ESTABLISHMENT OF THE COEUR D'ALENE INDIAN RESERVATION AND THE TRANSFORMATION OF COEUR D'ALENE LAND AND WATER USE, FROM CONTACT THROUGH ALLOTMENT

Submitted to:

Office of the Attorney General

State of Idaho

Submitted by:

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Introduction and Summary

JRP Historical Consulting, LLC has prepared this expert witness report at the request and direction of the Office of the Attorney General for the State of Idaho, Natural Resources Division. The purpose of this study is to provide a history of the establishment of the Coeur d'Alene Indian Reservation and to investigate the Coeur d'Alene Indian tribe's historical land and water uses in their aboriginal territory and on their established reservation, focusing primarily on the period from 1842 (the year in which Jesuit missionaries made sustained contact with the tribe) through the 1930s.

Research for this study drew upon historical materials produced in *United States of America, and Coeur D'Alene Tribe v. State of Idaho*, No. CV94-328-N-EJL, in the late 1990s (the so-called "Lakebed Case") as well as extensive independent research by JRP at a variety of libraries and archives over the course of five years. Representatives of the Office of the Attorney General made available to JRP the documents that the State of Idaho had collected from the National Archives and state archival repositories in addition to those documents submitted to the court by the State of Idaho, the United States, and the Coeur d'Alene tribe in the "Lakebed Case." Separately, JRP undertook a series of research trips to the National Archives in Washington, DC; College Park, Maryland; and Seattle, Washington to examine federal records concerning the Coeur d'Alene tribe. These included (but were not limited to) Record Groups 48, Records of the Office of the Secretary of the Interior; 49, Records of the General Land Office; and 75, Records of the Office of the Commissioner of Indian Affairs. JRP researchers also reviewed Idaho state governmental records, deposited at the Idaho State Historical Society; the records of the Oregon Province of Society of Jesus, located at Gonzaga University; the microfilmed records of the Bureau of Catholic Indian Missions, available from Marquette University; as well as various other smaller collections of papers and documents of Indian agents and other parties that had dealings with the Coeur d'Alene during the period of study, located at the University of Idaho (Moscow), Washington State University (Pullman), and the University of Washington (Seattle). All of the materials utilized in this report are footnoted in the pages that follow.

Review of this collected documentation indicates that the Coeur d'Alene were a dynamic people whose physical, cultural, and economic orientation to the water resources within their aboriginal lands and later their reservation lands changed over time in response to both internal and external pressures. The historical era of the greatest and most rapid change for the tribe was the period between the arrival of Jesuit missionaries in the early 1840s through completion of the federal land allotment process in the early 1900s. Over the span of three generations, the Coeur d'Alene people transitioned from roaming subsistence hunter-gatherers with a unique culture to mostly sedentary agriculturalists who had embraced significant elements of Euro-American culture.

In the aboriginal period, prior to tribal introduction to the horse and a shift to Great Plains bison hunting, the Coeur d'Alene roamed a portion of the present-day Idaho Panhandle and eastern Washington State centered around Lake Coeur d'Alene. Tribal members seasonally made use of a variety of village sites and settlements located at or near such water sources as Spokane River, Coeur d'Alene River, and St. Joe River, as well as Lake Coeur d'Alene, Hayden Lake, and Liberty Lake (located in present-day Washington State). The Coeur d'Alene used these waterways not only for transportation, but also to fish and gather camas root and water potatoes. Salmon – non-indigenous to Lake Coeur d'Alene and its tributary streams above

the lake – were the principal fish caught by the tribe. Joining with Spokane Indian bands, the Coeur d'Alene caught salmon on Spokane River below Spokane Falls and participated in salmon fish ceremonialism with the Spokane, but not on their own. For sustenance, members of the tribe also obtained camas root from the low meadowlands and wetlands lying south of Lake Coeur d'Alene in the present-day Hangman (Latah) Creek Valley, and gathered water potatoes that grew along area lakes and streams.

Coeur d'Alene embrace of bison hunting on the Great Plains in the late 18th century directed the tribe's focus away from this aboriginal territory and moderated the importance of aboriginal land and water uses. Introduction of the horse paved the way for this change, as horses enabled tribal members to ford streams and access other water and land resources previously unreachable by foot or canoe – namely the upper reaches of Clark Fork of Columbia River and Clearwater River. Bison hunting in particular took large numbers of the tribe beyond the Coeur d'Alene aboriginal territory for large portions of the year. Whole families travelled over the Bitterroot Mountains into Flathead Indian territory, where the Coeur d'Alene joined with the Flathead in bison hunting expeditions on the Northern Plains; they ultimately allied themselves militarily and established familial ties with the Flathead. Slaughtered bison provided sustenance as well as the raw materials for new items of material culture, such as robes and tools. Camas and water potato-gathering and fishing persisted as elements of Coeur d'Alene subsistence, but how much of a part of the tribe's hunting and gathering activities these remained in the context of tribal bison hunting has been questioned by ethnographers.

Jesuit missionary efforts, beginning in the early 1840s, re-oriented the Coeur d'Alene back to the resources of their aboriginal territory, but in a new way. Euro-American diseases and conflict brought on by the tribe's contact with other Indian groups on the Great Plains devastated the tribe. Jesuit missionaries such as Fathers Pierre DeSmet, Nicolas Point, Joseph Joset, and Alexander Diomedi found the Coeur d'Alene open not only to conversion to Catholicism, but also to adoption of Euro-American-style agriculture and lifeways. Young men in the tribe, such as eventual "head chief" Andrew Seltice embraced Catholicism, agriculture, and Euro-American dress. Tribal members continued to hunt and fish within the aboriginal territory as their ancestors had, but as they increasingly took up lands within the aboriginal territory that could be sown to wheat and oats and upon which stock animals could be grazed, aboriginal subsistence practices began to give way to organized agricultural production. Historic accounts, such as Fr. Point's that noted the "abundant" fish harvests by the Coeur d'Alene in the 1840s, declined into the 1860s and were supplanted by statements by federal Indian officials, such as Resident Farmer James O'Neill, extolling the steady progress the Coeur d'Alene made as farmers. Lands taken up by Seltice and other tribal members, located predominately but not exclusively in the Hangman Creek Valley on the edge of the agriculturally-rich Palouse region of northern Idaho and eastern Washington, were well-watered, fed by springs and streams and natural precipitation. Grains and animals were raised successfully without the irrigation diversion and storage works seen elsewhere in the American West.

This transition from subsistence to agriculture occurred against the backdrop of increasing non-Indian settlement in and development of Coeur d'Alene aboriginal lands, from the 1860s to the turn of the 19th century. Following the construction of the Mullan Road that connected the rapidly growing Columbia River Basin to points east in the late 1850s, and with reported discoveries of gold in the early 1860s,

prospective miners and settlers were drawn to the Idaho Panhandle region. Earlier conflicts with Pacific Northwest and Interior Salish tribes, such as the Coeur d'Alene, spurred the federal authorities to seek treaties with these Indian groups. The treaties aimed to extinguish aboriginal title and thus clear the way for non-Indian settlement and mineral development. It was the latter that ultimately led to the first of two executive-order reserves that set aside land for the Coeur d'Alene. The 1867 reserve, suggested by an Idaho territorial governor with ties to mineral interests, was made without the tribe's knowledge and left out many of the aboriginal seasonal village sites around Lake Coeur d'Alene and on Coeur d'Alene and Spokane rivers, while including lands south and west of the lake that later became the focus of Coeur d'Alene agricultural activity.

Learning of this reserve in the 1870s and concerned with non-Indian settlement within their aboriginal territory, the Coeur d'Alene sought a congressionally-authorized reservation that would support both their advancing agricultural progress and their traditional subsistence hunting and gathering, in the words of the tribal chieftains, "for a while yet." Not all of the Coeur d'Alene had by the early 1870s taken to agriculture in the way that Seltice and much of the tribal leadership had. Nevertheless, Seltice and others encouraged tribal members to become agriculturalists, and tribal arguments for a reservation made to federal Indian officials emphasized Coeur d'Alene agricultural progress – progress that paralleled, and in some cases may have exceeded at the time, the success of non-Indian Palouse farmers that likewise dry-farmed grains. Using boundaries established in a negotiated agreement, which ultimately failed to win congressional ratification, a second executive order in 1873 created a larger reserve than the 1867 order. The 1873 executive-order reserve took in nearly all of Lake Coeur d'Alene, a portion of Spokane River within Idaho Territory, and the lower Coeur d'Alene and St. Joe rivers, but did not resolve the tribe's claims to the remainder of its aboriginal territory.

The tribe continued to petition Congress to make their reservation permanent and to compensate them for the lands outside its boundaries, which were being increasingly settled by non-Indians. Ultimate establishment of a reservation for the Coeur d'Alene in 1891 was part and parcel of the transformation of the Coeur d'Alene people; the reservation and its subsequent adjustment in 1894 represented a negotiation between the desire of the tribe for land separate and apart from non-Indians principally for agricultural uses, and the competing interests of the United States and non-Indians for access to valuable commercial, mining, and timber lands within the tribe's aboriginal territory. Strongly desiring a permanent reservation, Seltice and Coeur d'Alene tribal leadership agreed in 1889 to relinquish to the United States, with compensation, their aboriginal lands and portions of waterways that were previously used for subsistence activities but which were now sought by non-Indians for commercial and mining purposes. This agreement, ratified by Congress in 1891, ceded to the United States lands along the northern perimeter of the 1873 executive-order reserve that include a strip of land adjacent to the south bank of the Spokane River, much of the northern part of Lake Coeur d'Alene, and much of the lower Coeur d'Alene River, as well as the Wolf Lodge area. The Coeur d'Alene preserved for themselves the agricultural land within the Palouse region that tribal members had already developed, as well as access to Lake Coeur d'Alene by which they could deliver their agricultural commodities to non-Indian communities, and the bottomlands on the southern part of the lake and along St. Joe River that they had aboriginally occupied for portions of the year, and where a small number of tribal members still resided. In 1894, the tribe

relinquished with compensation a one-mile-by-15-mile strip across the northern 1891 reservation boundary on which the town of Harrison and numerous settlers were located. They did so, in part, because according to one of the tribal chiefs, "[w]here Harrison now stands was the place where the Indians used to fish" but no longer did.

With their reservation established, the Coeur d'Alene continued to expand their farming enterprises into the early 20th century. They invested the federal monies paid to them in compensation for their land cessions in seed, livestock, agricultural equipment, and buildings. Coeur d'Alene farmers, like their non-Indian Palouse neighbors, continued to dry farm; while they made use of wells or nearby springs for domestic purposes and some limited truck garden irrigation, they built no diversion or storage structures for water, and there is no historical evidence that such works were either feasible or necessary. Some tribal members continued to fish and hunt seasonally, but federal records indicate that by the early 20th century fishing was not a necessary part of the diet of most tribal members.

The allotment of individual tracts of land in severalty to the Coeur d'Alene in the late 1900s – justified in the minds of Congress and federal Indian officials by the agricultural success of the tribe – fundamentally altered the reservation championed by Seltice and supporters of the tribe in the 19th century. Forty percent of tribal lands previously reserved in 1891 were lost to non-Indians, further dissociating the Coeur d'Alene physically from the water sources in their aboriginal territory. By the 1920s, only a few Coeur d'Alene actively farmed; the majority leased their lands. Agriculture nevertheless remained the ideal within the tribe. In the 1930s and again in the early 1970s, as the Coeur d'Alene sought self-government, repurchased lost land, and had lands restored to it, they looked to revive farming within their reservation – in effect, re-committing themselves to the transformation that their ancestors had made more than a century earlier.

The Coeur d'Alene on the Eve of Euro-American Contact

The Coeur d'Alene Indians, or Schitsu'umish, occupied their ancestral homeland when they first came into contact with Euro-American explorers, fur trappers, and missionaries in the first half of the 19th century. Over time, non-Indian outsiders came to know the Schitsu'umish people as the Coeur d'Alene, or "Pointed Hearts," a group of native people who occupied a country with fluid boundaries centering on Lake Coeur d'Alene and the Spokane River drainage system in the far eastern section of the Columbia Basin. Since time immemorial the Coeur d'Alene had inhabited and utilized this area encompassing some four million acres of land extending west to the grasslands of the Palouse, east to the Bitterroot Range in western Montana, south to the headwaters of the Clearwater River and north to the forests occupied by the Kalispel (or Pend d'Oreille) tribes at the southern end of Lake Pend Oreille. The Flathead people lived to the east on the other side of the Bitterroot Mountains; to the south and southwest were the Nez Perce and Palouse peoples; the Spokane inhabited the region to the west. Near the center of this homeland

was Lake Coeur d'Alene.[1] **Figure 1** below depicts this area as delineated in a 1973 preliminary development plan prepared by the Coeur d'Alene Tribe.[2]

Early Coeur d'Alene Culture, Subsistence Patterns, and Water Use

Given the insular nature of the Coeur d'Alene, there is little documentation of their culture, their subsistence patterns, and their water use prior to the arrival of the Jesuit missionaries in the 1840s. Explorers Meriwether Lewis and William Clark were the first Americans to make contact with the Coeur d'Alene in 1806, but they learned little about the tribe – save a general description of their lands surrounding Lake Coeur d'Alene. Lewis and Clark estimated the tribe at 2,000 people.[3] Subsequent encounters by other explorers, Jesuit missionaries, and American military officers as well as ethnographic studies in the early 20th century offer a fuller picture of the pre-contact Coeur d'Alene.

These accounts and analyses indicate that the Coeur d'Alene Indians utilized their aboriginal lands, centered on the Spokane River drainage system and Lake Coeur d'Alene, to hunt, fish, and gather a subsistence diet comprised largely of fish, deer, waterfowl, camas root, bitterroot, water potatoes, and berries.[4] Adoption of the horse, sometime in the 18th century, significantly altered traditional subsistence patterns and re-focused the tribe's culture to include bison hunting; nevertheless, on the Coeur d'Alene homeland water resources played an important role in providing a varied base of sustenance. To take advantage of the seasonal food products available in their environment required tribal members to be migratory. Annually they made seasonal treks to the camas meadows, to the huckleberry country on

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[1] The Coeur d'Alene called themselves *Schitsu'umish*, which in their native Salish language means "those who are found here." The "Pointed Hearts," or "Heart of an Awl," was a term used by French Canadian fur trappers in the early 1800s to describe the Coeur d'Alene tribe because of their inhospitable temperament and the shrewd trading skills displayed by tribal members. See Elliott Coues, ed., *Journals of Alexander Henry and David Thompson ,* Vol II, New York, 1897), 710-711; Ross Cox, "Adventures on the Columbia River, 1831, in Two Volumes, Vol. II," *California State Library Occasional Papers, Reprint Series No. 26* (San Franciso: California State Library, Sutro Branch, 1941), 61. United States Exhibit 45, *United States of America and Coeur d'Alene Tribe v. State of Idaho*, Case No. CIV-94-0328-N-EJL; and Laura Woodworth-Ney, *Mapping Identity: The Creation of the Coeur d'Alene Indian Reservation, 1805-1902* (Boulder: University Press of Colorado, 2004), 8-9, and 17-18. Throughout this report, the terms "non-native" and "non-Indian" are used to identify those Euro-Americans that were not otherwise adopted into the Coeur d'Alene tribe. The term "white" is used as it appears in the historical documents.

[2] Coeur d'Alene Tribe, Coeur d'Alene Indian Reservation, *Comprehensive Development Plan* - Preliminary, December 1973, 10. University of Idaho Special Collections.

[3] Reuben Gold Thwaites, *Original Journals of the Lewis and Clark Expedition, 1804-1806* (New York: Dodd, Mead & Company, 1905), 119. Trial Exhibit 179, *United States of America and Coeur d'Alene Tribe v. State of Idaho*, Case No. CIV-94-0328-N-EJL.

[4] Anthropologist Gary Palmer has argued that the Coeur d'Alene likely had familiarity with some agricultural techniques prior to their association with the Jesuits. He cites observations made by British botanist Charles Geyer in 1843 of Coeur d'Alene cultivation of potatoes (reportedly acquired from fur traders) and evidence that the neighboring Spokane were raising potatoes, peas, and beans in the mid-to-late 1830s. "This is not to say," Palmer acknowledged, "that they [the Coeur d'Alene] were ready to make an immediate transition to the European mixed farming system." See Gary B. Palmer, "Indian Pioneers: Coeur d'Alene Mission Farming from 1842 to 1876," *Papers in Anthropology*, ed. Carolyn Garrett Pool, 22:1 (Spring 1981): 68-69. Trial Exhibit 783, *United States of America and Coeur d'Alene Tribe v. State of Idaho*, Case No. CIV-94-0328-N-EJL.

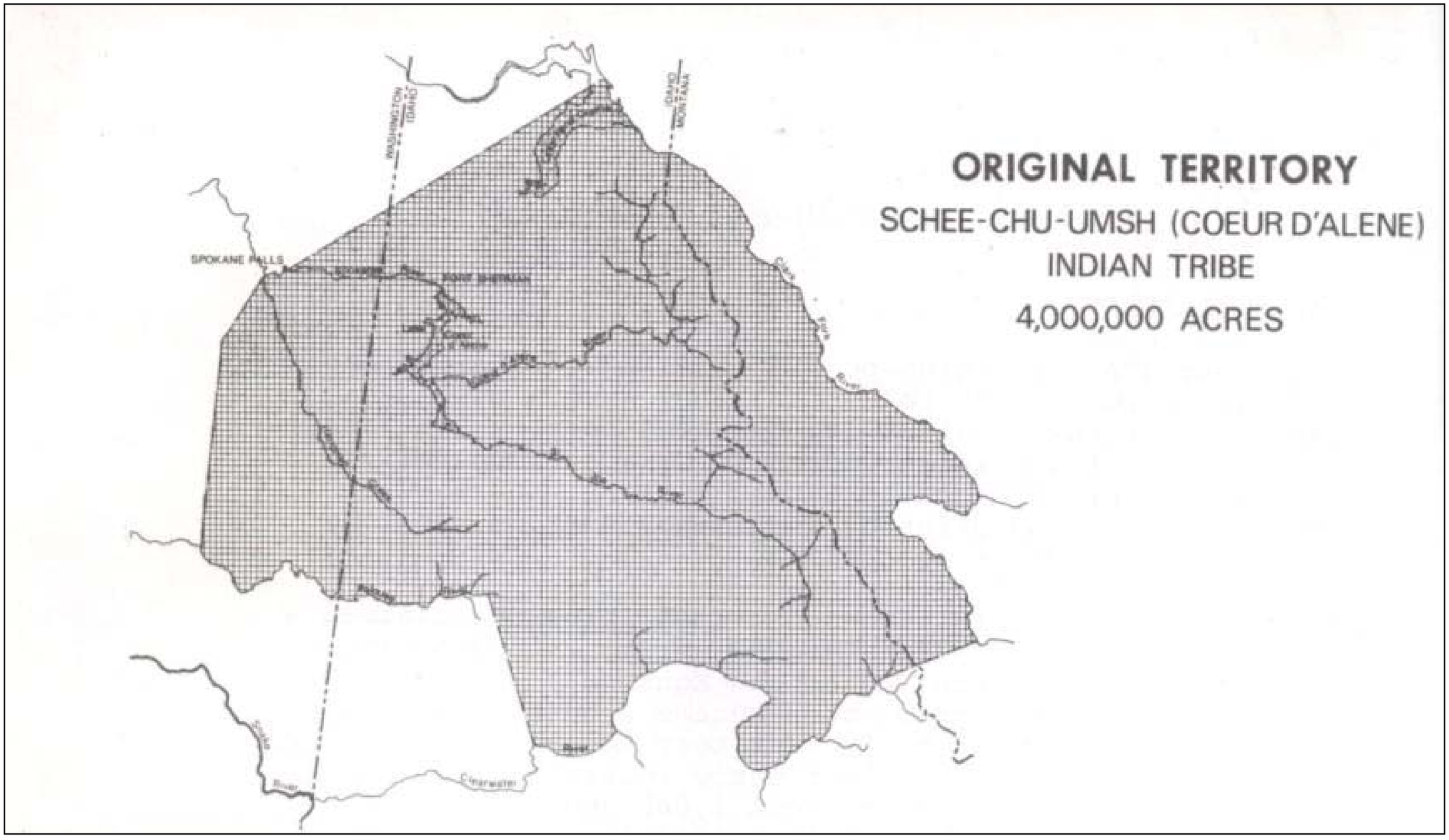

Figure 1. Coeur d'Alene Original Territory.

mountain slopes, to the mountains to hunt elk, deer and other game, and to the salmon streams.[5]

Prior to the 1850s, the tribe lived in few permanent full-time villages and from these central settlement locations they would seasonally exploit the available natural resources within their aboriginal territory that provided the essentials of their diet. Coeur d'Alene chief and tribal historian Joseph Seltice, writing in the 1930s, suggests that members of the tribe occupied several areas on either side of the Washington-Idaho state line prior to the arrival of the Jesuits: the present-day Spokane, Coeur d'Alene, and St. Joe river valleys; the Hangman Creek (also known as Latah Creek) and Lovell Creek (Little Hangman Creek) valleys; what is known today as Moctelme Valley; the lands around present-day Plummer and Worley; and the Palouse, the region generally west and south of the Coeur d'Alene Reservation of today.[6]

Scholars have endeavored to be more specific. Anthropologist Verne F. Ray writing at roughly the same time as Seltice identified 34 separate small village sites. **Figure 2** below is a portion of the map prepared by Ray that depicts those sites (the Coeur d'Alene aboriginal territory appears as a roughly square area bounded by horizontal dashed lines, east of the Upper Spokane and south of the Kalispel). All but one of these villages identified by Ray (site 21) were located along waterways or other water bodies: Coeur d'Alene River (sites 1 through 13), St. Joe River (sites 14-19), St. Maries River (site 20), Latah Creek (or Hangman Creek, site 22), Lake Coeur d'Alene, (sites 23 and 25), Hayden Lake (site 24), Spokane River (sites 26 through 31), and Liberty Lake and Liberty Creek (sites 32-34).[7]

Work by Stuart Chalfant, an ethnographer with the federal government in the 1950s during the consideration of the claims of the Coeur d'Alene before the Indian Claims Commission (ICC), suggests that there were fewer locations and that at each a semi-independent tribe or band lived under the leadership of an autonomous chief. Interviewing Andre Aripa, who was been born and raised on the St. Joe River, about 5 miles below the town of St. Marie, Chalfant learned of 10 bands / locations, all at or near present-day urban areas or historical sites:

1. One tribe at present-day St. Maries
2. One tribe at present-day Harrison
3. One tribe at Chatcolet
4. One tribe at Old Mission (Cataldo)
5. One tribe at present-day Coeur d'Alene City
6. One tribe at Liberty Lake (Chief Stellam)
7. One tribe at present-day Post Falls
8. One tribe between Post Falls and Coeur d'Alene City
9. One tribe at Lovell (in 1951 marked by a grain elevator between Sorrento, ID and Tekoa, WA)
10. One tribe near present-day DeSmet

[5] Woodworth-Ney, *Mapping Identity*, 8-14.
[6] Joseph Seltice, *Saga of the Coeur D'Alene Indians: An Account of Chief Joseph Seltice,* ed. Edward J. Kowrach and Thomas E. Connolly (Fairfield, Washington: Ye Galleon Press, 1990), 24-25.
[7] Verne Ray, "Native Villages and Groupings of the Columbia Basin," *Pacific Northwest Quarterly* 27:2 (April 1936): 116.

