# DOCUMENTS RELATING TO THE NEGOTIATION OF AN UNRATIFIED TREATY OF APRIL 12, 1866, WITH THE SHOSHONI INDIANS

'66.

Idaho ~~[illegible]~~

Department of Interior;

Entd May 14. 1866.

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Transmits original of treaty with Sho-sho-nees concluded Apl. 12. 1866 also copy of letter of Gov. Lyons with record of Council.

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Held up by direction of the Commissioner

~~For treaty & report of Council see Special file-box = "Treaties" File.~~

Land — Special

May 15 1866
INDIAN BUREAU

Department of the Interior.

Washington D. C. May 14 1866

Sir

~~Herewith I transmit for~~ your early attention, the original of a treaty concluded on the 12th of April last with the Sho-sho-nee Indians of Idaho Territory.

I also enclose copy of letter of Gov Lyon of the 16th ult; with record of Council.

Very respectfully
Your obt Servt
J. S Harlan
Secretary

The Commissioner
of Indian Affairs.

D 222

Boise City, I. T.
April 16th 1866.

Caleb Lyon of Lyonsdale,
Gov. & Ex officia Supt. of Ind.
Affairs, Encloses treaty with Oughee
Sho-Sho-nees &c.

D 222

Copy.

Boise City, Idaho Territory.
April 16th 1866.

Hon. James Harlan.
Secretary of the Interior,
My dear Sir.

I have the honor to enclose you a treaty of peace concluded on the 12th day of April A. D. 1866 with the Ouyhee Sho-Sho-nees.

The Council was held at Harlans Valley, Bruneau River, 150 miles from this city, and in the heart of the hostile Indian Country. 150 Chief Headmen & women made the Council, representing 800 or 1000 Indians.

By this treaty the Ouyhee war has been extinguished All the lands rich in minerals, known as the Ouyhee mines are ceded to the United States. These people are a branch of those bands upon Kammas Prairie, which I have previously informed the Department, and with whom I was instructed to treat with with.

By the prompt confirmation of this treaty by

the Senate, the establishment of an Agency on Harlan Valley (said Valley being 14 miles in length & from 1 to 2 miles wide) the whole of the roving Sho. Shonees of southern Idaho can be gathered in one body and peacefully controlled.

During the whole negotiations, I had to labor against a public sentiment viciously in favor of exterminating the Red men at all hazards, backed up by a press throwing ridicule upon all efforts towards tranquilizing the wronged and much abused Indians.

Your telegram was received in due time, 5 days from Washington, but your letter of instructions has not yet come to hand.

In my journey to the Indian Country I was accompanied by Major Marshall commanding Ft Boise who afforded me every aid in his power and the Rev. Hiram Hamilton who has taken a noble and philanthropic stand in favor of your policy of civilization & christianization.

Hoping the treaty may be speedily confirmed, as the best means of insuring a lasting peace,

I am Sir:

Your obt servant,

(Signed) Caleb Lyon of Lyonsdale,

Gov. & Supt. of Indian Affairs for

Idaho Territory

April 12 - 1866.

Idaho - ~~[illegible]~~ 1866

Original of Treaty of April 12, 1866 - with

Sho-sho-nees.

Articles of agreement and convention made and concluded on the Go. hoffer. on Bruneau Riner in the Territory of Idaho this 12th day of April A.D. 1866. by Caleb Lyon of Lyons dale Governor and Superintendent of Indian Affairs for the said territory, on the part of the United States and the undersigned Chiefs and Head Men of the Bands of Sho shonees. occupying & claiming certain lands south of the Sho shonee Riner between Salmon Falls and the mouth of the Anyhee, and extending south to the summits of the Goose Creek and Anyhee range of Mountains.

Article 1st The said tribes and bands of Indians, hereby cede and relinquish and convey to the United States, all their right, title, and interest in and to the following lands and country occupied by them, bounded and described as follows, viz, commencing at the mouth of Gooze Creeks and extending on the south banks of the Sho. shonee Riner to the mouth of the Anyhee, thence along the summit of the Anyhee Mountains and the Gooze Creek range to where Gooze Creek crosses the summit of said range,

