Office, 1887. [202]

United States. Congress. House. *Spokane and Palouse Railway Company*. Report No. 3836. 49th Congress, 2d Session. Washington, D. C.: Government Printing Office, 1887. [200]

Feathers, Joseph J. S. *These Are the Coeur d'Alene Tribe*. Lewiston, Idaho: Lewis-Clark State College Press, 1971, p. 8. [68]

Harms, Su, ed. *The Coeur d'Alene Teepee* Vols. I-III (1937-1940) (July 1980). Plummer,

railroad interests. Although government officials were pleased with the Coeur d'Alenes, and flattered them, on his return to the reservation, Seltice reported that Whites were scouring the reservation for gold and openly laughing at the Indians. Agent Gwydir reported that Whites would use the "slightest opportunity to get on the Reserve, and after they get a foothold it will be a hard matter to dislodge them."³⁸⁴ John Mullan became so concerned that he wrote to the Secretary of the Interior, saying he had been informed there were efforts in Congress to open the Coeur d'Alene Reservation to Whites. He made a formal request to the Secretary to be heard on the matter before any such decision was made.³⁸⁵

The priests on the reserve were concerned that any conflict would be harmful to the Tribes' chances to negotiate a satisfactory agreement, so they discouraged any activities that might result in a confrontation. One Coeur d'Alene man was persuaded not to finish constructing a canoe, as

Idaho: Serento Press, p. 294. [79]

"The Diary of De Smet Mission, Idaho from 1878 to 193(9)," Box 730, House Diaries, 1878-1944, Gonzaga University. Oregon Province Archives of the Society of Jesus, Spokane, Washington. [498]

³⁸⁴ Gwydir to Atkins, June 24, 1887, Letters Received, Record Group 75, National Archives. [499]

Saltese *et. al.* to Asst. Commissioner Upshaw, August 16, 1887, Letters Received, Record Group 75, National Archives. [500]

³⁸⁵ Mullan to Lamar, February 18, 1887, Letters Received, Record Group 75, National Archives. See also: [501]

"Chronology of Important Dates at Mission," Sacred Heart Collection, Box 10, Special Collections, Gonzaga University; which reports on Catholic efforts to obtain a patent for the executive order reservation. [702]