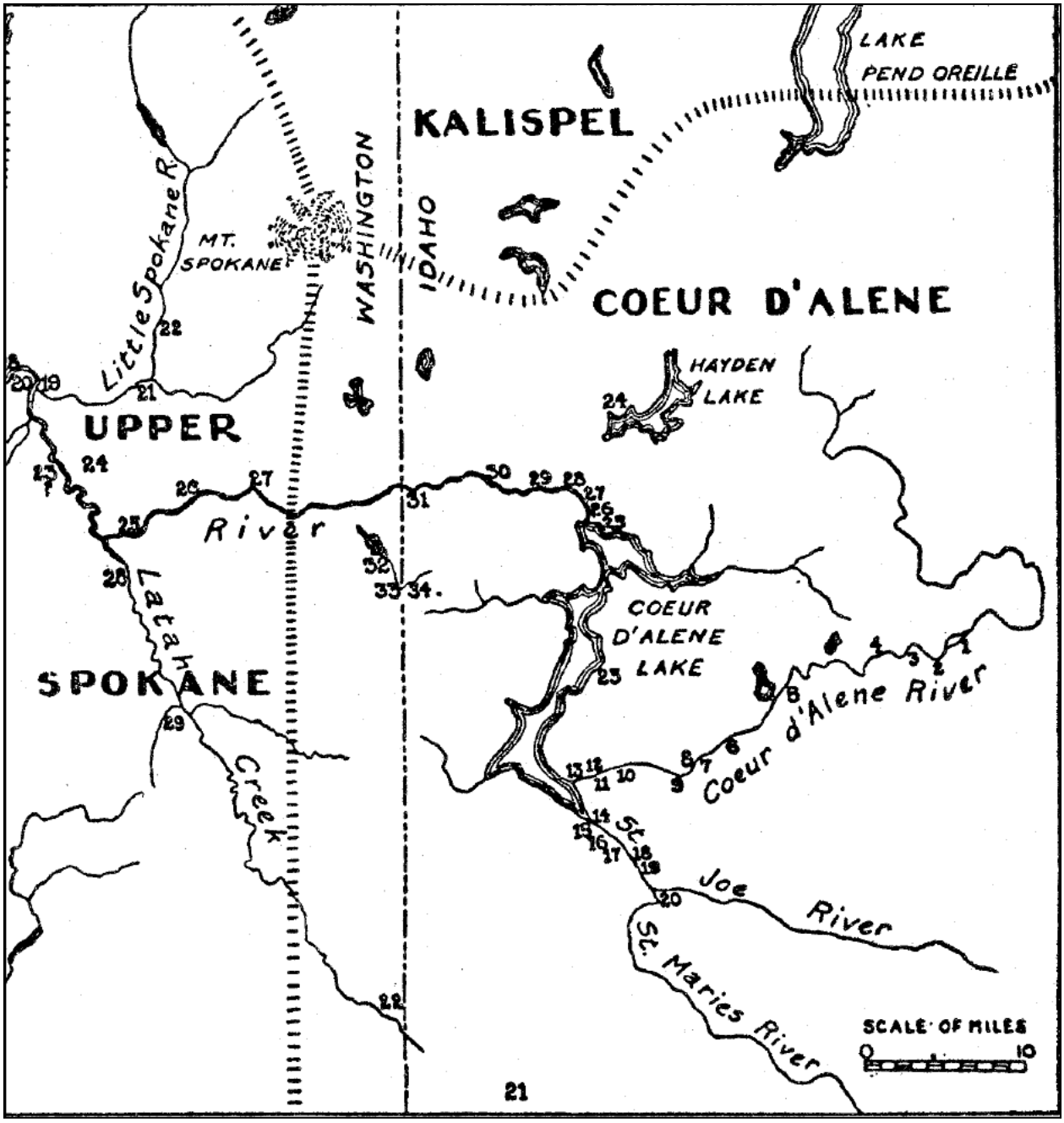

Figure 2. Verne Ray's 1936 Map of Aboriginal Coeur d'Alene Village Sites.

Assessing this information, Chalfant observed that

> All of the Coeur d'Alene villages, except for the summer camps near Tensed, Idaho, and Tekoa, Washington, are located on or near Coeur d'Alene, or near the lake on the principal rivers feeding it. It is my surmise that the village locations and population distribution reflect the early, pre-horse orientation of the Coeur d'Alenes to the lake region as a winter abode, with fishing and hunting small game in the vicinity of their villages and the lake as their main means of support during the winter months. Their summer camps on the prairie to the south reflect in the same manner the basic

> importance of root gathering in their economy. There are no known camp or village sites, whether permanent or temporary, in the mountains east of Cataldo.[8]

The area's river-lake system provided the tribe with a means of transportation by canoe and served as a source of fish, including salmon in the lower Spokane River and trout from Coeur d'Alene River. Large numbers of Coeur d'Alene and Spokane Indians from northerly villages fished for salmon at favored locations along the lower Spokane River during their migration each year. Members of the tribe also made annual group treks east off the reservation to the Little North Fork of the Clearwater River, a tributary of the Snake River. Here salmon were hooked out of the river, smoked, and dried to meet winter needs. A variety of fish were also reportedly taken easily in large numbers at the weir near the outlet of Lake Coeur d'Alene (the head of the Spokane River).[9]

Fish were an important part of Coeur d'Alene aboriginal diet. Along with game, salmon, steelhead, cutthroat trout, mountain whitefish, and others provided tribal members with necessary protein to supplement their consumption of camas root, water potatoes, and berries. Early 20th-century ethnographer James Teit, the first scholar to make a detailed study of the Coeur d'Alene, observed after visiting the tribe in 1904, 1908, and 1909, that "[b]efore the advent of the horse, the Coeur d'Alene spent a good deal of time traveling, fishing and hunting along the rivers and lakes of their country" including the Spokane River. He wrote,

> Being a semi-sedentary people and living in a country where wood, bark and vegetal materials of many kinds abounded, the Coeur d'Alene developed the arts of fishing, canoe making, and textile work in weaving of nets, bags, and baskets, probably to a greater degree than any of the neighboring tribes.[10]

Chalfant echoed Teit's assessment in his report on the Coeur d'Alene submitted to the ICC in the 1950s:

> The pre-horse subsistence pattern of the Coeur d'Alene had at its core the gathering of camas roots and other vegetable products, "la petite chasse" or hunting of small game, and fishing. Fishing was of considerable importance in this simple economy owing to the tribes' location on good waterways and Coeur d'Alene lake.[11]

Coeur d'Alene aboriginal fishing sites, according to Chalfant, varied by season. He identified no fall fishing site, but noted that Lake Coeur d'Alene, "particularly at Chatcolet," was frequented in the winter – despite, as the anthropologist acknowledged, large numbers of the tribe hunting bison on the Plains

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[8] Stuart Chalfant, "Ethnological Field Investigation and Analysis of Historical Material relative to Coeur d'Alene Indian Aboriginal Distribution," 90-91, and 133. Defendant's Exhibit #13, Defendant's Exhibits 01-39, Box 234, Docket #81, Case Files, 1946-1983, Records of the Indian Claims Commission, Record Group 279, National Archives, DC.

[9] Joseph Seltice, *Saga of the Coeur D'Alene Indians: An Account of Chief Joseph Seltice,* ed. Edward J. Kowrach and Thomas E. Connolly (Fairfield, Washington: Ye Galleon Press, 1990), 19, 37, 56, 60, and 82-84; Verne Ray, "Native Villages and Groupings of the Columbia Basin," *Pacific Northwest Quarterly* 27:2 (April 1936): 130-133; Rodney Frey, *Landscape Traveled by Coyote and Crane: The World of the Schitsu'umsh (Coeur d'Alene Indians)* (Seattle: University of Washington Press, 2001), 42; and Woodworth-Ney, *Mapping Identity*, 9-12.

[10] The results of Teit's research were not published until 1930. James A. Teit, ed. Franz Boas, "The Salishan Tribes of the Western Plateaus," *Forty-Fifth Annual Report of the Bureau of American Ethnology to the Secretary of the Smithsonian Institution, 1927-1928* (GPO, 1930), 25 and 151.

[11] Chalfant, "Ethnological Field Investigation," 143.

during this season. In the spring, the head of the Spokane River was a popular site, and during the summer, tribal members fished along the Little North Fork of the Coeur d'Alene River, the main stem, and the Little North Fork of the Clearwater River. Chalfant was also confident that "the St. Joseph river bands [of the Coeur d'Alene] fished at least 15 miles above St. Maries on the St. Joseph river."[12] "This is not to be misconstrued," he cautioned, "as implying that they never ranged beyond these basic subsistence areas, but it is ethnologically sound to limit their territory to those regions which have been, in the course of their known history, essential to their existence as a unified ethnic group."[13]

Some of the earliest Euro-American accounts suggest that there was an abundance of fish in the Coeur d'Alene homeland. Catholic priest Father Nicolas Point, for instance, a member of the Society of Jesus (the Jesuits) who established the first Christian mission for the Coeur d'Alene on the St. Joe River (also known as the St. Joseph River) in 1842 observed:

> The Coeur d'Alene had their great hunt, but their country, dotted with lakes and interlaced with rivers, abounds in fish no less than in games animals, so they also have their great fishing expeditions. Fishing like hunting is done almost the year around.... Fish are abundant in lakes, rivers, and small streams.

Accompanying tribal members on a fishing expedition to Spokane River near where the river left Lake Coeur d'Alene, Point reported that this particular area "teems with a prodigious number of fish." He also described how fish were caught:

> If the catch is to be abundant, it is necessary to erect a barrier made of wicker screens attached to a line of tripods, solidly joined together by traverse poles. Since at that season the cold is beginning to be felt the task is difficult for the fishermen who must stand in water which is breast-deep. To volunteer for that task is one way to gain popularity. The catch of fish, like the game procured in the hunt is distributed to everyone. Once the netting has been erected, the whole process becomes obviously quite simple. The catch is usually so abundant that canoes are filled and emptied within the space of a few hours."[14]

Spokane Falls was the Coeur d'Alene's chief site to both catch and acquire salmon. Teit notes that while "large numbers of the tribe" travelled to the falls "and other parts of Spokane River" where they fished alongside the Spokan Indians for salmon, "dried salmon was procured from the Spokan."[15]

The falls were a significant barrier for salmon, according to later observers. Washington territorial governor Isaac Ignalls Stevens in his report on a route for a northern railway to the Pacific in 1855 noted that up to the falls "we have an abundance of fine salmon; but the falls of the Spokane arrest their progress beyond." "An abundance of trout," above the falls, "almost equal to the salmon, compensate for their loss." Lieutenant Lawrence Kipp, serving under the command of Colonel George Wright during

[12] The St. Joseph River is now more widely known as St. Joe River; both names are used throughout this report.
[13] Chalfant, "Ethnological Field Investigation," 146 and 148.
[14] Point, *Wilderness Kingdom*, 174-175, 181, and 62.
[15] Teit, "Salishan Tribes," 107.

the Steptoe War of 1858-1859, similarly observed that "in the Spokane river salmon abound below the falls, and trout above."[16]

Spokane Falls, while the premier salmon fishing grounds for the Coeur d'Alene, was not the only place where tribal members obtained salmon. Some, as Chalfant noted, also travelled to the Little North Fork of the Clearwater River, most likely during the summer camas harvesting, to fish for salmon alongside the Nez Perce.[17] According to Coeur d'Alene Chief Joseph Seltice, "salmon could be hooked out of the river [i.e., the Little North Fork] nearly as fast as you could throw them on the bank."[18] Hangman, or Latah Creek, was another reported salmon fishing ground frequented by the Coeur d'Alene – but contemporary scientists have doubted its historical importance. Tekoa, Washington, near the border of the present Coeur d'Alene Reservation was the furthest identified eastern extent of the creek's salmon run and it was at this point that the tribe erected a large fish trap.[19]

Fishing occurred on Lake Coeur d'Alene, Coeur d'Alene River, and Lake Chatcolet as well. Jesuit Father Pierre-Jean DeSmet, who made the initial missionary foray among the Coeur d'Alene prior to the establishment of the mission in 1842, noted that the Lake Coeur d'Alene was "abundant in fish,

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[16] I.I. Stevens, *Report of Explorations for a Route for the Pacific Railroad, Near the Forty-Ninth Parallels of North Latitude, From St. Paul to Puget Sound,* in *Explorations and Surveys for a Railroad Route from the Mississippi River to the Pacific Ocean. Made under the Direction of the Secretary of Water, in 1853-4, According to Acts of Congress of March 3, 1853, May 31, 1854, and August 5, 1854*, Volume I (Washington, DC: A. O. P. Nicolson, Printer, 1855), 257; and Lawrence Kip, *Army Life on the Pacific* (New York: Redfield, 1859), 77. Harrison Collection, Special Collections, Shields Library, University of California, Davis.

[17] Chalfant, "Ethnological Field Investigation," 148.

[18] Seltice, *Saga of the Coeur d'Alene Indians*, 19, 60, and 82-83.

[19] Teit, "Salishan Tribes," 38; Jerome Peltier, *Manners and Customs of the Coeur d'Alene Indians* (Spokane, WA: Peltier Publications, 1975), 36; and Allan Scholz, Kate O'Laughlin, David Geist, Jim Uehara, Dee Peone, Luanna Fields, Todd Kleist, Ines Zozaya, Tim Peone, and Kim Teesatuskie, "Compilation of Information on Salmon and Steelhead Total Run Size, Catch and Hydropower Related Losses in the Upper Columbia River Basin, Above Grand Coulee Dam," Fisheries Technical Report No. 2, December 1985, Upper Columbia United Tribes Fisheries Center, Eastern Washington University, Department of Biology, Cheney, Washington, 15, 19, and 43-42. Peltier relies upon information provided verbally by Lawrence Nicodemus and Charles Ernest Trowbridge, "the latter a long time resident of Spokane, Washington having come in 1889." Trowbridge, according to Peltier, "was a friend of area Indians and was well informed on their customs having sold them supplies." See Peltier, *Manners and Customs*, 82. The Scholz, et al. study was the product of a joint venture between the Upper Columbia United Tribes (a Spokane-based advocacy and lobbying group representing the Coeur d'Alene, Kalispel, Kootenai, Spokane, and the Confederate Tribes of the Colville Reservation) and scientists with Eastern Washington University. Based on historical accounts offered by other tribal members, their report acknowledged "that at least some salmon migrated to and were caught in the headwaters of Latah [Hangman] Creek and that there was at least limited production in this stream." These scientists nevertheless considered it "unlikely that this stream was ever an important producer of salmon, and that the salmon reported to enter this stream were simply overflow from an overcrowded Spokane River." The Coeur d'Alene name for the stream itself, Latah, translates as "muddy water," and the report cited an 1893 US Fisheries Commission survey (discussed in greater detail below) – conducted "before any significant logging or farming occurred in the area" – which "described the stream as 'muddy, not suitable for salmon and containing suckers and minnows.'" A 1973 fishing survey also cited by the Scholz, et al. confirmed the turbidity of the Hangman Creek waters, yet captured "some trout."

particularly in salmon trout, carp, and small, oily fish, very delicious, and tasting like smelt."[20] U.S. Army Captain John Mullan, who led the effort to construct a road connecting Fort Benton, Montana Territory, to Fort Walla Walla, Washington Territory, through the northern end of the Coeur d'Alene aboriginal territory, and later became an ally of the tribe (all discussed in greater detail below) similarly took note of the "abundance of delicious salmon trout" in the lake in the late 1850s.[21] Year-round trout fishing occurred on the Coeur d'Alene River. According to Joseph Seltice, trout "were very plentiful" in this river in the early 1840s and 1850s. He reported that "the Indians fished there, but never for long, because a sufficient supply of fish was always available."[22]

The Coeur d'Alene used a variety of common methods and tools to fish – including hooks, spears, traps, and nets – adapted to the season, location (whether lake or river fishing), and type of fish. There were two types of hooks. The first was made from wood or a bone shank and barb, and was typically angular in shape and used in lake fishing.[23] The second type was a "'gorge' hook, of two straight splinters of bone fastened together." With hooks, lines of Indian hemp were used. Rods were constructed of available wood from bushes, while reels were a single oblong or square piece of wood. In some instances, a line would be merely cast and then yanked, with caught fish deposited in bags made of woven rushes, bark, or rawhide. When lake fishing, the Coeur d'Alene used stone sinkers on lines and nets; these sinkers were most often secured with a double hitch knot, but notched, grooved, and bored sinkers were not uncommon. Tule was used to make floats for small lines. Gaff hooks, typically iron hooks attached to long wooden poles, as Teit describes them "were used for feeling salmon in the pools and hooking them out in the dark."[24] Bait-and-hook was practiced during the winter through holes cut in ice.[25]

According to Teit, spears more so than hooks and lines were used for winter fishing; spears were also typically used when fishing from canoes during the night. The Coeur d'Alene reportedly used two types of spears. One was a harpoon spear with a detachable point. It was employed when taking salmon either in shallow rapids or from river banks. The other was a leister spear – a three-pronged spear – which was more versatile and was used from canoes or during ice fishing to catch a variety of fish.[26] The prongs were made from sharpened deer or elk leg bones. Spears, particularly the leister, were used in ice fishing: "The fisher lay flat on a woven mat, with a robe or blanket over his head; he held the line with fish lure in his

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[20] Hiram Martin Chittenden and Alfred Talbot Richardson, ed., *Life, Letters, and Travels of Father Pierre-Jean De Smet, S.J., 1807-1873*, 4 vols, volume 1 (New York: Francis P. Harper, 1905), 378. Legacy Washington, Secretary of State, State of Washington, http://www.sos.wa.gov/legacy/publications_detail.aspx?p=12, last accessed August 22, 2014.

[21] Captain John Mullan, U.S.A., *Report on the Construction of a Military Road from Fort Walla Walla to Fort Benton* (Washington: Government Printing Office, 1863), 17. Legacy Washington, Secretary of State, State of Washington, available online at http://www.sos.wa.gov/legacy/publications_detail.aspx?p=141, last accessed August 22, 2014.

[22] Seltice, *Saga of the Coeur d'Alene Indians*, 37, 56, and 83-84.

[23] These types of hooks were also used to catch ducks.

[24] "It is uncertain," Teit remarks, "whether they [i.e., the gaff hooks] were used before the advent of iron, as the hooks are remembered as always having been of this material." "Some tribes," he goes on to note, "may have used gaff hooks with heads set with barbs of bone or antler like the angular fishhook used on lines."

[25] Teit, "Salishan Tribes," 105-106.