Article 2nd There is however reserved for the present use and occupation of the said tribes

and bands the following tract of land to
commencing on the Cho cho nee Riner at Bash-
ho-no-hee, or Dry Creeks Canon & extending
from thence to the mouth of the Canon on Bruneau
or Go hoffer Riner & thence to the mouth of the
Piv. quo. a. ho. nip a Castle Creeks thence extending
south to the crest of the Owyhee Mountains
thence along the Summit of said range
known east of the Bruneau Riner as the
Goose Creeks Mountains to where Bash-ho-
no-hee or Dry Creeks Canon pierces said range
thence down said Dry Creeks Canon to the place
of beginning, and said tract shall be
surveyed and marked out for their exclusive
use, nor shall any White man be permitted
to reside upon the same without permision of
said tribes and of the Superintendent or Agent:
but if necessary for the public convenience, right-
of way may be granted through said reservation
but when Roads are run, the Indians shall
be compensated for any damage done thereby
This understood however that should the
President of the United States hereafter see
fit to place upon the same reservation any
other friendly tribes or bands to occupy the
same in common with those alone mentioned
he shall be at liberty to do so
Article 3. The right of taking fish in the
Cho cho nee or Snake Riner at their

accustomed grounds and stations is further secured to said Indians in common with all citizens of the United States together with the privilege of hunting and gathering roots on open and unclaimed lands
In consideration of the above cession the United States agree to pay the said tribes and bands. the sum of $80.000. that is to say as follows. Thirty (30) thousand dollars to be expended under the direction of the President of the United States. the first year after the ratification of this treaty. in providing for breaking up and fencing farms, building houses, and purchasing. Stock, Agricultural Implement & & and for such other objects as he may deem necessary, and the remainder in annuities as follows. the first 5 years after the ratification of this treaty. Six thousand dollars each year and for the next five years. four thousand dollars each year.

All of said sums for annuity shall be expended for the benefit of said tribes and bands of Indians under the direction of the President of the United States.

Article 4th The Annuities of the aforesaid tribes and bands shall not be taken to pay the debts of Individuals

Article 5th

The said tribes and bands of Indians acknowledge their dependence on the Government of the United States and promise to be friendly with all the Citizens thereof, and they pledge themselves to commit no depredations on the property of said Citizens, and should any one or more of them violate this pledge, and the fact be satisfactorily proven before the Agent, the property taken shall be returned, or in default thereof compensation may be made by the Government out of their Annuities. Nor will they make War upon any other tribe or tribes of Indians except in self defence, but will submit all matters of difference between them and other Indians to the Government of the United States, or its Agent for decision and abide thereby, and the said tribes agree not to shelter nor conceal offenders against the United States, but deliver them up for trial by the authorities

Article 6th

It shall be a punishable offence to bring ardent Spirits upon the Reservation.

Article 7th The United States further agrees to establish an Agency within One year (from the ratification hereof) between the Fork & second Cañon in Kearsarge Valley (Bruneau or Go-hoffer River) and to support for the period of twenty years. an Agricultural & Industrial School which shall be free to the children of said tribes and of other tribes that may be removed hither) and to provide suitable teachers therefor. To provide for a Blacksmith & Carpenter shop & furnish them with the necessary tools stocks &c. A farmer. & a Physician & necessary medicines. All of the Employees are to reside upon the reservation. The expenses to be defrayed by the United States and not to be deducted from their annuities.

This treaty shall be Obligatory on the contracting parties as soon as the same shall be ratified by the President of the United States

In testimony Whereof. I Caleb Lyon of Lyonsdale Governor & Supt of Indians. and the undersigned Chiefs and Head Men of the aforesaid tribes & Bands of Indians, have hereunto set their hands & seals at the place & on the day and year herein before written

Caleb Lyon of Lyonsdale
Gov & Supt of Indian affairs for P. I.

| | | |
|---|---|---|
| Hoh-jo | (Sage Hen) | his + Mark |
| Izame-nant | (Limb breaker) | his + Mark |
| Ah-dah | (The good Father) | his + Mark |
| Wö-to-ue-lee | (The Striker) | his + Mark |
| Poo-he-wah | (The little fish) | his + Mark |
| Pade-pee-gunt | (Girl looking) | his + Mark |
| Iew-chew-chew-tame | (Dies but not tires) | his + Mark |
| Pan-doo-gou-hee | (Fish catcher) | his + Mark |
| On-din-go-shoee | (Little Beard) | his + Mark |
| Peo-Peo-wah | (Striped Squirrel) | his + Mark |
| Tim-bids-e-curr | (Rock breaker) | his + Mark |
| To-gott-see | (Mountain Sheeps Lamb) | his + Mark |
| To-guoo | (Rattlesnake) | his + Mark |
| Pan-a-meatzee | (Sun flower) | his + Mark |
| Unew-gunt. | (Low forhead) | his + Mark |
| To-see-ouer | (The White Cup) | his + Mark |

Witnesses;

L. H. Marshall Major 14th U S Infantry Com Dist of Bris

Hiram Hamilton. Pastor of Baptist Church

Newton Northam Special Agent

J Jennings.