[26] "Harpoon spears with double prongs," as used by other tribes, were apparently "unknown" to the Coeur d'Alene.

left hand, and three-pronged spear in his right, ready to strike." "Large trout," Teit reports, "were speared on dark nights in the lakes from canoes by torchlight" and "spearman" wore "several kinds" of eye shades to reduce glare. The Coeur d'Alene also speared at "simple weirs" that halted the progress of fish.[27]

Traps and nets were also used to catch fish into the 20th century. At least five kinds of fish traps were used by the Coeur d'Alene but Teit was unable to "obtain detailed information regarding them." One was a screen trap, depicted in **Figure 3** below in a sketch by Teit, ca. 1909.[28] Another trap was used principally when streams were in flood. It was likely cone-shaped with a large opening and a much narrower exit. When a sufficient number of fish entered, the trap would be rapidly withdrawn from the water.[29] A third kind employed "a trapdoor composed of a row of slanting sticks." The fourth was either circular or cylindrical and "was used only for small fish."[30]

The most elaborate trap – the fifth one identified by Teit – was dedicated to salmon fishing on the Spokane River:

> It was large, and had high walls. The top was open excepting at the ends, which were covered over to prevent fish from jumping out. These traps were made of coarser materials than others; they were set in rocky places and fastened to stout logs, as a considerable volume of water flowed through them. Men walked into them and clubbed the salmon.[31]

As with spearing, the Coeur d'Alene often used weirs "in conjunction with traps."[32]

Local historian Orland A. Scott describes yet another kind of fish trap used by the Coeur d'Alene at Mission Point near the debouchment of St. Joe River. At this location, roughly between the Mission site and the river, was a narrow stretch of swamp land that would flood during the spring. When the waters began to recede, whitefish and trout would migrate through this channel upriver to spawn. Taking advantage of the constricted passage, the Coeur d'Alene erected a short, 18-inch dike between the riverbank and

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[27] Teit, "Salishan Tribes," 105-106 and 107.
[28] Teit, "Salishan Tribes," 106.
[29] This description comes from United States of America, Federal Energy Regulatory Commission, The Washington Water Power Company, Project No. 2545, Phase II, Second Supplemental Brief on Exceptions of the Coeur d'Alene Tribe of Indians to Administrative Law Judge's Initial Decision Determining Issue of Tribal Land Under Section 3(2) of the Federal Power Act Dated December 9, 1980, 16. ff. FERC Project 2545, Official Record, File Series P-2545, Part 16, April 10, 1981 to March 8, 1982, Box 250, Federal Energy Regulatory Commission, Washington, DC [hereafter FERC]. This brief, drafted by Gary T. Farrell of Dellwo, Rudolf & Schroeder, P.S., the attorneys representing the Coeur d'Alene before FERC, cites to Teit but the ethnographer does not describe the trap in this manner. Rather, he writes, "A second kind of trap commonly employed was used chiefly in creeks when they were in flood. It appears to have been the same as the cylindrical trap of the Thompson [Indians] with 'heart,' and was called *moo*, which is also the Thompson name." See Teit, "Salishan Tribes," 106.
[30] Teit, "Salishan Tribes," 106.
[31] Teit, "Salishan Tribes," 106-107.
[32] Teit, "Salishan Tribes," 107.

Mission site and placed willow switches interwoven with willow twigs into the dike to create a barrier. Tribal members, standing on the dike, would then spear or net the blocked fish.[33]

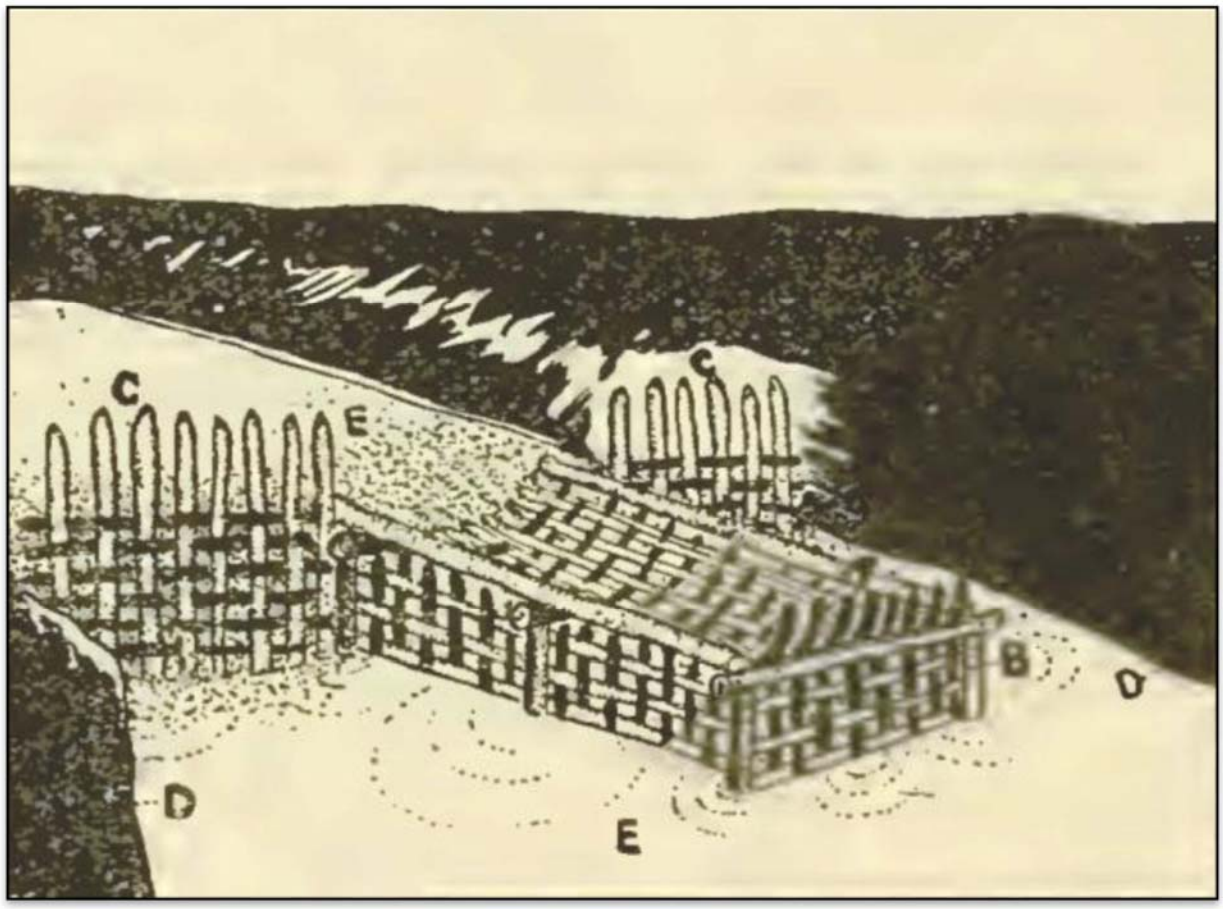

Figure 3. Teit's Sketch of a Coeur d'Alene Screen Trap, ca. 1909.

Nets were the most adaptable fishing tool employed by the Coeur d'Alene, and were used in lakes and rivers to catch all varieties of fish. For the lakes, the tribe used long nets, and for the streams, "ordinary bag nets" to catch whitefish and others from rocks and stream banks. Larger bag nets were used to catch "a 'sucker' which appears on the surface of lakes in calm, warm weather" while smaller bag nets scooped fish up. The Coeur d'Alene would also cast nets from canoes, and set them as traps as Scott notes.[34]

Caught and cleaned fish was prepared in a manner similar to slaughtered game. If intended for immediate consumption, it was sometimes consumed raw but more often was roasted over a fire on spits or sticks, or boiled. If boiled, the resulting stock was either drunk or used as base for a soup with roots added. Fish that was to be saved for later consumption was dried on poles. In the absence of sun and wind, or if the weather was overcast or rainy, the fish was smoked over a fire. Dried fish, particularly salmon, was

[33] Orland A. Scott, *Pioneer Days on the Shadowy St. Joe* (Coeur d'Alene, Idaho, 1967), 260. Trial Exhibit 2050, *United States of America and Coeur d'Alene Tribe v. State of Idaho*, Case No. CIV-94-0328-N-EJL;
[34] Teit, "Salishan Tribes," 107.

rendered into *pemmican* – pounded, mixed with salmon oil, and then sealed into salmon skin bags. Such dried salmon could be stored to last throughout the winter in caches. Caches were circular earthen pits located on dry ground with adequate drainage.[35]

Despite the dietary importance of fishing to Coeur d'Alene subsistence, the tribe may not have practiced fish ceremonialism. Teit, noting the absence of a "first-salmon ceremony," believed that this was because salmon were "not indigenous to the Coeur d'Alene territory." He also noted that there were "no ceremonies regarding the capture or eating of any kind of fish among the interior Salish tribes," which included the Coeur d'Alene.[36] Ethno-historian Jerome Peltier disagreed with Teit, noting that "first-fish rituals and feasts took place." He did not, however, specify if these rituals were particular to salmon or other species.[37]

The Spokane and the Coeur d'Alene did share a common mythology about the salmon in Spokane River, with the latter reportedly possessing their own folk-tale regarding salmon. According to U.S. Navy Lieutenant Charles Wilkes, who led the United States Exploring Expedition, or "Wilkes Expedition," an exploring and surveying expedition of the Pacific Ocean and surrounding lands between 1838 and 1842, the Coeur d'Alene and the Spokane were the first to identify this common myth. This myth held that when the spiritual figure of Coyote – what Wilkes called "the prairie-wolf" – insisted that both tribes provide a wife, only the Spokane acquiesced and for this concession, Coyote proclaimed "that the salmon should be abundant and for this purpose raised the rapids that they [i.e., the salmon] might be caught with facility." The Coeur d'Alene were subsequently punished, as Coyote "formed the great falls of the Spokane which have ever since prevented salmon from ascending to their [i.e., Coeur d'Alene] territory."[38]

Teit identified another Coeur d'Alene mythological tale regarding "Coyote" and salmon. In this story, which the ethnographer calls "Coyote Introduces Salmon," Coyote introduced salmon to the interior Salish tribes by transforming himself into a baby so that he could infiltrate a group of four women who controlled a dam that prevented salmon from ascending to interior streams. Adopted by the women and brought to their home, Coyote returned to the river under the pretense of wishing to slake his thirst and proceeded to tear down the dam bit-by-bit. After four days, the women grew suspicious and followed Coyote to the river. Discovering what Coyote had done, they attempted to stop him, but it was too late:

> Coyote tore out the last pieces. Now the water rushed through the break, and Coyote jumped to the opposite side. Most of the dam was carried away, and great numbers of salmon ascended the river.

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[35] Teit, "Salishan Tribes," 94-95, 114, and 63.
[36] Teit, "Salishan Tribes," 184.
[37] Peltier, *Manners and Customs*, 38.
[38] Charles Wilkes, U.S.N., *Narrative of the United States Exploring Expedition, during the Years 1838, 1839, 1840, 1841, 1842*, five volumes, volume 4 (Philadelphia: C. Sherman, 1944), 477-478. Teit also notes this myth. Scholz et al., erroneously attributes the telling of this myth to a "Lt. John Wilkes (1845), a member of Gov. Stevens' railroad survey team." See Scholz, et al., "Compilation of Information on Salmon and Steelhead," 42.

> Coyote conducted them up the streams, introducing them in many places. Thus Coyote benefitted his people. Before this the Indian tribes of the interior had no salmon.[39]

Fishing aside, late each spring and early summer members of the tribe would also gather at the rich camas fields in the Hangman Creek Valley, also known as Ne-lo-wha, Ni'Lukhwalqw, and Ne Logulko – near present-day Spangle, Rosalia, and Oakesdale, Washington, and Emida, DeSmet, and Clarkia, Idaho – to harvest the roots. Seventy-four-year-old Stanislaus Aripa recalled in a 1951 interview with Chalfant,

> that the Coeur d'Alene used to dig camas roots . . . usually in the meadows east of [present day] Tensed, Idaho. Camas is not common to all the prairie; rather it is found only in the low meadows in certain localities. Therefore camas camp locations were restricted each year to several places only, or sometimes one place. The [Coeur d'Alene] bands did not rove around seeking camas; they each had their favorite locations, often shared with other bands and even other tribes, and returned to the same places year after year.
>
> . . . camas digging season was a "big time" for the men. Different tribes would get together, and the men would gamble and have horse races. It was a season of fun. [40]

The Ne Logulko camas, according to later reminiscences by older tribal members had a "good delicious flavor." Camas digging reportedly began in earnest in June

> when the camas would get ripe along the creek valley here at Ne logulko. When the camas is in its full purple bloom, it is a beautiful sense, like a dreamland land. The Coeur d'Alene Indian woman starts to dig the camas with her hook made out from elk horn. One end is sharp. Other end has a cross piece used as the handle. She digs and digs the camas for several days till she gets enough. Two or three from her relatives join together to bake the camas.

The dug camas was then pit roasted or steamed (using wet mud and pine-tree moss) to form a large 16-inch thick cake.[41] Another root, water potato, was dug from the mud and shallow waters along the rivers and Lake Coeur d'Alene. Other edible roots, tubers, and bulbs also supplemented their diet. In the spring, summer, and fall the Coeur d'Alene hunted water fowl and game and collected berries in the nearby mountains.[42]

Horse Culture and Changes to Coeur d'Alene Traditional Subsistence Practices in the 18th Century

Adoption of horse culture in the 18th century significantly re-oriented the traditional subsistence practices of the Coeur d'Alene, much as it did for the Indian tribes to the east in the vicinity of the Great Plains.[43]

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[39] James A. Teit, Marian K. Gould, Livingston Farrand, and Herbert J. Spinden, *Folk-Tales of Salishan and Sahaptin Tribes*, ed. Franz Boas (Lancaster, PA and New York: American Folk-Lore Society, 1917), 121. Harrison Collection, Special Collections, Shields Library, University of California, Davis.

[40] Chalfant, ""Ethnological Field Investigation," 98 and 101.

[41] "An Old Time Indian's Story," in Su Harms, ed., *The Coeur d'Alene Teepee, Volumes I-III, 1937-40*, Sacred Heart Mission, Coeur d'Alene Indian Reservation, DeSmet, Idaho, Volume 2, Number 17, 307-308.

[42] Frey, *Landscape Traveled by Coyote and Crane*, 20-21, 31-37, and 41.

[43] See, for instance, "Indians in the Land: A Conversation between William Cronon and Richard White," *American Heritage* 37 (August-September 1986), 21; William Cronon, *Changes in the Land: Indians, Colonists, and the Ecology of New England* (New York: Hill and Wang, 1983), 34-53; Richard White, *The Roots of Dependency: Subsistence, Environment, and Social Change among the Choctaws, Pawnees, and Navajos* (Lincoln, NE: University of Nebraska

The Spanish first brought horses into the interior of the present United States as part of Don Juan de Oñate's 1598 expedition to establish control over the Pueblo Indians in what is now New Mexico. In the aftermath of the Pueblo Revolt of 1680, in which several hundred Spanish settlers were either killed or forced to flee, the Pueblo Indians began a brisk trade in horses with other Indian tribes. Over the ensuing decades, horses proliferated throughout the southern plains region. Located to the northwest of the Pueblos, the Navajo acquired horses after the Pueblo Revolt. They, in turn, initiated intertribal equestrian trade that spread northward along the western slope of the Rocky Mountains bringing horses to the Nez Perce and Shoshones by the early 18th century. Horse trading spread throughout the Pacific Northwest between 1700 and 1750.[44]

The Coeur d'Alene, along with the Shoshones, Flatheads, and Nez Perce of the northern Rockies, acquired the horse in the early-to-mid 18th century via the trade network established by the Navajo. By the 1760s, the horse had been fully integrated into the culture of the Coeur d'Alene tribe; they too hunted bison seasonally on the grasslands by the 18th century, but did not establish a permanent presence on the plains. Many tribal members would leave the traditional Coeur d'Alene lands for upwards of nine months, traveling over the Bitterroot Range, where they joined Spokane and Flathead Indians in the bison hunt on the plains east of the Rocky Mountains in present-day Montana. Army Captain John Mullan, was among the first to observe that the Coeur d'Alene often crossed the Bitterroot Mountains with the Spokane Indians, entering Flathead lands to hunt bison on the plains of the Missouri.[45]

Teit noted in his study that the Coeur d'Alene bison hunters left in the fall "after the harvesting of the principal root and berry crops, and after the salmon had been put up." They traveled "by a short trail over the Bitterroots, by Old Mission, returning in April by Kalispel River, where the snow goes off early in the spring, and grass for horses is abundant." "[B]efore 1800, when the Coeur d'Alene were well equipped with horses, and the Blackfeet were often attacking the Flathead," according to Teit, "the latter [the Flathead] extended invitations to the Coeur d'Alene and other western tribes, and welcomed them to hunt bison in their territory." During these times, "nearly the entire tribe" might have accepted the Flathead's invitation to hunt bison in their territory. The regularity of these large tribal hunts is unknown and may reflect attempts to provide the Flathead with military reinforcement against a common foe more than a permanent change in the tribe's subsistence patterns.[46] To make traveling easier the Coeur d'Alene made use of horse-travois and substituted skin-covered tipis for their traditional tule-mat lodges. Large

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Press, 1983), 1-33, and 137-177; Richard White, *"It's Your Misfortune and None of My Own": A New History of the American West* (Norman, Okla.: University of Oklahoma Press, 1991), 24-29; and Andrew C. Isenberg, *The Destruction of the Bison* (Cambridge: Cambridge University Press, 2000), 33-37.

[44] Francis Hains, "The Northward Spread of Horses Among the Plains Indians," *American Anthropologist* 40 (July-September 1938), 429-437; White, *"It's Your Misfortune*," 19-21; and Isenberg, *The Destruction of the Bison*, 37-40.

[45] Captain John Mullan, *Report on the Construction of a Military Road from Fort Walla Walla to Fort Benton* (Washington: Government Printing Office, 1863), 49. Legacy Washington, Secretary of State, State of Washington, available online at http://www.sos.wa.gov/legacy/publications_detail.aspx?p=141, last accessed August 22, 2014.

[46] Teit, "The Salish Tribes," 23-396.

quantities of smoked bison meat were brought back home, as were bison skins for robes, and bones, fat, offal, and sinew for various uses.[47]

While Teit suggested that whole families – men, women, and children – may have gone on these bison hunts, anthropologist Rodney Frey more recently has argued that it was probably more common for Coeur d'Alene families with Flathead relatives to hunt bison in the fall and spring seasons, and winter among their relatives sharing food and living during the winter season in their longhouses. The heavy snows in western Montana and the dispersal of the bison herds in the winter would have made hunting difficult. Whether this was the case or not, the bison hunts would have separated many Coeur d'Alene from their aboriginal territory for long periods during the year.[48]

Use of the horse not only introduced bison as a subsistence source but also expanded the range of the Coeur d' Alene's traditional subsistence activities, altered settlement patterns, and drew them into conflicts with other tribes. The Coeur d'Alene continued to gather berries and camas as well as fish and hunt for game, but with the horse bison meat was added to the diet. The horse facilitated broader travel and easier access to distant Columbia River salmon fishing locations and trading sites, such as those at Kettle Falls, Celilo Falls, and The Dalles. Adoption of the horse required location of good grazing ground for herds within the Coeur d'Alene homeland at places near where the owners resided. Less time was spent in the mountainous country north and east of Lake Coeur d'Alene and more on the grasslands north of Spokane River, along Hangman Creek and in the Palouse River country. Arrival of the horse also increased intertribal warfare and placed increased importance on expanding the powers of the "war chiefs." Blackfeet and Crow warriors presented a threat to Coeur d'Alene in bison country. Travel by Coeur d'Alene families beyond their homeland into the territory of the Crow and Blackfeet was dangerous and these trips were preceded by war dances and ceremonies which sought to protect sojourners from the dangers inherent in such travel.[49]

The annual bison hunts declined in importance during the middle decades of the 19th century and ended by 1876, as the greatly diminished bison herds no longer made the long journey to the plains worthwhile. Coinciding with this transition away from bison hunting was a new era of Euro-American-style mixed agriculture, introduced and championed by Jesuit missionaries. By necessity, the Coeur d'Alene came to rely more on raising crops, feed, and livestock to supplement traditional hunting, fishing, and gathering activities on their aboriginal lands and later upon the smaller Coeur d'Alene Indian Reservation as the presence of non-Indian settlers in the panhandle region of Idaho rapidly increased towards the end of the 19th century.

Jesuit Conversion and the Introduction of Euro-American Agriculture in the Early 19th Century

The arrival of the Jesuit missionaries into the Coeur d'Alene country of northern Idaho in the early 1840s marked the introduction of European agricultural practices to the tribe and over the following several

[47] Frey, *Landscape Traveled by Coyote and Crane*, 50-53.
[48] Frey, *Landscape Traveled by Coyote and Crane*, 55.
[49] Frey, *Landscape Traveled by Coyote and Crane*, 50-53.

decades much of the tribe came to embrace a more sedentary farming way-of-life. Although some primitive irrigation of individual family garden plots may have occurred, there is no discussion in the historical record of irrigation systems being constructed and used by the Coeur d'Alene either on individual farm plots or at the mission during the 19th century. Rather, as discussed in more detail in sections that follow, Coeur d'Alene agricultural activity came to mirror closely those of non-Indian farmers in the Palouse region of eastern Washington: dry-farming of grains, supplemented by livestock raising.

The Coeur d'Alene apparently learned of the Jesuits, the so-called "Black Robes," in the early 19th century from the neighboring Flathead – a tribe into which members of Coeur d'Alene had intermarried as a result of communal bison hunting.[50] Delegations of Salish people, such as the Nez Perce and the Flathead, travelled to St. Louis, Missouri in the 1830s, reportedly seeking the "Black Robes" and the "book." Interpreted by local Jesuit missionaries as a plea for religious conversion, a group led by Belgian Jesuit Fr. Pierre Jean DeSmet established a mission among the Flathead in 1841. While travelling across the Spokane Valley in early 1842 as part of an effort to convert other Pacific Northwest tribes, DeSmet met with then Coeur d'Alene chief Twisted Earth. Twisted Earth reportedly detailed a prophecy foretelling the "'coming of the Black Robe,'" and DeSmet promised to dispatch missionaries to the Coeur d'Alene as soon as possible. In October 1842, at DeSmet's direction, Frs. Nicolas Point and Charles Huet travelled to the Coeur d'Alene Valley.[51]

The Coeur d'Alene that DeSmet encountered were a devastated people. Wars with the nearby Blackfeet and diseases introduced by European traders, such as smallpox, measles, and dysentery, which swept through the inland Pacific Northwest tribes in the 18th and early 19th centuries, had taken their toll. Whole villages were wiped out, and by the early 1850s, the Coeur d'Alene – once estimated at 2,000 people – were thought to number somewhere between 200 and 450 people.[52] Mullan, for one, thought the tribe numbered only around 300 people by 1850, with most clustered at the mission and others along the Coeur d'Alene and St. Joe rivers.[53]

DeSmet, unable to minister to the Coeur d'Alene himself, appointed Fr. Nicolas Point to establish the mission. Point along with DeSmet had founded St. Mary's Mission among the Flathead a year earlier. The missionary model enacted by DeSmet, Point, and other Jesuits in the Mountain and Pacific Northwest was similar to that employed by Spanish colonial administrators in New Spain who created compact

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[50] Coeur d'Alene tribal members' close ties to the Flathead Indians prompted Capt. John Mullan to suggest that the federal government encourage the Coeur d'Alene onto the Flathead Indian Reservation that had been set aside on the Jocko River. Mullan, *Report*, 49.

[51] Woodworth-Ney, *Mapping Identity*, 25-28.

[52] I.I. Stevens, *Report of Explorations for a Route for the Pacific Railroad, Near the Forty-Ninth Parallels of North Latitude, From St. Paul to Puget Sound,* in *Explorations and Surveys for a Railroad Route from the Mississippi River to the Pacific Ocean, War Department* (1853), 415; MSS of Fr. Joset's on the Coeur d'Alene, JP:LXX A, undated ff. Joset, F. Joseph 2:18, History of Coeur d'Alene Mission and Correspondence to Jesuit Vice Provincial, n.d. (in English and French), Unpublished Manuscripts, Box 2, Personal Papers of Joset, Joseph, Archives of the Oregon Province of the Society of Jesus [hereafter JOPA], Special Collections, Gonzaga University, Spokane, Washington [hereafter GSC]; and Gary B. Palmer, "The Settlement of Ni'lukhwalqw (Upper Hangman Creek, Idaho) by the Schitsu'umsh (Coeur d'Alene Indians)," *Oregon Historical Quarterly*, 102:1 (Spring 2001): 37; Woodworth-Ney, *Mapping Identity*, 21.

[53] Mullan, *Report*, 49.

"reduction" communities – orderly pastoral missionary villages and surrounding agricultural fields – situated adjacent to place of worship. This blueprint is reflected in a watercolor drawing made by Point circa 1842, "Plan du Village des Coeurs-d'alenes," reproduced as **Figure 4** below.[54]

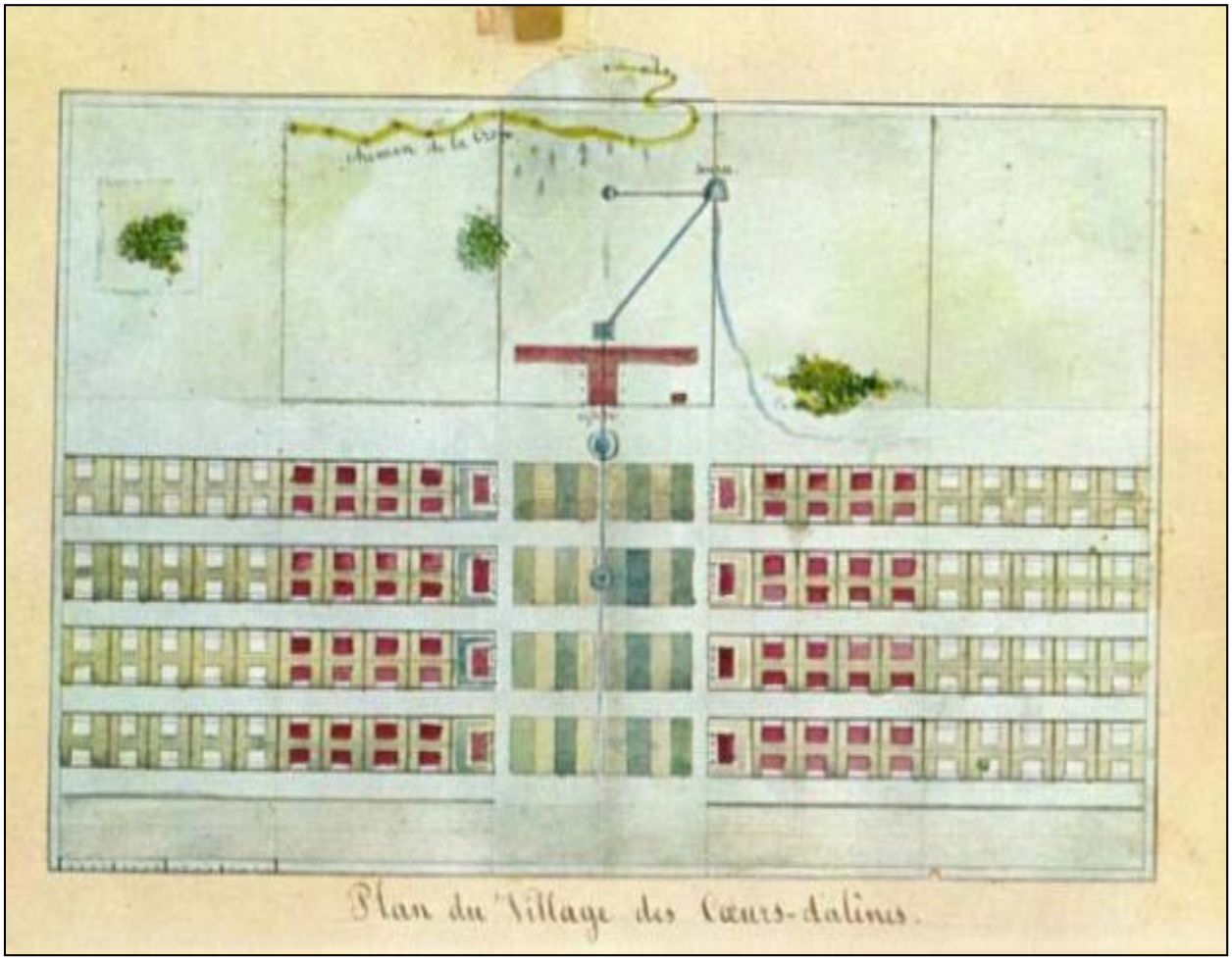

Figure 4. Fr. Nicolas Point's Watercolor Blueprint of the Sacred Heart Mission and Planned Coeur d'Alene Agricultural Fields, ca. 1842.

While exercising strong religious control, the Jesuits early on allowed the Indians flexibility to move back-and-forth between their native villages and the reduction community at the mission. During the labor intensive harvest season and spring planting large numbers returned to the mission, but tribal members also continued to hunt, fish, and gather seasonally.[55]

[54] Nicolas Point, S.J., *Wilderness Kingdom: Life in the Rocky Mountains, 1840-1847, in The Journals and Paintings of Nicolas Point, S. J.*, translated with introduction by Joseph P. Donnelly, S. J. (Chicago: Loyola University Press, 1967), 58.

[55] Palmer, "The Settlement of Ni'lukhwalqw," 22-47.

On December 4, 1842, Point founded the Mission of the Sacred Heart on the banks of the St. Joe River, one of the two major streams that feed Lake Coeur d'Alene. Another watercolor by Point, also circa 1842, reproduced as **Figure 5** below, suggests that some version of Point's vision may have come to pass.[56]

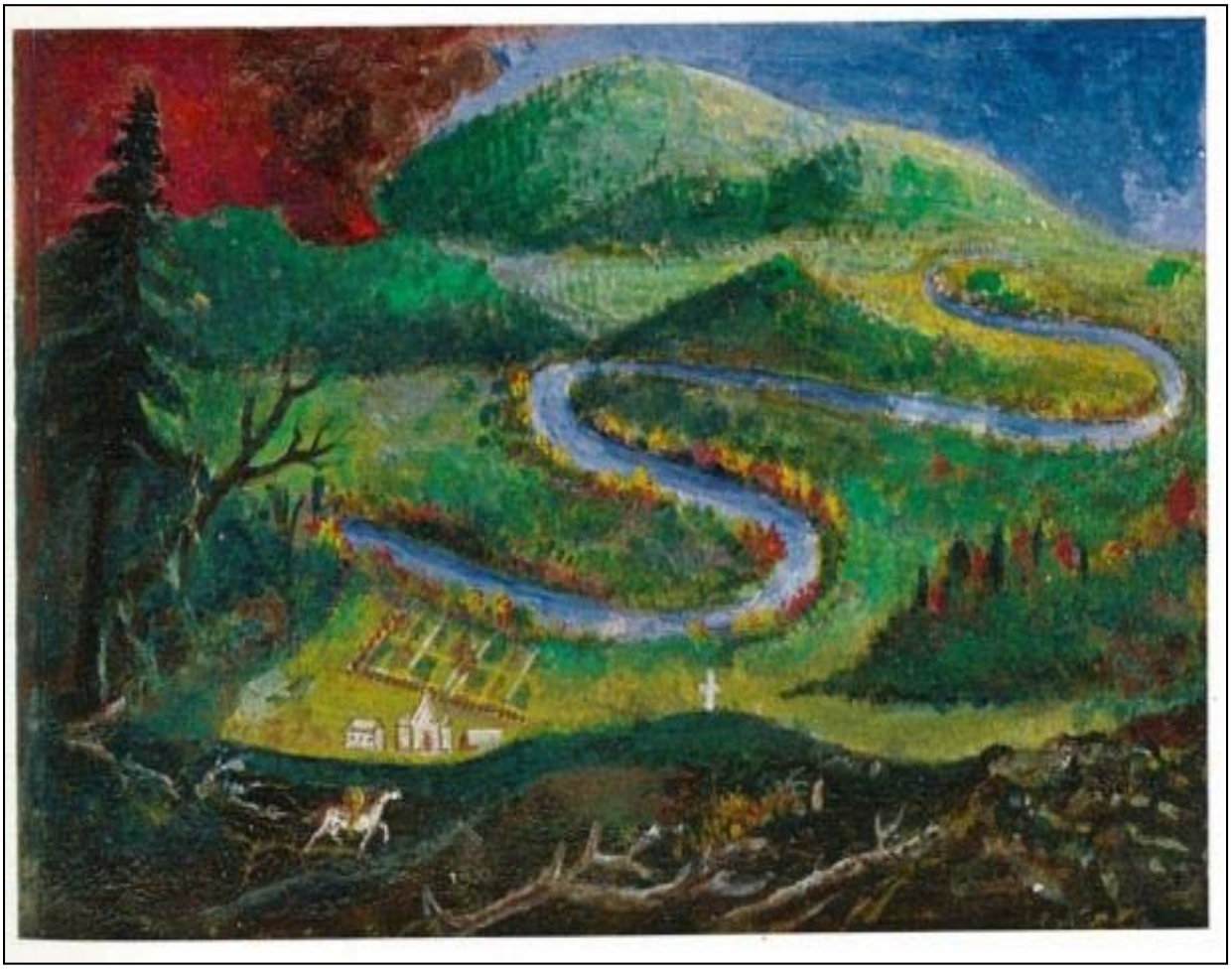

Figure 5. Point's Watercolor of the Mission and Coeur d'Alene Farming Village on the St. Joe River (viewed from the north), ca. 1842.

The bottomlands, upon which this mission was located, however, were prone to periodic flooding, impeding both travel and agriculture. When Fr. Joseph Joset replaced Point in the spring of 1846, he relocated the mission to higher land near present-day Cataldo, overlooking the Coeur d'Alene River.[57] **Figure 6** below is a sketch of the Cataldo mission, circa 1860.[58]

At the Cataldo Mission the Jesuits erected a chapel and barn, fenced a field, and cultivated the surrounding land growing wheat for flour, oats for milk cows, potatoes and garden vegetables. A small

[56] Point, *Wilderness Kingdom*, 77.
[57] Seltice, *Saga of the Coeur D'Alene Indians*, 31; and Woodworth-Ney, *Mapping Identity*, 30-31.
[58] This sketch of the Cataldo Mission is from the Nicolas Point Gallery of the Jesuit Archives, Central United States, available online at: http://jesuitarchives.org/nicolas-point-gallery/, last accessed September 24, 2014.

Figure 6. The Cataldo Mission, ca. 1860.

group of Indian families lived at the missionary village and cultivated lands on the mission farm and their own small subsistence plots. The mission fields provided food for the missionaries and were used by the Jesuits to teach members of the tribe European agricultural methods and how to use farm implements. Farming offered a valuable supplement to their other sources of subsistence, and following the introduction of agriculture at the mission by the Jesuits, the Coeur d'Alene began to cultivate small fields adjacent to their own villages while maintaining their traditional subsistence activities. By the time Washington territorial governor Isaac Stevens traveled through Coeur d'Alene country in 1853, agriculture was well established at the mission. He observed that some Coeur d'Alene in the Spokane Valley were "already doing the work of the average farmer." Stevens was impressed with the "civilized condition" of the Indians at the Coeur d'Alene mission, noting that they had fields of wheat and potatoes. He reported about 100 acres adjoining the mission as being enclosed and under cultivation, "furnishing employment to thirty or forty Indian men, women and children." The wide Spokane Valley was ideal grazing land and several Indian families who resided there had substantial herds of cattle and horses by the 1850s.[59]

[59] Isaac Stevens, Gov. of Wash. Territory, Office of the Superintendent of Indian Affairs, Washington Territory, to the Commissioner of Indian Affairs, December 6, 1853. Letters Received 1853-1858, Records of the Washington

Other observers in the late 1850s and early 1860s were similarly impressed. Mullan noted that "several hundred acres" were under cultivation by the mission Indians. "Oats, barley, wheat, peas, and potatoes are raised in rich abundance," observed the US Army captain, and a grist mill had been erected at the mission. Indians living along the Spokane and St. Joe rivers were also engaged in agriculture with Chief Andrew Seltice having several acres under cultivation. Tilling the soil and raising large herds of cattle and horses allowed Seltice, Mullan later remarked, "to lead the life of an independent chief."[60] In his 1860 annual report, Nez Perce Indian Agent A.J. Cain enumerated 600 Coeur d'Alene Indians and counted 1,000 horses and 100 cattle.[61]

The Jesuits and later other Euro-American settlers tended to link Indian cultural advancement to "cultivation of the soil" and adoption of more sedentary lifeways. Agriculture played a pivotal role in "Christianizing and civilizing" the tribe. As Father Point wrote,

> The goal [was] . . . to instruct them and teach them to enjoy work through help, encouragement, and recompense. To accomplish all this we had to gather in one place the widely scattered families, that is, establish what our Fathers used to call a reduction.

Work, self-sufficiency, and possession of land were thus key elements of the "reduction" process.[62]

Adoption of Euro-American agriculture, as Joset later stressed, was a generational issue; the youngest males among the Coeur d'Alene embraced it more readily than their fathers and grandfathers. He recalled,

> Brought up farmers they had neither taste nor hability for hunting and fishing. Starvation so frequent in the savage life would not do for them: they should have their own farms, and of course they received encouragement: they chose the best spots not too far from the mission and made fields, chiefly on the banks of the two rivers. Others seeing how they had always food in plenty began to imitate them: but all this was in a small scale.[63]

Nevertheless, because the Jesuits relied upon traditional subsistence patterns for their own survival on the frontier, they did not entirely dissuade the Coeur d'Alene from their traditional hunting, fishing and

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Superintendency, RG 75, NARA DC; Hazard Stevens, *The Life of Isaac Ingalls Stevens by His Son Hazard Stevens*, 2 vols., vol. 1 (Boston and New York: Houghton, Mifflin and Company, 1900), 388. Trial Exhibit 808, *United States of America and Coeur d'Alene Tribe v. State of Idaho*, Case No. CIV-94-0328-N-EJL; Seltice, *Saga of the Coeur D'Alene Indians*, 61, 65, and 82-83.

[60] Mullan, *Report*, 30, 42-43.

[61] No Indian agent was appointed for the Coeur d'Alene until Congress formally established a reservation for the tribe when it adopted the 1887 and 1889 agreements in 1891 (see the section below concerning the establishment of the reservation). Prior to that time, other federal Indian agents for the Nez Perce and later the Colville oversaw the Coeur d'Alene. See A.J. Cain, Indian Agent, Nez Perce Agency to Edward R. Geary, Superintendent, Oregon Superintendency, September 1860. Letters from Employees Assigned to the Nez Perce and Umatilla Agencies, January 24, 1856 – May 15, 1864, Records of the Washington Superintendency, 1853-1874, M21, RG 75, NARA DC.

[62] Seltice, *Saga of the Coeur D'Alene Indians*, 37; and Point, *Wilderness Kingdom,* 50**.**

[63] Palmer, "The Settlement of Ni'lukhwalqw," 35.

gathering customs. Between 1842 and 1846, the Jesuits reportedly assisted the Coeur d'Alene in erecting large fish traps near St. Maries on the St. Joe River. As described by ethnographer Jerome Peltier,

> . . . between the mission site and the river there was a narrow neck of swampland which was covered by water during flood time. As the water level dropped, fish came through this narrow channel in large numbers in their annual quest to reproduce their kind, because earlier in the spring they had gone upstream to spawn. A trap was fashioned that ran from the point upon where the mission was built to the bank of the river. Its construction was merely a low dike, approximately 18 inches in height, built of the bottom land upon which it was erected. The priest stuck willow switches into the dike so close together that they formed a natural barrier to fish that swan in either direction in the narrow channel. The willows soon took root and strengthened the dike against flood waters. Willow twigs were woven through the living willows, thus making the barrier more effective. Natives walking the dike with spears and nets could catch large quantities of white fish and trout in this impound.[64]

Relocation of the mission to Cataldo in 1846 was motivated, in part, by the availability of fish in the stream as well as being on higher ground that was better agricultural land and located in proximity to traditional hunting grounds.[65] Fishing contests were also held at "the annual summer gatherings at Mission Point on the St. Joe."[66] DeSmet himself, serving as Superior of the Jesuit Rocky Mountain Missions, acknowledged in 1845 that "Until more tools and plows can be procured," the Coeur d'Alene "have to live as yet for a great part of the year by fishing, hunting, and digging the edible roots which the kind providence of God has so liberally bestowed in the lands of the . . . Indians."[67]

For all the praise that non-Indian observers had for the agricultural endeavors of the Coeur d'Alene in the early 1850s, they also took note of the tribe's continued traditional subsistence practices. Stevens, for instance, observed a group of Coeur d'Alenes "occupied with their trout fisheries" on the Coeur d'Alene River in the mid-1850s.[68] Mullan likewise noted that Andrew Seltice fished along with raising crops and hunting.[69]

Generally speaking, however, the Coeur d'Alene had accepted agriculture prior to the reservation era and used it to supplement food obtained from hunting and gathering. Most had small vegetable gardens with potatoes and corn and small fields which produced enough wheat for flour and oats to feed their milk cows. They also began harvesting wild hay for their cattle. At this time all of the crops and cattle raised by the Indians were for personal use, rather than for sale as commodities. No historical documentary

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[64] Scott, *Pioneer Days*, 260; and Peltier, *Manners and Customs*, 37-38.
[65] Point, *Wilderness Kingdom*, 55-56, 62-67, 75, 78-79; Joseph J.S. Feathers, *These Are the Coeur d'Alene Tribe, featuring Bernard La Sarte and Oswald C. George* (Lewiston, ID: Lewis-Clark State College Press, 1971), 2-4.
[66] Seltice, *Saga*, 70-72, 82, 86-87, 174, 181, 183-84 (quotation), 191, 197-99, 202, 218.
[67] *Life, Letters and Travels of Father Pierre-Jean DeSmet, S.J. 1801-1873*, 4 vols., vol. 3 (New York: Francis P. Harper, 1905), 997. Legacy Washington, Secretary of State, State of Washington, available online at http://www.sos.wa.gov/legacy/publications_detail.aspx?p=12, last accessed August 22, 2014.
[68] Isaac I. Stevens, *Narrative and Final Report of Explorations for a Route for a Pacific Railroad, near the Forty-Seventh and Forty-Ninth Parallels of North Latitude, from St. Paul to Puget Sound*, in *Explorations and Surveys for a Railroad Route from the Mississippi River to the Pacific Ocean. Made under the Direction of the Secretary of Water, in 1853-4, According to Acts of Congress of March 3, 1853, May 31, 1854, and August 5, 1854*, Volume XII (Washington, DC: Thomas H. Ford, Printer, 1860), 135
[69] Mullan, *Report*, 30.

evidence has been found that indicates irrigation was practiced. Whatever its limitations, Coeur d'Alene agriculture assisted the tribe in its more than 40-year effort to protect the core of their aboriginal land by securing a federal reservation, despite growing non-Indian encroachment.[70]

The Coeur d'Alene Reservation: Establishment and Adjustments, 1853-1894

Nineteenth century Coeur d'Alene tribal members lived in an era of changing political, social, and cultural landscapes. The tribe's strong territoriality helped it maintain geographic isolation and protect its ancestral lands, but the increasing presence of non-aboriginal intruders into the interior of the Pacific Northwest brought pressure to open negotiation with the interior tribes to accept reservations. Those negotiations began in the mid-1850s, but a Coeur d'Alene Reservation was not formally accepted by the federal government until the late 1880s. Through a series of executive orders and agreements negotiated by the United States with chiefs of the Coeur d'Alene Tribe between 1867 and 1889 a reservation took shape, a reservation later adjusted to conform to the realities of American western settlement.