J B Wallace

S. E. McCandlys. Interpreter.

| | | |
|---|---|---|
| Wa-ye-ño Chief or | (The good Man) | his X Mark |
| Scho-wom-ba-ca chief | (The biting Bear) | his X Mark |
| Peo-wurr Sub-Chief | (Always ready) | his X Mark |
| Zigen-divi | (The Rainbow) | his X Mark |
| Poa-wedo | (Hooting Owl) | his X Mark |
| So-say-a-wind | (The Singing Swan) | his X Mark |
| Paw-wa-cova | (Breaks Water | his X Mark |
| Tate-see-gah | (Squirrel of the Rocks) | his X Mark |
| Pee-ah-suhp | (Big Belly) | his X Mark |
| Duh-w-ogan | (Arrow Maker) | his X Mark |
| Ott-so-bono-geek | (The painted Man) | his X Mark |
| Patt-See | (Looks like a Woman) | his X Mark |
| Wäh-häh-nett-see | (The Fox) | his X Mark |
| Hi-ni-mah | (Antelope hunter) | his X Mark |
| Oh-wahs | (The Sucker) | his X Mark |
| Po-itt-see | (The Wild duck) | his X Mark |
| Sosom-em-bumbee-wat | (No White hair) | his X Mark |
| Sim-bitt-see | (Solid as a Rocks) | his X Mark |
| Zeets-o-hah-nee | (The Man tho counts a gin) | his X Mark |
| Wäah-obb | (An Eater) | his X Mark |
| Sah-nat-see | (Little knee) | his X Mark |
| Coo-Coo-choo-att | (Bearded Chin) | his X Mark |
| Pah-hone-gunt | (Tobacco Man) | his X Mark |
| San-o-dande | (Mountain Sheep slayer) | his X Mark |
| Mo-jo-ho-jo-atesee | (Smooth face) | his X Mark |
| B-go-gate-see | (Little bucks) | his X Mark |

Brothers:

Your Great Father at Washington has sent me to you to make a treaty of peace and friendship with you. He desires his Red Children and his White Children to live together in peace. He will send those who will care for and attend to your interests and watch over and guard you.—
He desires you to cede to the United States all that tract of land you may claim title to, lying between the Ouyhee and the Sho. Sho. nee Rivers. as far as Salmon Falls, and from thence south to the Ouyhee River, reserving this valley for yourselves. and as much more as is necessary for hunting and fishing
He wants you to learn to cultivate the soil, to keep horses and cattle as well as raise grain and potatoes for your comfort and subsistence. Your right to your fisheries shall be guaranteed to you. The War Chief is with me, that you may see he is friendly to the men who are willing to do right.
You may think of what I have said and after we all smoke the pipe of peace. I will hear what you may answer

Speech of Joe-war a (Always Ready)

Father. I speake to you. I am glad you came with good words and one tongue - the high mountain country is all ours where the White Men dig for yellow Iron - till now we never heard of the Great Father in Washington - We are Sho-sho nees - tell him we know he is good to give us blankets. If he was our Father, why did you not let us know it before!? bad Red Men come among us - steal horses and cattle from the Whites - they live beyond our Country - beyond these Mountains! for this, our brothers are killed, our women are killed for crimes we did not do Stop this and we are your friends. We will give you the Country where White men not live, but leave us in Peace ~~in a place~~ where we are - We do not lie, murder nor steal. We want to be at peace, for ever at peace. The words of the Treaty are fixed in our hearts. The Great Father at Washington we will listen to with Eyes open. Ears open, hearts open and do as you say. I sit down.

To-See-ouer a White cah said

Father- you call us brothers -
we call you Father because you feed us and
give us good things - we will obey the wishes
of the Great Father ah Washington and give
him the Mountain Country for his own
Let there be lasting peace. I feel I never
liked White men as well as now. I did
not know before the Red Man had any
Father. I will always be the Whitemans
friend - my heart is full. I will
keep the treaty this day made. I have
no more to say.