Early Efforts to Treat with the Coeur d'Alene and Establish a Reservation, 1853-1867

Continued American westward expansion in the mid-19th century influenced early efforts by federal authorities to treat with the Coeur d'Alene and other Pacific Northwest tribes. In 1846 the Oregon Treaty between the United States and Great Britain divided the aboriginal territory of Pacific Northwest tribes along the Canadian-United States international boundary at the 48th parallel. Two years later President James Knox Polk signed the bill that created the Oregon Territory, exerting jurisdiction over tribal aboriginal lands west of the continental divide. The territorial governor became *ex-officio* superintendent of Indian Affairs in the new territory. The act organizing Oregon Territory specifically protected the rights of the Indians to their ancestral lands in the new territory "so long as such rights shall remain unextinguished by treaty between the United States and such Indians."[71]

Territorial acquisitions in the 1840s stimulated a great population movement across the continent from the United States to the newly acquired Pacific Slope. In 1843 a mass migration had begun from Independence, Missouri to Oregon along the overland route to Willamette Valley and within five years 14,000 emigrants had made the trek across the two thousand mile-long "Oregon Trail." In 1846 Congress authorized the location of fixed military stations along the trail to guard and protect emigrants and control Indian tribes in the area. The first army post on the trail was Fort Kearney, located in 1847 where all of the trails from various jumping off points merged on the Platte River. The second frontier military post along the Oregon Trail was Fort Laramie, located at an old private fur trading station established in 1834. Situated at the confluence of the Laramie and North Platte Rivers in southeast Wyoming, Fort Laramie became the largest and best known military post on the Northern Plains.[72]

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[70] Seltice, *Saga of the Coeur D'Alene Indians*, 37, 82, 83, 158-161, 179, 204; and Frey, *Landscape Traveled by Coyote and Crane*, 73.

[71] *An Act to establish the Territorial Government of Oregon*, chap. CLXXVII, 9 Stat 323.

[72] John D. Unruh, *The Plains Across: The Overland Emigrants and the Trans-Mississippi West, 1840-1860 (*Urbana: University of Illinois Press, 1979), 159-169.

The presence of these permanent army posts adjacent to the Oregon Trail materially increased trail traffic over the next decade and attracted trade, commerce, and the founding of supply towns near the forts. It also brought increasing numbers of Indian-emigrant and Indian-army skirmishes. During the decade of the 1840s little was done to recognize the distress caused by emigrant traffic on Indian tribes or to accommodate mounting Indian frustrations. Indian agents and commissioners tried to entice native peoples away from the overland trails through treaties, annuities and the establishment of Indian reservations. In 1851 the first meaningful effort was made at Fort Laramie, where a general treaty council was held with the Northern Plains Indian Nations.

The stimulus to make treaties with the tribes of the Northwest was enhanced after March 1853 by the act of Congress declaring "that the President of the United States be, and he hereby is, authorized, immediately after the passage of this act, to enter into negotiations with the Indian tribes west of the States of Missouri and Iowa for the purpose of extinguishing the title of said Indians in whole or in part to said lands."[73] On March 2, 1853, one day before the above act became law, Washington Territory (of which northern Idaho was a part) was broken off from Oregon Territory. The new territory stretched from the Olympic Peninsula to the crest of the Rocky Mountains and included all of future Washington state, Idaho, and portions of Wyoming and Montana. President Polk appointed Isaac Ingalls Stevens (1818-1862), a West Point graduate who had served in the Mexican War, as territorial governor and *ex officio* superintendent of Indian Affairs for the sprawling new territory. Stevens negotiated many of the early treaties with Indians living west of the Rocky Mountains.[74]

Stevens was directly involved in the expansion of roads and railroads to attract new settlers to Washington Territory. In 1853 Congress approved funding for the Topographical Corps to search for the "most practical and economical route" for a railroad to the Pacific. The exploring parties included not only engineers but civilian scientists as well. At Steven's request, the War Department placed him in charge of the survey to locate the northern route for a Pacific railroad from St. Paul to Puget Sound in Washington Territory (as noted above). The Stevens survey identified several possible routes for a railroad across the panhandle of Idaho following old trails blazed by Canadian fur trappers in the vicinity of Pend d'Orielle and Lake Coeur d'Alene, the heart of the Coeur d'Alene homeland.[75]

Stevens used the Pacific railroad survey as an opportunity to meet with Indian tribes of Washington Territory. Believing that the time had come to extinguish Indian title to the lands that were attracting new Pacific Northwest settlers to the region, Stevens called councils and served as chief U.S. negotiator for ten Indian treaties between December 1854 and October 1855. As territorial governor, Stevens pursued a particularly aggressive policy of negotiating treaties with Indian tribes west of the Cascades

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[73] *An Act making Appropriations for the current and contingent Expenses of the Indian Department, and for fulfilling Treaty Stipulations with various Indian Tribes, for the year ending June thirtieth, one thousand eight hundred and fifty-four*, March 3, 1853, chap. CIV, 10 Stat. 226, 238.

[74] Francis Paul Prucha, *The Great Father: The United States Government and the American Indians* (Lincoln: University of Nebraska Press, 1984), 402-407.

[75] William H. Goetzmann, *Exploration and Empire: The Explorer and Scientist in the Winning of the American West* (New York: Vintage Books, 1966), 281-286.

where settlers were rapidly moving. However, he resisted political pressure to set aside an all-Indian reserve for Northwest tribes in the northeastern part of Washington Territory. Stevens believed that the removal of coastal tribes west of the Cascades was unrealistic as these tribes subsisted primarily by fishing for salmon. He favored establishment of small reservations where these Indians could retain their hereditary residences, customary fishing grounds, and hunting as well as gathering and pasture rights on unclaimed lands. As for tribes east of the Cascades, Stevens desired to extinguish aboriginal title in order to secure valuable timber land and open it to development as soon as possible. Commissioner of Indian Affairs George W. Manypenny (1853-1857) supported Stevens' plan and Congress authorized an appropriation of $45,000 for negotiating treaties with Indians in Washington Territory and another $80,000 for holding council with tribes "within or adjacent to the eastern boundary of Washington Territory."[76]

Stevens immediately plunged into the task of organizing treaty councils. He intended to make treaties with the Indians to secure the necessary resources for building the railroad and to obtain land sought by the ever increasing stream of settlers flowing into the region. At Walla Walla in Washington Territory, he concluded treaties with certain tribes residing east of the Cascade Mountains: the Yakima, Umatilla, Walla Walla and Nez Perce tribes. Stevens then proceeded to treat with the tribes living in the extreme eastern portion of Washington Territory and Nebraska Territory. In doing so, he passed through the Coeur d'Alene country twice, but on neither occasion did he treat with the Coeur d'Alene. Stevens was in a hurry to cross the Bitterroots on his journey east. Upon his return to the Pacific, he had planned on treating with the Coeur d'Alene and Spokane tribes and told them:

> When we talk to an Indian about land, we talk about what is his. When we wish to purchase his land, it is for him to say whether he will sell it or not. If he does not wish to sell it, he will say so. We shall never drive him from his lands. I want you to think of this. I want you to show me your hearts, whether you think of me your friend – whether you will think I will do all I can to protect you.[77]

Stevens promised to return at a more suitable time in the near future to make a treaty, but never did. The subsequent outbreak of warfare between Euro-American settlers and Indian tribes in western Oregon and Washington territories forced him to abandon his plans and return to the territorial capital at Olympia, Washington. Over the next two years as warfare raged in the Pacific Northwest, the Spokane, Colville and Coeur d'Alene tribes remained at peace with the United States. The three tribes were finally drawn into the battle in 1858 and defeated a large military force under Lt. Colonel Steptoe, driving his troops from their land in eastern Washington Territory. In response, the United States sent a larger military force under the command of Colonel George Wright who after a number of skirmishes brought the Indians to peace in early September 1858. A treaty of peace, facilitated by the intercession of Fr. Joset, was

[76] Prucha, *The Great Father*, 402-403.
[77] *Journal of Operations of Governor Stevens*, 23-43, 43 (quotation). Trial Exhibit 167, *United States of America and Coeur d'Alene Tribe v. State of Idaho*, Case No. CIV-94-0328-N-EJL.

concluded with the Coeur d'Alene Indians on September 17, 1858 at the Jesuit mission on Coeur d'Alene River.[78]

According to this treaty, signed by Wright and several of the male tribal members, the Coeur d'Alene were to cease hostilities against the United States, return all property belonging to the federal government, and hand over not only those who participated in the battle with Steptoe but also a chief and four other men with their families to serve as hostages for one year to prevent a subsequent outbreak of violence. The tribe was also to permit "all white persons . . . [to] travel through their county unmolested." In exchange, Wright pledged no further military action, the return of the hostages unharmed in a year's time, and that "a permanent treaty of Peace and Friendship shall be made." No such permanent treaty was readily forthcoming, however. The Coeur d'Alene tribe emerged from the Steptoe War of 1858 without any agreement or provision for a reservation, and consequently, without any guarantee from the government that their land would be protected against non-Indian settlement.[79]

Free passage for "all white persons" traveling through the Coeur d'Alene territory facilitated construction of a wagon road, under Mullan's supervision (as noted above): the so-called "Mullan Road." Delayed by the Yakima War (1855-1858), the 624-mile-long road construction project began at Walla Walla and reached the swampy lands at the southern end of Lake Coeur d'Alene in the summer of 1859. The road turned north and passed through the Sacred Heart Mission at Cataldo before beginning its tough ascent of the Bitterroot Mountains; it continued east over the Continental Divide and across the northern plains to Fort Benton in 1860. The following year, Mullan returned to Lake Coeur d'Alene to reroute the military road to higher ground along the north shore of the lake (following the general route of modern day Interstate 90).[80]

Thereafter, greater numbers of non-Indians began traveling from the West Coast through the Coeur d'Alene homeland to the Montana goldfields, passing within plain sight of the Cataldo Mission. During 1866 alone, some 20,000 gold seekers were estimated to have passed over the Mullan Road on the way to Montana and two years later hundreds more arrived to search for gold along the north forks of the Coeur d'Alene and Clearwater rivers. Members of the tribe understood that this infiltration of their lands

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[78] Exhibit F. Letter from John Mullen, Bureau of Catholic Indian Missions, February 5, 1886, in United States Congress, House of Representatives, *Ratification of Coeur d'Alene Indian Treaties in Idaho*, 51st Cong., 1st sess., 1890, H. Rep. 1109, 35-38. Trial Exhibit 3,145, *United States of America and Coeur d'Alene Tribe v. State of Idaho*, Case No. CIV-94-0328-N-EJL [hereafter H. Rep. 1109]; G. Wright to Father Joset, June 16, 1858; John Mullan to Joset, September 10, 1858; Wright to Joset, September 10, 1858; and Wright to Joset, September 17, 1858. ff. Joset, Fr. Joseph 3:1, Correspondence from U.S. Military Personnel, 1858, Special Endeavors: Mediation of Indian Hostilities, Box 3, Personal Papers of Joset, Joseph, JOPA, GSC.

[79] "Preliminary Articles of a Treaty of Peace and Friendship between the United States and the Coeur d'Alene Indians," September 17, 1858. ff. Joset, Fr. Joseph 3:2, Articles of Treaty, 1858, Special Endeavors: Mediation of Indian Hostilities, Box 3, Personal Papers of Joset, Joseph, JOPA, GSC.

[80] Captain John Mullan, *Report on the Construction of a Military Road from Fort Walla Walla to Fort Benton* (Washington: Government Printing Office, 1863). Legacy Washington, Secretary of State, State of Washington, available online at http://www.sos.wa.gov/legacy/publications_detail.aspx?p=141, last accessed August 22, 2014; and W. Turrentine Jackson, *Wagon Roads West* (Berkeley: University of California Press, 1952), 257-278.

was a sign that permanent non-native occupation might soon follow if some protections were not put into place.[81]

On the advice of their Jesuit counselors, the tribal leaders began to press for a treaty recognizing title to their aboriginal lands. DeSmet, when asked about the "various Indian tribes" of the Washington Territory by the United States military command in 1859, generally described the lands of the Coeur d'Alene as such: "'Taking Coeur-d'Alene Lake as a central point, their county may extend fifty miles to every point of the compass.'" This area took in Lake Coeur d'Alene, St. Joseph and Coeur d'Alene rivers, as well as several valleys, small lakes, and pine stands, and included the 30-square mile Spokane River drainage area.[82] The Mullan Road passed directly through this area. In fact, Mullan published a guidebook for travelers using the road in 1865 advertising the Cataldo Mission as a fine resting spot for weary travelers where blacksmith services, food, and other provisions could be found.[83]

The Mullan Road, however, never became a major thoroughfare. During the gold discoveries of the 1860s, Euro-Americans came in great numbers but they did not demonstrate much interest in permanently settling land in what became northern Idaho. Miners and packers supplying the mines in Montana and the Idaho panhandle region through the 1860s used the road most heavily. Cattlemen also frequently drove livestock over the route, but as an emigrant route to the Pacific Northwest, it did not attract much consistent traffic. In addition, flooding, lack of congressional funding, and poor maintenance caused the road to fall into disrepair. In 1877 Thomas Sherman of the Catholic Indian Missions traveled west overland to the Coeur d'Alene mission and described Mullen's former "highway of trade" as little used and "amounting to little more than a pack trail." The next big influx of outsiders to arrive in Coeur d'Alene country over the Mullan Road did not come until the 1880s with another rich gold strike on the Coeur d'Alene River and penetration of the Spokane lumber industry into the river valleys and mountains of the Idaho panhandle in the vicinity of Lake Coeur d'Alene.[84]

Although the Civil War largely drew federal attention away from the native people of the distant Pacific Northwest, the mineral discoveries of the early 1860s nevertheless led to the establishment of not only Idaho Territory in 1863, but also the first executive order reservation for the Coeur d'Alene in 1867. On March 4, 1863, Congress created Idaho Territory; at the time, the new territory had only 32,342 inhabitants. It did, however, take in the Boise and Salmon River mining districts, with its capital at the

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[81] William H. Bischoff, S. J., "The Coeur d'Alene Country, 1805-1892: A Historical Sketch," in *Interior Salish and Eastern Washington Indians*, Vol 1, ed., David Agee Horr (New York: Garland Publishing Company, 1974), 210.

[82] P. J. De Smet, S.J., Chaplain, &c., United States Army, to Captain A. Pleasonton, 2d Dragoons, Acting Assistant Adjutant General, May 28, 1859, in US Congress, House of Representatives, *Affairs in Oregon. Letter from the Secretary of War, communicating, In compliance with a resolution of the House of Representatives, correspondence with General Harney, relating to affairs in the department of Oregon*, 36th Cong., 1st sess., 1860, H. Ex. Doc. 65, 41a, 147.

[83] Captain John Mullan, *Guide to Oregon, Washington, Idaho, Montana, Wyoming, and Colorado via The Missouri and Columbia Rivers* (New York: Wm. M. Franklin, 1865), 6 and 18.

[84] Thomas Sherman, "Coeur d'Alene Mission," *Annals of the Catholic Indian Missions of America*, 2:1 (January 1878), 17. ff. 1:19 Correspondence: Accounts of the Mission and its Needs in Context with Coeur d'Alenes' Non-Participation in the Nez Perce Uprising, Box 1, Sacred Heart Collection, JOPA, GSC.

town of Lewiston where the Clearwater River joins the Snake River. The original Idaho Territory thus combined the mining regions on both sides of the Rockies into one territory. One year later, Montana Territory was formed out of the eastern portion of Idaho Territory with the Idaho-Montana boundary along the crest of the Bitterroot Range. Even with the creation of Montana, Idaho Territory still encompassed part of the future state of Wyoming west of the Continental Divide. Congress finally reduced Idaho to its current size on July 25, 1868. **Figure 7** below illustrates how the Idaho Territory came to assume its unique shape.[85]

Idaho's early territorial governors contemplated making a treaty with the Coeur d'Alene as a way of safeguarding future mineral development in what would become the Idaho panhandle. Caleb Lyon, who served as Idaho territorial governor and ex-officio superintendent of Indian affairs from 1864 to 1865, recommended a treaty with the Coeur d'Alene, centered on the Jesuit mission and contained within Idaho's territorial boundaries. Lyon was primarily interested in establishing a reservation to prevent confrontations between the tribe and miners in the northern part of the territory. [86]

After Lyon fled the state in 1865 having embezzling more than $46,000 in Indian funds that he was responsible to distribute as Idaho's superintendent of Indian Affairs, David W. Ballard took over as both territorial governor and Indian Affairs superintendent. Lacking money and federal support (the territorial legislature refused to institute the loyalty oath required by the Radical Republican Congress), Ballard saw the creation of a reservation as helping to hold the territory together, tying the northern part to the government at Boise and using the local mission at Cataldo as a "de facto governing influence." Soon after the Civil War ended, the Interior Department instructed Ballard to submit a report on the state of Indian affairs in Idaho territory preparatory to identifying appropriate reservations for the tribes occupying land within the territory.

Granted permission by the Office of Indian Affairs to investigate tribal land claims, Ballard ultimately identified a reservation for the Coeur d'Alene in his annual report to the Secretary of the Interior as

> Commencing at the head of Latah [Creek, later known as Hangman Creek], about 6 miles above the crossing on the Lewiston trail, a road to the Spokane bridge; thence north-northeasterly to the St. Joseph River, the site of the old Coeur d'Alene Mission; thence west to the boundary line of Washington and Idaho territories; thence south to a point due west of the place of beginning; then east to the place of beginning.

The Interior Department largely concurred in Ballard's recommendation. On June 6, 1867, Joseph S. Wilson, commissioner of the General Land Office within the Interior Department, recommended that a reservation 20 miles square and containing 250,000 acres be set aside for the Coeur d'Alene Indians and other tribes of northern Idaho Territory. One week later, on June 14, 1867, President Andrew Johnson acted on Wilson's recommendation and issued the executive order reserving the lands within Ballard's

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[85] Carlos A. Schwantes, *In Mountain Shadows: A History of Idaho* (Lincoln: University of Nebraska Press, 1991), 62 (graphic)-63.
[86] Merle W. Wells, "Caleb Lyon's Indian Policy," *Pacific Northwest Quarterly* 61 (October 1970): 193, 196, and 200; and Woodworth-Ney, *Mapping Identity*, 81.

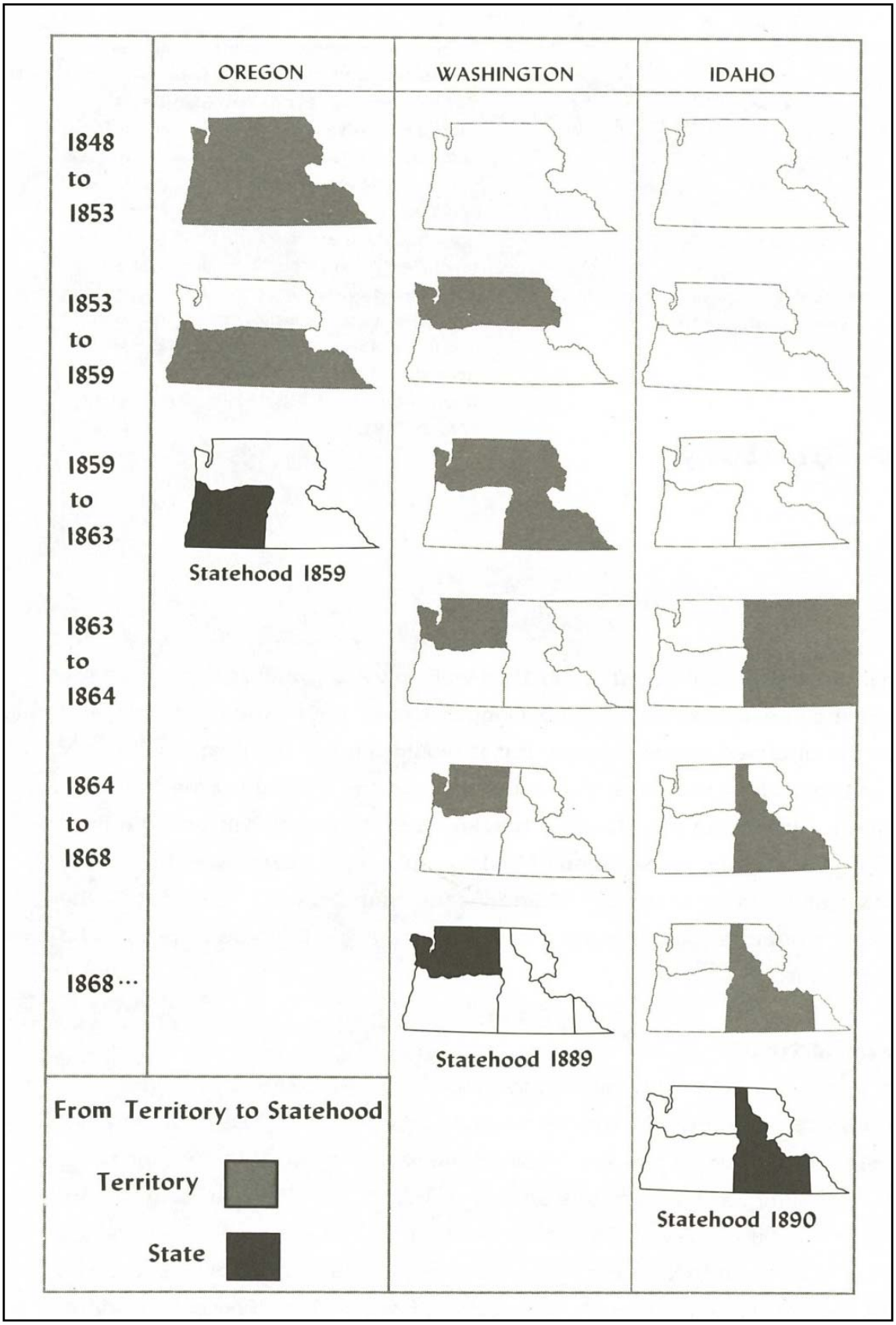

Figure 7. Evolution of the Idaho Territory

boundaries for the Coeur d'Alene. Thus, the U. S. government, by executive order only, had set aside a reservation for the Coeur d'Alene Indians, but it did not compensate them for the relinquishment of their ancestral lands.[87]

The boundaries selected by Ballard reflected to the interests of the Idaho Republican Party, of which Ballard was a member, to protect access to mining sites and timber land adjacent to and north of Lake Coeur d'Alene. The 1867 reservation included the southernmost portion of Lake Coeur d'Alene, the mouth of the St. Joseph River, and Hangman Creek (in Idaho), but excluded the Mullan Road that ran to the north, the northern transcontinental route surveyed by Stevens in the 1850s, mining camps, as well as the Sacred Heart Mission at Cataldo and the old Jesuit mission site on St. Joseph River. As would become apparent years later, the Ballard-recommended reservation boundaries took in some of the richest agricultural lands within the Coeur d'Alene aboriginal territory. **Figure 8** below is a copy of the ultimate survey plat of the 1867 executive order reservation. This was the first of two executive order reservations, neither of which was ratified by Congress.[88]

Coeur d'Alene Settlement of the Palouse and the 1873 Executive Order Reservation

While the 1867 executive-order reservation was created unbeknownst to the Coeur d'Alene, its boundaries reflected their growing settlement of the Palouse. As early as 1863, Fr. Joset urged the Coeur d'Alene to settle in the Palouse, and while the tribe as a whole rejected the idea, some such as Andrew Seltice began staking claims in the region in the late spring of 1869, seeing its rich potential. The newcomers, who were among the tribe's early agriculturalists, established homes, farms, and ranching operations near available streams and watercourses – much as non-Indian settlers of the era did – on either side of the territorial line dividing Idaho and Washington. Seltice staked his claim near present-day Tekoa, Washington between Hangman and Lovell creeks. Both creeks, according to Seltice's son and tribal historian Joseph Seltice, "had year-round running water" and salmon could be caught "coming up Hangman Creek."[89] Peter Wildshoe claimed land three miles up Lovell Creek, where the creek forked. Massisla, his brother Louie Anqua, and Louie's full brother Spotted Louie all settled within 12 miles of present-day Worley: Massisla three miles south, Louie Anqua four miles south of Massisla, and Spotted Louie, five miles south of Louie Anqua along what is today the state line. They raised cattle and horses; Louie and Spotted Louie were especially successful ranchers. Two miles northwest of Louie Anqua, Alexis chose his claim as everyone else did, according to Joseph Seltice, "where there was good running water." According to Joseph Seltice, the first Coeur d'Alene to stake a claim in the Hangman Creek Valley at the

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[87] Nathaniel G. Taylor to Orville H. Browning, May 23, 1867; Jos. S. Wilson to W.T. Otto, June 6, 1867; W.T. Otto to Andrew Johnson, June 13, 1867; Andrew Johnson, Executive Order, June 14, 1867, all Charles J. Kappler, ed., *Indian Affairs: Laws and Treaties*, Vol. 1, Laws (Compiled to December 1, 1902) (GPO, 1904), 835-837. Oklahoma State University, Digital Library, available online at http://digital.library.okstate.edu/kappler/, last accessed February 24, 2016.

[88] Map 356, Tube 290, Idaho-Coeur d'Alene 110, Central Map Files, Cartographic Records of the Bureau of Indian Affairs, National Archives, Washington, DC.

[89] That such salmon runs actually occurred on Hangman Creek has been disputed by fisheries scientists since the early-20th century. See Gilbert and Evermann, *A Report Upon Investigations in the Columbia River Basin*, 34.

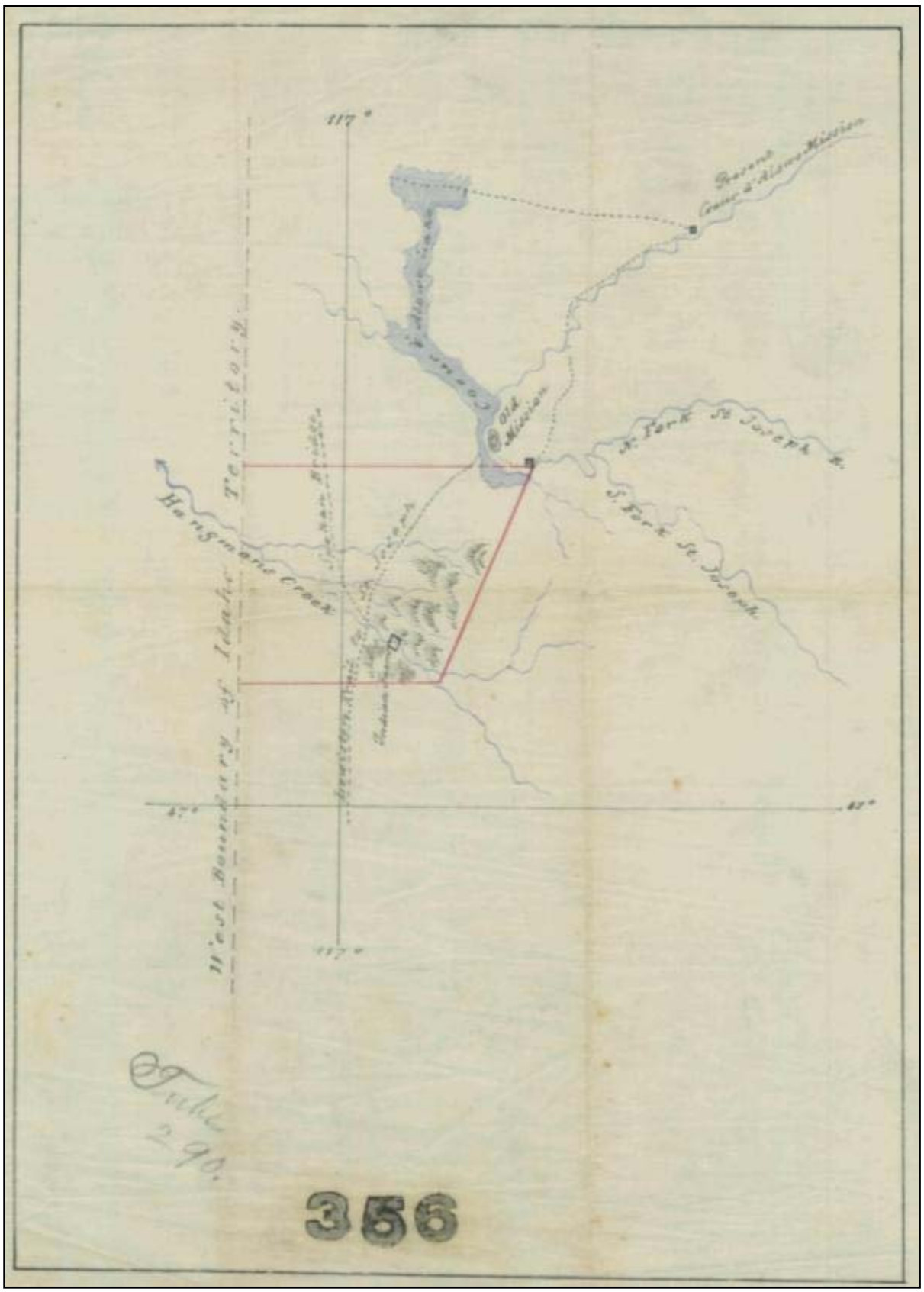

Figure 8. Map of 1867 Executive Order Reservation.

traditional camas-digging grounds known as Ne-lo-wha, or Ni'Lukhwalqw, was Kruto Nicodemus, who "built at the foot of a large hill where there were two fresh running springs."

By mid-1872, much of the tribe had relocated either whole or in part to the Hangman Creek era. In May 1872, Fr. Joseph Cataldo, the resident Jesuit at the mission that would later bear his name, informed U.S. Army Capt. George Sanford of the 1st Cavalry out of Ft. Lapwai, Idaho Territory, then on a tour of the region, that "the majority of the Coeur d'Alene [were] now living on Hangman's Creek and that they are all anxious to become farmers and give up their wandering life."[90] At a June 1872 council with then-Colville Indian Agent William Park Winans to discuss removal to an expanded Colville Reservation, Seltice took credit for this migration. He emphasized that he had been lobbying members of the tribe to locate homes and farms on the Camas Prairie (Niel-Wal-louk, also known as Ni'lukhwalqw, Ne-lo-wha, or Ne Logulko) on Hangman Creek Valley (known also as Hangman Valley, or Paradise Valley). Those who had taken up farming and built houses, Seltice stated, "don't want to leave them for the [Colville] Reservation. I think that there is two hundred men of my tribe living at Niel-wal-louk and we want to stay there."[91]

Even as the Coeur d'Alene began migrating southwesterly, the tribe and the Jesuits began an appeal campaign to protect the tribe's aboriginal lands surrounding Lake Coeur d'Alene. They did so against the backdrop of escalating non-Indian encroachment, political instability in Idaho Territory, and the threat of forced relocation. Enclaves of non-Indian livestock ranching and homesteads could be found within 20 miles of Coeur d'Alene villages and farms by the early 1870s. The territory lacked committed leadership and sufficient funds to be of any help to the Coeur d'Alene and both the Colville Agency and the Washington Superintendency of Indian Affairs (which oversaw the Colville Agency as well as the Coeur d'Alene) were beset by fraud and incompetence. In April 1872, a separate executive order created a reservation for all of the non-treaty tribes in northern Idaho, including the Kalispel, Spokane, and Coeur d'Alene. In July – a month after Winans met with Seltice and the Coeur d'Alene – yet another executive order modified the boundaries of this non-treaty tribe reservation, creating the Colville Reservation. The Colville Reservation, however, was outside the Coeur d'Alene ancestral homeland.[92]

The tribe thus took matters into their own hands. In the winter of 1871, a petition asking for title to their aboriginal lands was reportedly sent to US Indian officials. No evidence to date has been found in federal

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[90] George B. Sanford, Captain, 1st Cavalry, Cmdg., to Assistant Adjutant General, Department of the Columbia, June 1, 1872, enclosed with "Report of Inspection of Fort Colville, W.T.," E.H. Ludington, Ass't Inspector General, August 11, 1872, forwarded to the Honorable Secretary of the Interior [Francis Walker] for his information, Wm. W. Belknap, Secretary of War, War Dep't, Sept. 17, 1872, referred to the Commissioner of Indian Affairs, Sept. 19, 1872. Letters Received, Washington Superintendency, M-234 (Roll 912), RG 75, National Archives at Seattle; and Seltice, *Saga of the Coeur d'Alene Indians*, 175-178 and 229-239.

[91] William P. Winans, Meetings with Tribes, June 22, 1872, p. 198. 34 Cage 147, Letterbook "Copies of Correspondence of W.P. Winans," Box 147/4, Washington State University.

[92] Robert Ignatius Burns, S.J., *Jesuits and the Indian Wars of the Northwest* (New Haven: Yale University Press, 1966), 306-309; Leonard J. Arrington, *History of Idaho*, vol. 1 (Moscow and Boise: University of Idaho Press and the Idaho State Historical Society, 1994), 294-295; Carlos Schwantes, *In Mountain Shadows: A History of Idaho* (Lincoln: University of Nebraska Press, 1991), 68; Prucha, *The Great Father*, 586-589; Robert H. Ruby and John A. Brown, *Half-Sun on the Columbia: A Biography of Chief Moses* (Norman: University of Oklahoma Press, 1965), 51-53, 56; and Woodworth-Ney, *Mapping Identity*, 85-88.

records that either the Office of Indian Affairs or the Indian Division of the Interior Department received this petition. Perhaps because of this, a second petition dated November 18, 1872 was sent to President Ulysses S. Grant asking him to grant the St. Joseph's and Coeur d'Alene river valleys in addition to what had been asked for a year earlier:

> We chiefs and people of the Coeur d'Alene beg of the great chief to listen to our words. Already we did write last winter requesting a part of our land to be allotted for our exclusive use. We got no direct answer; only we hear vague reports that something has been granted: but some few white men have already trespassed on it, though very little as yet. Now allow us to speak once more.
>
> In our first petition we made no mention of our church nor of the two valleys of St. Joseph and Coeur d'Alene Rivers, because in our ignorance we thought it a matter of course. . . . 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.
>
> What we are unanimous in asking, beside the 20 square miles already spoken of, are the two valleys, the S. Joseph's from the junction of S. and N. forks, and the Coeur d'Alene from the Mission inclusively. It would appear too much, and it would be to [*sic*] if all or most of it were fit for farming, but the far greatest part of it is either rocky, or too dry, too cold, or swampy, besides we are not at yet quite up to living on farming: with the word of God we took labor too; we began tilling the ground and we like it, though perhaps slowly we are continually progressing; but our unaided industry is not as yet up to the white man's. We think it hard to leave at once old habits to embrace new: for a while yet we need have some hunting and fishing. . . .
>
> Therefore we hope you will grant us this bit of land, and we will feel thankful for it.[93]

The Coeur d'Alene also appealed successfully to military officials, local Indian agents, and local authorities who came to advocate on the tribe's behalf. During his tour of the region in late May 1872, Capt. George Sanford not only met with the Jesuit fathers as noted above, but also made his own observations about the Coeur d'Alene. What Sanford witnessed confirmed Joset's assertions about the tribe. The Army captain was struck by the Coeur d'Alenes' "great number of horses and cattle" and noted that they had "ploughed up a great deal of ground, built fences and cabins and are farming in earnest." It was "the most credible exhibition of industry" that Sanford had witnessed among the Indians of the region. He was especially impressed with "Paradise Valley," a 10-mile-wide by 12-mile-long valley settled by Coeur d'Alene farmers below the forks of Hangman Creek. The valley was free of frost and, in the opinion of the Indians settled there, it was considered to be the "best part of their country." According to Sanford,

> The grazing is as good as could possibly be desired. Timber of every description can be obtained within a few miles at any point; the water supply seems to be abundant, and although I have been told that it is slightly alkaline, I could detect no trace of it myself. Fine springs are found everywhere in the hill sides. The mountains extending in nearly a circle around protect it from severe winds, and I

[93] "Petition of the Chiefs of the Coeur d'Alene Tribe," dated November 18, 1872. Letters Received, Washington Superintendency, M-234 (Roll 912), RG 75, National Archives-Pacific Northwest Region. This document can also be found as Claimant's Exhibit 90, Docket No. 81, Records of the Indian Claims Commission, RG 279, National Archives.

understand that stock keep in good condition all winter without other shelter or feed than what they obtain for themselves.

Sanford also reported that the tribe noted Wright's promise to them made fourteen years earlier that a permanent treaty would be forthcoming; they "repeatedly spoke of the county as their own," and "refuse to let any white man come into it to settle." He could see "no other farming country sufficient for their needs in the territory usually occupied by them," the St. Joseph River Valley being too wet and the Coeur d'Alene River Valley being too small and otherwise unsuitable for agriculture.[94]

Sanford's report led the Army's Department of the Columbia to request that the Interior Department reassure the Coeur d'Alene as to "the permanency of their present home" and it prompted another investigation by the War Department's Assistant Inspector General E.H. Ludington in August 1872. Ludington met not only with Seltice but also with the Spokane chief. He confirmed Sanford's assessment, that the Coeur d'Alene were desirous of a reservation situated on land within their aboriginal territory. "Furthermore," Ludington reported, "the Coeur D'Alenes claim that General Wright promised them perpetual possession of Hangman Valley _ that they have been and are content with that _ and so far from molesting the neighboring Settlers they have aided them." Ludington's report, like Sanford's, was forwarded to the Interior Department, and referred to the Commissioner of Indian Affairs in September 1872.[95]

Contrary to the expressed desire of the Coeur d'Alene, some persons in the Indian office persisted with their advocacy of consolidating the tribe with others on a new reservation. In the fall of 1872, John A. Simms accepted an appointment as the new Colville Indian Agent and was charged with moving the Coeur d'Alene and Spokane Indians to a proposed new reservation west of the Columbia River. Simms called together the headmen and chiefs of the Coeur d'Alene tribe to ascertain their disposition with respect to the move to their new reservation. On November 6, 1872, they met in Council with Simms opening the proceedings by explaining the boundaries of the new reservation, the object in establishing it, and the desire of the government for the Coeur d'Alene to remove to the Columbia River reservation in Washington Territory. "Without exception," Simms reported in a subsequent letter to Robert Milroy, the Superintendent of Indian Affairs for Washington Territory, "they declared a great unwillingness to leave their homeland" and instead requested "to mark off the country they would like to have for a reserve."

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[94] George B. Sanford, Captain, 1st Cavalry, Cmdg., to Assistant Adjutant General, Department of the Columbia, June 1, 1872, enclosed with "Report of Inspection of Fort Colville, W.T.," E.H. Ludington, Ass't Inspector General, August 11, 1872, forwarded to the Honorable Secretary of the Interior [Francis Walker] for his information, Wm. W. Belknap, Secretary of War, War Dep't, Sept. 17, 1872, referred to the Commissioner of Indian Affairs, Sept. 19, 1872. Letters Received, Washington Superintendency, M-234 (Roll 912), RG 75, National Archives at Seattle.

[95] "Extract from the report of an inspection of Fort Colville, Washington Territory," E.H. Ludington, Ass't Inspector General, August 11, 1872, referred to the Honorable Secretary of the Interior [Francis Walker] by Wm. W. Belknap, Secretary of War, Sept. 17, 1872, referred to the Commissioner of Indian Affairs, Sept. 19, 1872. Letters Received, Washington Superintendency, M-234 (Roll 912), RG 75, National Archives at Seattle. At this time the military was seeking to take over administration of Indian Affairs. See Prucha, *The Great Father*, 549-560 and Paul Stuart, *The Indian Office: Growth and Development of an American Institution, 1865-1900* (Ann Arbor, Michigan: UMI Research Press, 1979), 56-59.

The agent agreed to forward this to Milroy along with a list of their objections to being assigned to a new reservation. In his letter to the superintendent, the contents of which were subsequently forwarded to Francis A. Walker, Commissioner of Indian Affairs, Simms recommended the creation of a special commission to address tribal concerns.[96]

In March 1873, Walker's successor Edward P. Smith did just that. Smith directed John B. Monteith, the US Indian Agent for the Nez Perce, and T.B. Odeneal, the Superintendent for Indian Affairs for Oregon, "to ascertain the exact limits of the country claimed by these Indians [the Coeur d'Alene], upon what conditions they are willing to relinquish their claim to the same, and return within the boundaries of the reservation set apart for them by executive order dated June 14th, 1867."[97] The following month, the US Surveyor General L.F. Cartee appointed deputy surveyor Daniel Thompson to survey the exterior boundaries of this reservation in accordance with the executive order.[98]

The Coeur d'Alene and their Jesuit allies sought to influence Thompson's survey. Thompson looked to begin his work in May, but after speaking with Fr. Cataldo who he believed "represents the view of the Indians," Thompson hesitated. In a letter to Cartee, dated May 16, the federal surveyor expressed concern about the reservation as described in the executive order. He noted that the "section of country to be included is almost worthless as an agricultural country but will include the fisheries on the lake and on the St. Joseph's River." Inclusion of the old mission site on the St. Joe River (identified in the executive order as the "old Coeur d'Alene Mission"), however, "would not include the fisheries on either the lake or the River." Thompson urged a swift resolution to this issue prior to the survey, as he believed: "Should the fisheries be excluded there will . . . 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." The surveyor took it upon himself to diagram "what the Reserve should be," in his estimation. That "Diagram of Coeur d Alene Reservation as the Indians wish it," included in his letter to Cartee, is reproduced as **Figure 9** below. From all that Thompson could "ascertain" – and he acknowledged that he had not been "at the Lake or at the [old, St. Joe River Mission]" – "no settlers will be included" in the reservation that he proposed.[99]

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[96] John A. Simms to Robert H. Milroy, November 20, 1872, John A. Simms Papers, Cage 213 [hereafter Simms Papers], Box 1a, Folder 5, Manuscripts, Archives, and Special Collections, Holland Library, Washington State University, Pullman [hereafter MASC WSU]. The tone of this letter suggests that a map of some sort may have been drawn or an existing map marked up. No such map, however, was located in the Simms Papers or in the Cartographic Records of RG 75 at the National Archives at College Park, MD.