Waah-abb w (Op Eater) said

My heart feels good - we have found
two Fathers. One in Washington and
One here - who will take care of us. and
we are to be at peace - We ask no more -
take our lands as you desire, but leave
us what you have said you owned. this
valley of the Happy Bridegroom. the hearts
of this Council are one. the treaty shall
be kept. the Swans feathers we give you
as a token of our faith. I am silent

Tim-hido-e-carr w (Rock Breaker) said

Father: My ears are full of the

good ~~things~~ news you tell us. that we have a Great Father at Washington. I was glad to hear it. He will take care of us now and save us from being driven to the Canyons and being killed by bad White men. We will make a straight trail to do right. We will remember all your words. Our friendship shall now last forever. It will be good for us to till the ground like White men, and we will be glad to have Horses to ride and Oxen to eat We will be faithful to the promises of the treaty. I shall be glad to see the red and White man live in peace. It is said.

Scho-nour-ba-ca or (Biting Beaver) said Father: I was born on this river.- the bones of my fathers lie in the Crevices of the rocks of these Canons or in the Springs of the valley. I want to stay here Our Wikegups are of straw, our arrow heads are stone, Skins are our clothes, Deer, Elk, Fish, Antelope, Roots & Seeds our food. This is given us by the Great Spirit. We feel there is a better country

when we die. but we do not know where it is - We desire to live here where we were born, and to die here. We know there are bad White men as well as bad red men and bad white men make bad red men. cannot the Great Father at Washington make them good. This days words we will keep summer and winter and we will punish all those who break them.

I am glad the War Chief came with you. I see him with my eyes. Tell the Great Father at Washington. (you know my heart.

Reply of Governor Lyon

Brothers. I am well satisfied with what you have said. I now hang upon the necks of your chiefs the Silver Medal of the Great Father at Washington, that you may have the memory of this treaty near your hearts, and may the Great Spirit of the Storms and Sunshine help you to keep it.

"Copy"

Harlan Valley. Bruneau River I. T.
April 12th A.D. 1866

The Council was called to order by Caleb Lyon of Lyonsdale. Gov & Supt of Indian affairs & special Commissioner to extinguish the title to Indian lands in the Territory of Idaho and select Reservations therefrom.

There were present on the part of the United States. L. H. Marshall. Major 14th U.S. Infantry Commanding Dist of Boise. Rev. Hiram Hamilton Newton Northam Special agent and S. E. McCandlys Interpreter. After smoking, prayer was offerred by the Rev Hiram Hamilton. the substance of which was translated to the Indians by the Interpreter. Gov Lyon then said. Brothers — The good man of the White Men has just asked the Great Spirit to help our deliberations, to keep you in health, and that you may live to tell the Sho Sho nees people you represent, of the friendship and peace that the Great Father at Washington desires to make and maintain. His Red Children are as dear to him as his White Children, to deal honestly, act justly, and obey wisely the Regulations made for both Red and White alike

Let every one of the Eight hundred you represent, hear the words from your lips that I speak to you

Treaty concluded on the Go-hoffer river in Idaho.
April 12 - 1866 - by Gov. Lyon with chiefs and
head-men of the Sho-sho-nees

Art - 1st Relinquishes title to certain - ~~lands~~ territory

Art 2 - Provides for a reserve - prohibits white men
and provides that the President may settle
other Indians in this reserve.

Art - 3 - the right to fish in the Sho-sho-nee at
their accustomed places is secured to them
Also to gather roots and berries on
unreclaimed lands.

The sum of $80.000 to be paid to them
as follows:-

$30 000 to be expended first year after rat. of
treaty for breaking farms stock ag.
implements &c. and for such other
objects as the President may deem necessary.

$6.000 in annuities for 5 years - $30,000
4.000 " " " 5 " 20,000

all of which to be expended under the
direction of the President of the U. S.
(about 800 - or 1000 Indians represented).

Art - 4 - The annuities of the Indians not to be
taken to pay the debts of Individuals.

(over)

Art. 5. Acknowledge their dependence upon the Govt. — will return stolen property or allow it to be taken out of their annuities.

Will not make war upon other Indians except in self defence.

Will submit matters of difference to the Govt — will deliver up offenders.

Art. 6 — Punishable offence to bring ardent Spirits on the reservation.

Art 7 — United States will establish an Agency within a year in Harlan Valley — and support for 20 years:

An Ag. and Ind. School.

provide teachers

for a blacksmith and Carpenter shop tools &c. farmer, physician and necessary medicines.

all the employees to reside upon the reservation — and to be paid by U.S. and not deducted from their annuities

Treaty to be obligatory when ratified by the President.

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