[97] Simms to Milroy, November 20, 1872; Robert H. Milroy to Francis A. Walker, December 15, 1872, Council Minutes of Council held November 1872. Claimant's Exhibit 91, Docket No. 81, The Coeur d'Alene Tribe of Indians v. the United States of America Indian Claims Commission, RG 279; H.R. Clum to T.B. Odenal, Esq., March 8, 1873. Letters Sent by the Office of Indian Affairs, 1824-1881, M21 (Roll 110), RG 75, NARA DC. A separate identical letter was sent by Clum to Monteith on the same date.

[98] L.F. Cartee, Surveyor General of Idaho, to Hon. David P. Thompson, U.S. Deputy Surveyor, April 24, 1873. Special Instructions, Contract and Bond No. 42, Box 54, Surveying Contracts, Idaho 1867-1885, Div E, Records of the General Land Office, Record Group 49, NARA DC.

[99] D.P. Thompson to Hon. L.F. Cartee, Surveyor Genl, May 6, 1873. Trial Exhibit 305, *United States of America and Coeur d'Alene Tribe v. State of Idaho*, Case No. CIV-94-0328-N-EJL.

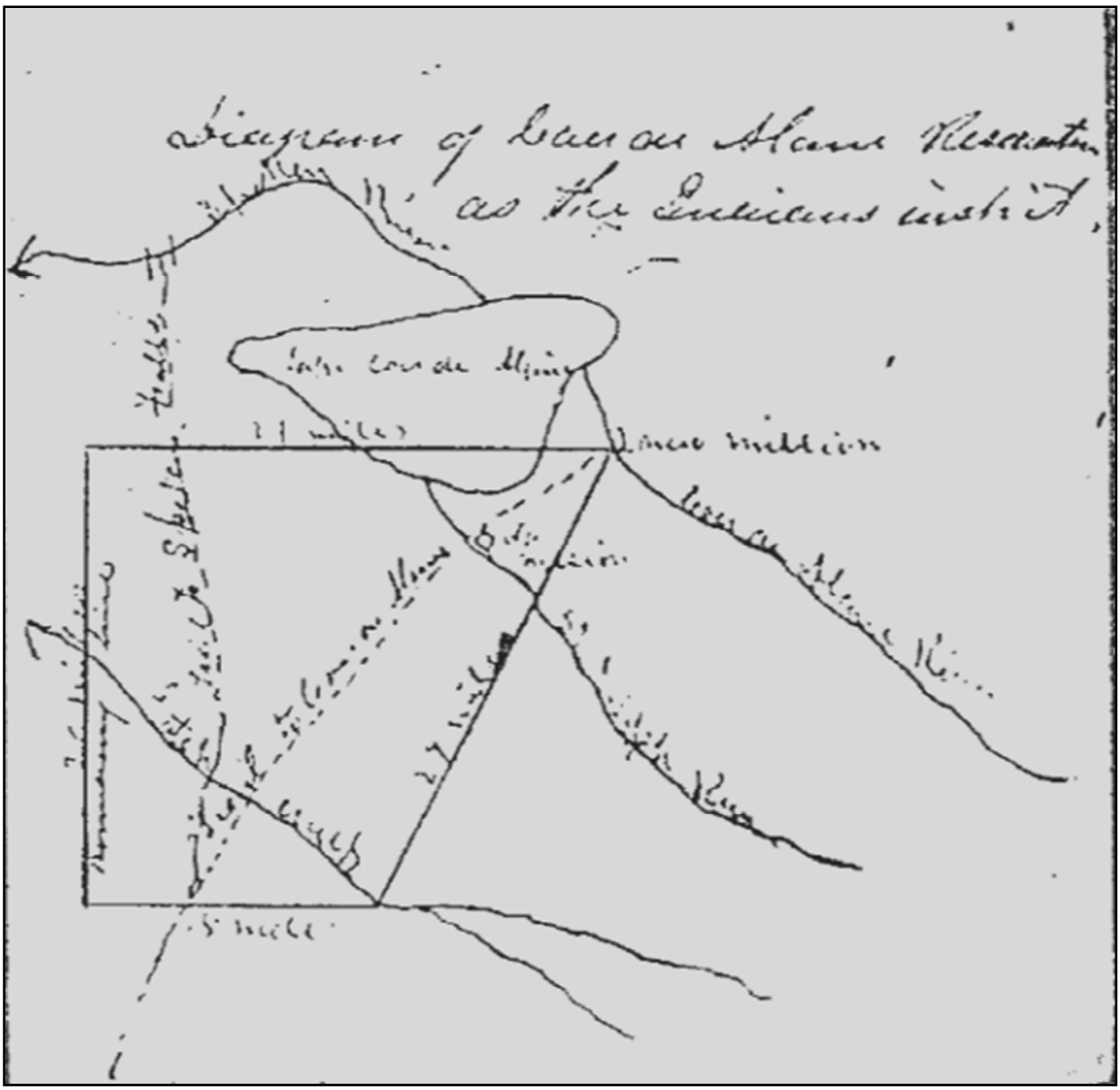

Figure 9. Thompson's Proposed Coeur d'Alene Reservation, May 6, 1873.

Thompson's proposal was forwarded to the Commissioner of Indian Affairs E.P. Smith through Cartee and then the Acting Commissioner of the General Land Office in late May "for such action as you [Smith] may deem proper."[100] In June, Smith replied. Noting that Odeneal and Monteith had already been appointed "to inquire into the condition and wants" of the Coeur d'Alene, and a report had been received and forwarded to the Interior Secretary for his consideration, the commissioner advised that "the survey of

[100] L.F. Cartee, Surveyor General of Idaho, to Hon. Willis Drummond, Commissioner, General Land Office, May 16, 1873. K51174, Box 40, Division E, Entry 509, Idaho 1866-1874, NARA DC; and Acting Commissioner of the General Land Office to Hon. E.P. Smith, Commissioner of Indian Affairs, May 31, 1873. Trial Exhibit 306, *United States of America and Coeur d'Alene Tribe v. State of Idaho*, Case No. CIV-94-0328-N-EJL.

the boundary lines of the reserve already ordered . . . should not be postponed."[101] Comparing the final surveyed 1867 reservation (**Figure 8** above) with Thompson's proposal (**Figure 9**), it appears that Thompson largely acted on the suggestions made by Cataldo and the Coeur d'Alene.

The tribe and the Jesuits also advocated directly to the Interior Secretary for a larger reservation and a negotiator who they believed would be sympathetic to their situation – not Monteith. In June 1873, Washington, D.C. attorney and Catholic Commissioner of Indian Missions Charles Ewing drafted a letter to Interior Secretary Columbus Delano both advocating for such a reservation and arguing against the Nez Perce agent's appointment as a commissioner. Ewing, a Catholic and a Civil War veteran who had been appointed to represent all Catholic dioceses established among Native Americans, noted that President Grant had set aside an executive order reservation for the Coeur d'Alene in 1867, but the Coeur d'Alene did not even find out about the withdrawal until four years later.[102] He claimed that the reservation remained unsurveyed; was entirely too small to satisfy the Coeur d'Alene; and did not protect choice tribal land around Lake Coeur d'Alene from the encroachment. The Coeur d'Alene through Ewing asked Delano to appoint a high level government official "direct from their great Father" who could guarantee to them the permanent reservation that they wanted with the boundaries they desired and in return they would be favorably disposed to "relinquish all their lands without any charge except that they want[ed] schools, and a saw and grist mill." Ewing advocated appointment of a person of high personal integrity, who was a friend of the Indians, who could engage in a "big talk" at which the tribe could "unburden their hearts from a heavy load of grievances real or imaginary, which have been accumulating for many years." The Coeur d'Alene specifically requested a Catholic-sympathetic commissioner be sent who would give added weight to the advice and concerns of the Jesuit priests who lived among the Coeur d'Alene people. Word having reached the Coeur d'Alene that Monteith was to be sent to them as a commissioner to settle the reservation issue, they professed that he was not a friend and not of "sufficient dignity" to settle their troubles. Ewing, on their behalf, asked Delano to withdraw Monteith's appointment in favor of someone "who is not prejudiced against the religion of these Indians." Ironically, Monteith became one of the tribe's strongest advocates.[103]

Although the Coeur d'Alene were unsuccessful in persuading federal Indian officials to rescind Monteith's appointment, the tribe's campaign nevertheless paid dividends. A month after Ewing's letter, Delano

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[101] E.P. Smith, Commissioner, to The Hon. Commissioner, Of the General Land Office, June 5, 1873. Trial Exhibit 3238, *United States of America and Coeur d'Alene Tribe v. State of Idaho*, Case No. CIV-94-0328-N-EJL.

[102] In 1879, the Bureau of Catholic Indian Missions succeeded the Office of Catholic Commissioner of Indian Missions. Ewing continued to serve as commissioner, working alongside the director of the Bureau, Fr. John Baptist A. Brouillet. Following Ewing's death in 1883, John Mullan – the same US Army officer who oversaw the construction of the Mullan Road and who had also become an attorney in Washington, DC – was appointed commissioner. See "Bureau of Catholic Indian Missions Records, Bureau of Catholic Indian Missions: Historical Note – Notable People," website, http://www.marquette.edu/library/archives/Mss/BCIM/BCIM-SC1-history1.shtml, last accessed August 25, 2014.

[103] Charles Ewing to Columbus Delano, June 5, 1873. Claimant's Exhibit 92, Docket No. 81, Indian Claims Commission, RG 279, NARA DC. This letter is transcribed and discussed in Ewing to Fr. Cataldo, June 6, 1873. ff. 1:18 Correspondence, From Commissioners of Indian Affairs and Fr. J. B. Brouillet anent establishment of the Coeur d'Alene Reservation, 1871-1873, NWM 16:332-34 [incl. non-filmed mtls.], Box 1, Sacred Heart Mission Collection, JOPA, GSC. See also Woodworth-Ney, *Mapping Identity*, 94-95.

directed the members of a special commission that had been appointed back in April 1873, General John P. C. Shanks, T. W. Bennett, and Henry W. Reed – later known as the Shanks Commission – to meet with the non-treaty tribes of the Pacific Northwest, to study their situation, to offer recommendations, and to negotiate agreements. Shanks was a Congressman from Indiana and Chairman of the House Committee on Indian Affairs; Bennett was the Idaho territorial governor; and Reed was the US Indian Agent for the Shoshoni and Bannock tribes in southern Idaho. The commission had originally been appointed to negotiate solely with the Shoshoni and Bannock tribes. Their charge was broadened by Delano to include not only negotiating with all of the "scattered and wandering tribes" of southern Idaho, but also investigating "the whole subject of our Indian relations in Idaho."[104]

On July 23, Monteith, Shanks, and Bennett together entered Coeur d'Alene territory to meet with the tribe. Monteith was not a member of the Shanks Commission, but he joined Shanks and Bennett on their way en route to the Coeur d'Alene – by Monteith's later account, at their invitation.[105] He proceeded without Odeneal as the Oregon Superintendency had been abolished by that time. As for Reed, it is unknown why he did not accompany Shanks and Bennett; possibly his responsibilities as agent to the Shoshoni and Bannock precluded his attendance.[106]

Following a tour of the reservation set aside by the 1867 executive order, Monteith, Shanks, and Bennett met with Seltice and Coeur d'Alene leaders from July 25 to July 27 at Hangman Creek. The Coeur d'Alene, according to Monteith who recorded the council proceedings, described their lands as follows:

> We start at the head of the Palouse and run across to Steptoe Butte, from that point to Antoine Plants ferry on the Spokan [*sic*] River then to the foot of 'Pend D'Oreille' lake thence up lake to the sumit [*sic*] of Bitter-root Mountains then along sumit [*sic*] of mountains to place of beginning.

These boundaries took in the rivers, lakes, and valleys surrounding Lake Coeur d'Alene and the agricultural land in Hangman Creek valley. When asked, "What would induce you to relinquish your claim to said described lands and return to the [1867] Reserve?," the Coeur d'Alene responded: "We wish the lines changed so as to include the new Mission."[107]

After talking further with the Coeur d'Alene and after Monteith, Shanks, and Seltice reviewed the proposed lines and the Hangman Creek area, an agreement was struck that was to be binding upon the approval of Congress. The agreement specified that the United States was

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[104] Edward P. Smith to Hon. J.P.C. Shanks, July 1, 1873. Letters Received by the Office of Indian Affairs from the Idaho Superintendency, 1873, M234 (Roll 342), RG 75, NARA DC; "Shanks, John Peter Cleaver (1826-1901)," *Biographical Directory of the United States Congress, 1774-Present*, accessible online at http://bioguide.congress.gov/biosearch/biosearch.asp, last accessed March 17, 2014; and Brigham D. Madsen, *The Northern Shoshoni* (Caldwell, ID: Caxton Press, 2000), 70.

[105] John B. Monteith to Edward P. Smith, August 6, 1873. Idaho M407, Letters Received by the Office of Indian Affairs from the Idaho Superintendency, 1873, M234 (Roll 341), RG 75, National Archives.

[106] John B. Monteith to Edward P. Smith, August 6, 1873. Idaho M407, Letters Received by the Office of Indian Affairs from the Idaho Superintendency, 1873, M234 (Roll 341), RG 75, National Archives at Seattle [hereafter NARA S]. Regarding Bennett's absence from the proceedings, see Madsen, *The Northern Shoshoni*, 70.

[107] Monteith to Smith, August 6, 1873.

> to set apart and reserve as a Reservation, for the exclusive use of the Coeur d'Alene Indians and to protect the same from settlement or occupancy by other persons, all and singular, the lands and privileges lying and being within the following described limits to wit:
>
> Beginning at a point on the top of the dividing ridge between Pine and Latah (or Hangman's) Creeks, directly south of a point on said last named creek, six miles above the point where the trails from Lewiston to Spokane Bridge crosses said creek; then in a North Easterly direction in a direct line to the Coeur d'Alene Mission, on the Coeur d'Alene river (but not to include the lands of said mission); thence in a Westerly direction in a direct line, to the point where the Spokane river heads in or leaves the Coeur d'Alene lakes; Then down along the center of the channel of said Spokane river to the dividing line between the Territories of Idaho and Washington, as established by the act of Congress organizing a territorial government for the territory of Idaho; then south along said dividing line to the top of the dividing ridge between Pine and Latah (or Hangman's) creek; thence along the top of said ridge to the place of beginning.[108]

Once Congress ratified the agreement, the federal government was to "fully define" the reservation boundaries by survey – reserving "the right to establish in and across said reservation mail routes, military roads, and public highways for the benefit of the citizens of the United States." The agreement provided further that "the waters running into said reservation shall not be turned from their natural channel where they enter said reservation." The context for this statement is not entirely clear from the historical records, and neither Monteith's notes regarding the negotiations with the Coeur d'Alene nor his subsequent letter to Smith explaining this agreement shed any further light on the provision's meaning.[109]

The Coeur d'Alene, for their part, relinquished

> all their rights and title in and to all the lands heretofore claimed by them and lying and being outside of said described reservation, which said lands are bounded as follows to wit:
>
> Beginning at the head of the Upper Palouse, or Mohnaslia river in the Territory of Idaho, thence Westerly across the ridge to Steptoe Butte, thence Northerly to Antoine Plants on the Spokane river, thence across ridge to foot of Pen de' Oreille Lake, thence up said lake to the summit of the Bitter Root Mountains, then along the summit of the Bitter Root Mountains to the place of beginning.

The tribe agreed to relocate to the described reservation, but the United States was to compensate tribal members who had made improvements to lands within Washington Territory once the boundary between the Washington and Idaho territories was established by survey.[110]

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[108] Agreement made and entered into on this 28th day of July A.D. 1873 at Latah (or Hangman Creek) in the Terry. of Idaho by and between John P.C. Schanks and J. B. Monteith and Thomas W. Bennett, special commissioners on the part of the Government of the United States and the Chiefs and Headmen of the tribe of Coeur d'Alene Indians. ff. 9 Idaho Territory, Coeur D'Alene Reservation, De Smet Mission, 1872-1874, Roll 2 Alaska-New Mexico Territory, 1862-1863, 1865-1866, 1868-1874, Bureau of Catholic Indian Missions Records, Special Collections and University Archives, Marquette University, Milwaukee, WI. See also Exhibit A, 1-4 - 1-5, enclosed in Monteith to Smith, August 6, 1873.

[109] Agreement made at Hangman Creek, July 28, 1873. See also Exhibit A, 1-6, enclosed in Monteith to Smith, August 6, 1873.

[110] Agreement made at Hangman Creek, July 28, 1873. See also Exhibit A, 1-6 - 1-7, enclosed in Monteith to Smith, August 6, 1873. The survey of the boundary line between the two territories began in August 1873 and lasted into

In further consideration for the Coeur d'Alene agreeing to relinquish their title to their aboriginal lands outside the described reservation, the United States agreed to furnish materials and financial support to assist the entire Coeur d'Alene tribe in their burgeoning agricultural endeavors. Following ratification of the agreement, the federal government was to provide farm implements and equipment – such as wagons, wagon harnesses, plows, reapers, saws, blacksmith tools, horse rakes, harrows, grain cradles, and a combined grist and saw mill – as well as a school house, lodgings for the pupils, and blacksmith shop. The United States in addition was to purchase $170,000 in five-percent interest earning bonds for the benefit of the tribe, in part to assist the Coeur d'Alene in paying the salaries of a miller and blacksmith. No additional monetary consideration was agreed to be made to the tribe for extinguishing their title to the aboriginal lands outside the described reservation. The agreement, dated July 28, 1873, was to be binding on both parties and in effect if Congress approved it, and null and void if Congress did not.[111]

Given the substantial changes between the 1867 executive order reservation and the proposed July 28, 1873 reservation, Monteith felt compelled to justify the altered boundaries to Smith. Forwarding the agreement to the Commissioner in August, the Indian agent emphasized the greater agricultural opportunities afforded the Coeur d'Alene by an expanded reserve:

> First, Six miles above the Lewiston trails spoken of in the "Executive order" is about 8 miles from the head of the Latah and a line due west to the line between Washington and Idaho would leave several Indian farms outside and include four places belonging to white settlers.
>
> Second, By starting on the ridge dividing Latah and Pine Creek and running thence to the Mission it will leave good farming land on the Upper Latah and will take in several Indian farms around the new Mission on the Coeur d'Alene river.
>
> Third, If the Government accept [*sic*] the proposition by running down the Spokan [*sic*] they can put the Mills at the upper falls at much less expense than building a steam Mill.
>
> Fourth, By following the Washington and Idaho line, to the dividing ridge between the Latah and Pine Creek it will include all Indian farms in Idaho and leave out all white settlements.

"The valley of the Latah or Hangman Creek," Monteith stressed, "is very fertile," and in fact would "support many more than belong to Seltis band of Indians." He therefore suggested that the Catholic Colville Indians be relocated to the proposed reservation as "they could live together in harmony."[112] Acting Commissioner of Indian Affairs, H.R. Clum subsequently forwarded the July 1873 agreement to Interior Secretary Columbus Delano on December 4, 1873 stating that the agreement extinguished the title to all lands claimed by the tribe in the Territory of Idaho and established a reservation "suitable to

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1874; the line was later retraced in 1908 at the direction of Congress as portions of the line had been "obliterated." See R.B. Marshall, *Retracement of the Boundary Line Between Idaho and Washington, From the Junction of Snake and Clearwater Rivers Northward to the International Boundary*, Bulletin 466, United States Geological Survey, Department of the Interior (GPO, 1911).

[111] Agreement made at Hangman Creek, July 28, 1873. See also Exhibit A, 1-8 - 1-10, enclosed in Monteith to Smith, August 6, 1873.

[112] Monteith to Smith, August 6, 1873.

their wants as an agricultural people." Secretary Delano in turn submitted it to Congress for consideration the following day.[113]

This agreement, while apparently satisfactory to all sides when it was drafted, was nevertheless repudiated by the Shanks Commission and failed to secure a hearing before Congress. Soon after concluding negotiations with the Coeur d'Alene, the commission received an urgent request from Indian Superintendent Milroy to attend a council at Colville concerning the other non-treaty tribes, namely the Colville, Kalispel, Kootenai, and Spokane. Of the three commissioners, only Shanks accompanied Milroy to Colville for these negotiations in August. The result was an agreement to expand the existing Colville Reservation to the area east of the Columbia River to include a small portion of Hangman Valley as well as the Coeur d'Alene tribe, and thereby bring all of the non-treaty tribes in northern Idaho and eastern Washington into one reserve. As Shanks later reported to his fellow commissioners Bennett and Reed, "[t]hese tribes desire reservations together."[114]

In forwarding their report to Smith in November, the Shanks Commission explained that they never believed they were authorized to negotiate with the Coeur d'Alene for a separate reservation. They noted that Odenal and Monteith had been instructed to do so, with only Monteith making the journey. Shanks and Bennett "only joined Mr. Monteith as there seemed to be a necessity for it at the time," but the commission "did not desire to go beyond its authority in this matter [with the Coeur d'Alene]." Acknowledging that Monteith had the agreement with the Coeur d'Alene in hand and may already have forwarded it to Smith (as noted above, Monteith had done so three months earlier), the commission nevertheless recommended the larger Columbia River Basin reservation that it had negotiated at Colville over the one negotiated with the Coeur d'Alene at Latah Creek. Following its "own investigation of the whole subject," Shanks, Bennett, and Reed urged adoption of "the Reservation recommended by the commission for the nine tribes including the Coeur D'Alenes . . . ." Thus, in spite of the July 1873 agreement, federal Indian officials proposed to relocate the Coeur d'Alene to the Colville Reservation without the tribe's consent.[115]

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[113] H.R. Clum, Actg. Commissioner to The Hon. Secretary of the Interior, December 4, 1873, and C. Delano, Secretary, to The Commissioner of Indian Affairs, January 14, 1874. Idaho I46, Letters Received by the Office of Indian Affairs from the Idaho Superintendency, 1874, M234 (Roll 342), RG 75, National Archives.

[114] John P.C. Shanks, Special Commissioner to Hon. T.W. Bennett and H. W. Reed, gentlemen of the special commission, August 14, 1873, in US Congress, Senate, *Letter from the Secretary of the Interior, to the Chairman of the Committee on Indian Affairs, in relation to A bill to create a reservation in the Territory of Washington for the Coeur d'Alene and other Indian tribes*, 43d Cong., 1st sess., 1874, S Misc. Doc. No. 32, [hereafter Senate Misc. Doc. No. 32], 4-7; and John P.C. Shanks, T.W. Bennett, Henry W. Reed, To the Hon. Commissioner of Indian Affairs, November 17, 1873. Letters Received by the Office of Indian Affairs from the Idaho Superintendency, 1873, M234 (Roll 341), RG 75, National Archives. See also R.H. Milroy, Supt. Ind. Aff. W.T., to Hon. J.P.C. Shanks, July 31, 1873. Letters Received by the Office of Indian Affairs from the Idaho Superintendency, 1873, M234 (Roll 341), RG 75, National Archives.

[115] John P.C. Shanks, T.W. Bennett, Henry W. Reed, To the Hon. Commissioner of Indian Affairs, November 17, 1873. Letters Received by the Office of Indian Affairs from the Idaho Superintendency, 1873, M234 (Roll 341), RG 75, National Archives. When Shanks filed his report on his return to Washington, DC, he indicated that all of the non-treaty tribes, including the Coeur d'Alene were present at the August council and that the Coeur d'Alene along with

On December 8, 1873, just three days after submitting the July 1873 Coeur d'Alene agreement to Congress, Delano heeded the recommendation of the Shanks Commission. The secretary withdrew the Coeur d'Alene agreement in favor of the August 1873 Colville agreement.[116] This agreement, however, effectively died when it was not reported out of the Senate Committee on Indian Affairs – perhaps because the presence of nearly 160 non-Indian families living within the proposed expanded Colville Reservation owning nearly $165,000 in taxable property rendered the agreement unpalatable.[117]

Prior to the Shanks Commission filing their report, word of the conclusion of the July 1873 Coeur d'Alene agreement reached Washington. President Ulysses S. Grant, in an effort to forestall trespassing and possible clashes between non-Indians and the Coeur d'Alene that could possibly interfere with plans for a transcontinental railroad line through northern Idaho, acted swiftly to set aside the lands specified in that agreement. On November 8 the president signed an executive order withdrawing from sale and setting aside for use of the Coeur d'Alene Indians land in Idaho that included portions of Spokane River, Coeur d'Alene River, St. Joe River, Lake Coeur d'Alene, Hangman Creek, and other minor streams.[118]

Considerably larger than the 1867 executive-order reservation, this second executive-order reservation reflected the boundaries negotiated back in July 1873:

> Beginning at a point on the top of the dividing ridge between Pine and Latah (or Hangman's) creeks, directly S. of a point on said last-mentioned creek 6 miles above the point where the trail from Lewiston to Spokane bridge crosses said creek; thence in a northeasterly direction in a direct line to the Coeur d'Alene mission on Coeur d'Alene river, but not to include the lands of said mission; thence in a westerly direction in a direct line to the point where the Spokane river heads in or leaves the Coeur d'Alene lakes; thence down the center of the channel of said Spokane river to the dividing line between Washington and Idaho territories; thence S. along said dividing line to the top of the dividing ridge between Pine and Latah (or Hangman's) creeks; thence along the top of said ridge to the place of beginning.

A map enclosed with the executive order illustrated these boundaries, as depicted in **Figure 10** below.[119]

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the other non-treaty tribes "'propose surrendering their title to all the country south and east'" of the Colville Reservation. See also Shanks to Bennett and Reed, August 14, 1873, in Senate Misc. Doc. No. 32, 4-7.

[116] C. Delano, Secretary, to The Commissioner of Indian Affairs, January 14, 1874. Idaho I46, Letters Received by the Office of Indian Affairs from the Idaho Superintendency, 1874, M234 (Roll 342), RG 75, National Archives.

[117] See "Census of the White Inhabitants Residing Between the Spokane and Columbia Rivers, Together With the Whole Amount of Assessable Property of Those Owning Real Estate," in Senate Misc. Doc. 32, 10-11; and Woodworth-Ney, *Mapping Identity*, 99**.**

[118] Edward P. Smith to E. C. Kemble, US Indian Inspector, Olympia, Washington Territory, November 14, 1873. ff. Legal Records, testimony, documents, and correspondence annet litigation of Matthew Hayden vs. Arthur Front and annet mission land claims, 1887-1889 NWM 15:650-726, 16:239-249, Box 1, Sacred Heart Mission Collection, JOPA, GSC. See also Kappler, *Indian Affairs*, vol. 1, 837 and Woodworth-Ney, *Mapping Identity*, 99. Woodworth-Ney indicates that Grant's desire to keep the peace stemmed from his connections with the transcontinental railroads, the Northern Pacific in particular. She cites to Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877* (New York: Harper and Row, 1988), 466-467.

[119] U.S. Grant, Executive Order, November 8, 1873, enclosed in Delano to Commissioner, November 8, 1873. Idaho L894, Entry 107, Executive Order File, 1850-92, RG 75, National Archives.

As **Figure 10** illustrates, the 1873 executive-order reservation included all or nearly all of Lake Coeur d'Alene. To the east, it embraced the lower Coeur d'Alene River and the river valley and the lower St. Joseph River and its river valley. The north boundary followed the center of the Spokane River to the Washington–Idaho territorial boundary line, while the southern portion of the reservation included Latah (Hangman) Creek, and Hangman Valley. The mission lands surrounding the Sacred Heart Mission at Cataldo were excluded from the reservation.

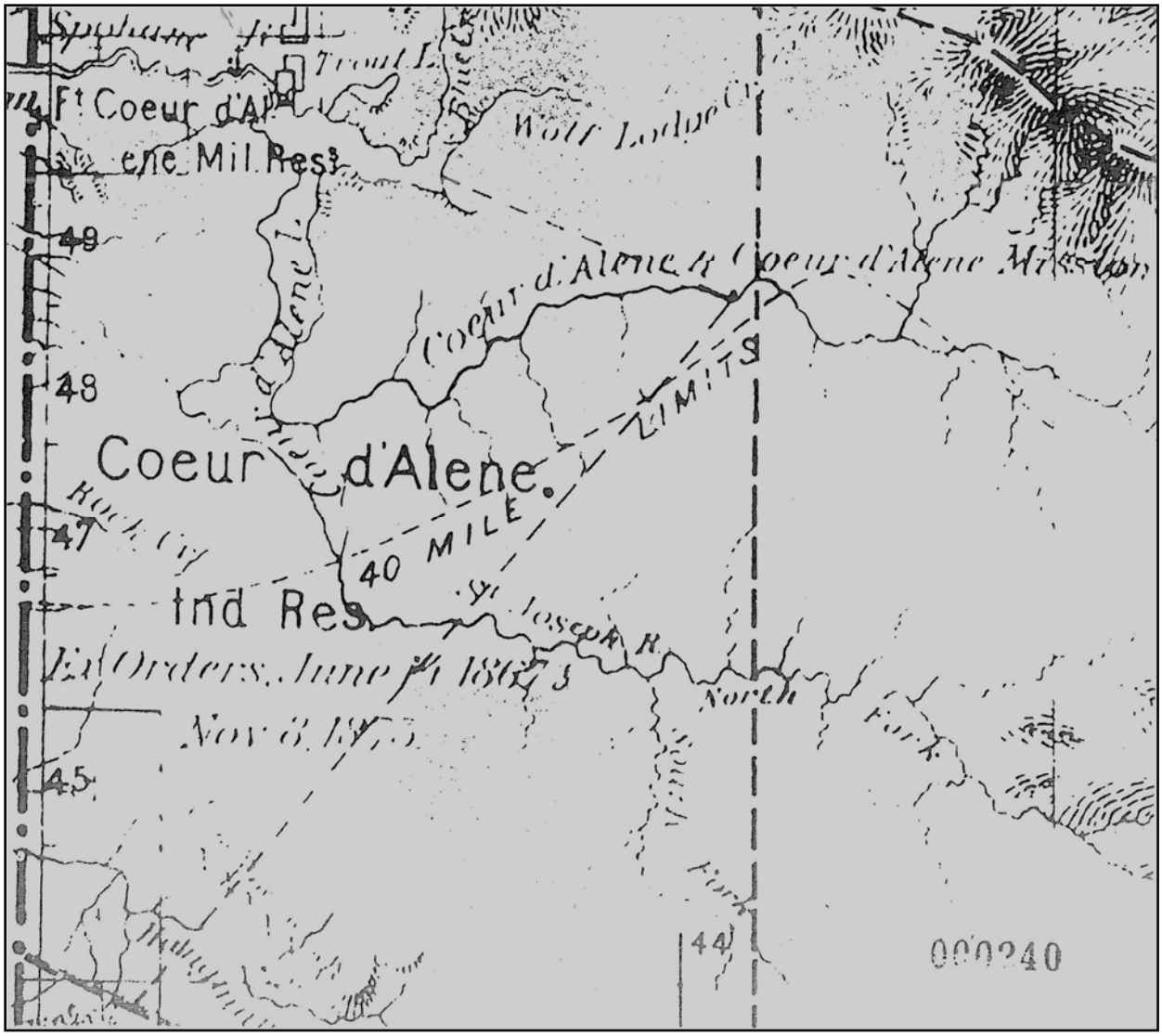

Figure 10. Map of the 1873 Executive Order Reservation.

The Coeur d'Alene thus secured federal recognition of the reservation boundaries they sought but Grant's executive order could not authorize compensation, funding, or materials for the reservation; only Congress could provide such monies. In July 1876, Idaho's territorial delegate in the House of Representative Stephen S. Fenn introduced legislation that would have authorized "negotiations with the

Coeur d'Alene Indians" as well as "appropriations for their use and benefit," but Fenn's bill never emerged from the House Committee on Indian Affairs.[120]

Without compensation, the Coeur d'Alene refused to abdicate their traditional lands, and reportedly continued to use those traditional grounds. Individuals such as Selapsto Vincent (also known as Bassa), and Moses Seltice (Andrew Seltice's father) remained at Hayden Lake and Post Falls, respectively. Even Seltice, Wildshoe, and other tribal leaders who had moved or were in the process of moving into Hangman Creek Valley to the south retained the use of the Spokane Valley for livestock grazing.[121]

This began to change in the mid-1870s when the Coeur d'Alene became aware of non-Indian settlement on their ancestral lands along Latah, or Hangman Creek. As noted above, since the late 1860s, membersof the tribe had been relocating to the area, and as of 1872, many members of the tribe occupied these lands. The strong presence of the Coeur d'Alene in the area notwithstanding, in the summer of either 1875 or 1876, a young Coeur d'Alene woman named Mary Louise reportedly happened across a group of squatters in Hangman Creek Valley in the vicinity of present-day Tensed. This prompted a concerned group of tribal chiefs to approach Fr. Alexander Diomedi, one of the Jesuits mission priests, to seek his counsel.[122] The Jesuit father endeavored to persuade them to relocate entirely to Hangman Creek, embracing an agricultural future and leaving aside traditional hunting, fishing, and camas gathering. Diomedi recalled years after the fact that he said:

> Far away, there as many white as there are grains of sand upon the hill, or blades of grass on this prairie; they are making a road to come through here and occupy all of the land that you can see from here to Yakima and from here to the Crows. They go as swiftly as the wind and travel as far in one day as you can in a week, even going on a race horse. I had had news that they are coming; that they will take up all the land which has not been cut by the plough; that they will mow all the grass as I have mowed my field. If you are wise, and listen to my words, you will become a great people; the whites will eat with you and they will give you money; they will buy your wood and you will be supported. But if you do not heed me, your children will starve, your wives and daughters will be unsafe; you, yourselves, will disappear. Do you wish to die? Then remain here; live by hunting and fishing; spend your time in smoking and idle talk, and in a few years, the church will be in mourning, she will look for her children and have no comfort because they are gone. Do you wish to be a great people? Go to the beautiful land, break the sod, sow grain, plant vegetables, and your children will live, your wives will be safe and well dressed and you will have plenty. Before you lies the road; make your choice now, and do not say afterwards that I was good for nothing, and kept from you what I should have told you.[123]

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[120] *Congressional Record, First Session, Forty-fourth Congress, Volume IV, Part V*, 4403.
[121] Seltice, *Saga of the Coeur d'Alene Indians*, 233-237.
[122] As anthropologist Gary B. Palmer notes, there is a discrepancy in the historical record regarding Mary Louise's find. One Coeur d'Alene tribal member, Basil Peone, writing 60 years later, claims it was made in the summer of 1875. Diomedi wrote some 20 years after the fact that it occurred in the summer of 1876. Palmer believes that the more likely date is the summer of 1876. See Palmer, "The Settlement of Ni'lukhwalqw," 30 and fn. 19.
[123] Father A. Diomedi, *Sketches of Modern Indian Life*, 61.

At least one of the Coeur d'Alene recalled Diomedi's words slightly differently sixty year later. According to Basil Peone, who had evidently learned of the speech from Andrew Seltice's contemporary and successor Peter Moctelme, Diomedi said:

> I have many times spoken to you before, to kindly ask you to leave these rough mountains where there is not enough land to raise feed sufficient for animals, where there is not enough vegetables for all your people.
>
> Therefore go to the vast prairie lands where you can raise all the wheat and all the vegetables you need for both your stock and yourselves, and also for your children's children, and children to come for always.
>
> The White people will come in great numbers. As they are so many, you cannot count them. Across the big waters where they come from are thousands upon thousands of them. You would not know how many there are. They will come across and settle upon all the buffalo plains in the land of the Rising Sun and upon these, our camas plants of the Setting Sun. 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.
>
> They are now many in our country and have their laws, and they shall still come a thousand fold more times than what they are now.
>
> No doubt . . . this is a serious matter. Now I want the Sisters to come and teach your children. Suppose the Sisters come; they must have a house and a mile square of good tillable land and very well you yourselves know that cannot be had here, and therefore we ought to leave this place, and to a region where such land is available.
>
> Moreover, let me tell you that this moving of the Mission is for the greater good of all of you, old and young. Do you wish to die? Then remain here; live by hunting and fishing, spend your time in [*sic*] the Church will be in mourning. She will mourn for her children and have no comfort because they are gone.
>
> Do you wish to be a great people? Go to the beautiful land; break the sod and grown grain, plants, vegetables, and your children will live, your wives will be safe and well dressed and you will have plenty.[124]

Anthropologist Gary B. Palmer observes that the two accounts of Diomedi's speech, offered differing perspectives on the threat posed by Euro-American settlement: "Where Diomedi emphasized the non-Indian hunger for land, the Moctelme-Peone version emphasized the lack of land at Cataldo and the vastness of the lands to the south." "This theme of lack and plenty," Palmer stresses, "is a common one in Indian narratives," and it is notable that the "Moctelme-Peone version" is specific about "all of the edible things in the environment, including big game, birds, fish, and camas" that the Coeur d'Alene

[124] "An Indian Herodotus, Chief Peter Moctelme (from the Memoirs of Basil Peone)," in Su Harms, ed., *The Coeur d'Alene Teepee, Volumes I-III, 1937-40*, Sacred Heart Mission, Coeur d'Alene Indian Reservation, DeSmet, Idaho, Volume 1, Number 5, 85. See also Palmer, "The Settlement of Ni'lukhwalqw," 31-32.

traditionally relied upon which would be destroyed by continued non-Indian settlement and encroachment.[125]

By both Diomedi's and Peone's accounts, traditionalists within the tribe opposed relocation from the outset. Augustine, also known as Agusta, "a good man, but over fond of his native land," in Peone's words, rose immediately to dismiss Diomedi's argument:

> You are our Blackrobe and Father, but your words sound strangely today. Have we to leave and abandon this beautiful Church which we have built with our own hands? The Church in which has been given to us the knowledge of our Creator? Where we have been taught how to live morally? Where the hungry have received food, the sick medicine, and the poor have received clothing? Must we leave these woods which supplied us with fuel and game? This prairie which has fed our horses? This river which has given us trout and beaver? We are good and healthy. Our children are fat. Our wives are comfortable in our lodges and log houses. We are not like you. You need bread. We have camas. You require good clothing; we are satisfied with deer skins and buffalo robes. We can live comfortably on what you would think poor and wretched. I know not what my fellowmen may decide but as for myself, I will stay to live and die in my native land and there will my bones be buried with those of my fathers, and children's bones. There ends my talk from heart.

Agusta was joined in opposition by at least six others, named Isadore Bernah (or, Bernard), Joseph (also known as Old Agath's husband), Aripa (of the St. Mary's clan), Francis Regis, Zu-leml-gu-zo (also known as the Rocky Mountain Steer), and his brother Kui-kui-sto-lem (or Blue Steer, also known as Basil).[126]

Those tribal members remaining in the lake and river country, however, were persuaded and reportedly relocated to "farms in the Camas prairie" in the Hangman Creek area by the end of 1877 leaving the old mission village "almost deserted."[127] The degree to which Diomedi's speech (as his account suggests) and the other Jesuits pushed the Coeur d'Alene to move or Seltice and other tribal leaders led them to the area is not entirely clear, but the overall effect of the Jesuit's urging and the tribal leaders embracing the move result in a mass movement to the western side of the reservation.

Diomedi certainly believed that he was instrumental in convincing the tribe to embrace the area. By his account, the entreaties he made to the Coeur d'Alene who already adopted agriculture drew them and ultimately most of the rest of the tribe to the area. The priest began by enlisting the support of Seltice, "who was not altogether unfriendly" to Diomedi's argument. After locating a new mission site in the Hangman Creek valley, he travelled to see Seltice and convinced him to "speak to the people; [to] tell them to take up land, and become civilized and live comfortably in Nilgoalko [Hangman Creek valley]" – something that as Seltice had indicated to Winans back in 1872 many tribal members had already done. Diomedi also reportedly dispatched Fr. Joset, who had lived among the Coeur d'Alene for nearly 40 years

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[125] Palmer, "The Settlement of Ni'lukhwalqw," 31-32.

[126] "An Indian Herodotus, Chief Peter Moctelme (from the Memoirs of Basil Peone)," in Su Harms, ed., *The Coeur d'Alene Teepee, Volumes I-III, 1937-40*, Sacred Heart Mission, Coeur d'Alene Indian Reservation, DeSmet, Idaho, Volume 1, Number 5, 110.

[127] Thomas Sherman, "Coeur d'Alene Mission," *Annals of the Catholic Indian Missions of America*, 2:1 (January 1878), 18-19. ff. 1:19, Correspondence: Accounts of the Mission and its Needs in Context with Coeur d'Alenes' Non-Participation in the Nez Perce Uprising, Box 1, Sacred Heart Collection, JOPA, GSC.

and enjoyed their trust and support, to the new mission site to induce reticent members of the tribe to relocate. In the face of stubborn resistance from the Coeur d'Alene already living in the vicinity of the Cataldo Mission, Diomedi himself met secretly with many of the tribe's young men, and emphasized the success of those who already lived on Hangman Creek prairie: "Look at your brethren; their land is large, the grass is high, their horses are fat and their cattle increasing. Next year they will have an abundant crop; they will trade it to the whites and have plenty, because they have listened to me."[128]

Many factors influenced Jesuit support for the migration. Completion of the Mullan Road in 1862, for instance (as discussed above), brought thousands of miners, packers, soldiers, cattlemen, emigrants and settlers, into contact with the native peoples of the area:

> In 1866 alone, an estimated 20,000 people, 5,000 head of cattle, and 6,000 mules traveled the Mullan Road between Montana and Walla Walla, Washington. And many stayed. By 1870, hundreds of gold seekers were in the mountains along the north forks of both the Clearwater and Coeur d'Alene rivers. Thus continued the growing encroachment and influence of the white settlers, especially miners, in the Coeur d'Alene basin. The Jesuits feared the moral influences of these whites on Schistsu'umsh.[129]

Construction of the Northern Pacific Railroad posed another threat. The route of the railroad, as surveyed by Stevens' expedition in 1853, was to pass through Fort Benton, then across the mountains to St. Mary's Mission among the Flathead people, then to Fort Colville through the territory of the Coeur d'Alene, who risked being removed to make way for the railroad. The financial panic of 1873 halted work, but as the financial crisis eased, landseekers trickled into the region north of the lake near the projected railroad line. A government land office opened at nearby Colfax in 1876, the same year the Jesuits moved the Coeur d'Alene mission to DeSmet in the Hangman Valley.

The Jesuits leased the abandoned mission grounds and most of the tribe in the vicinity of the former mission relocated over the next five years to the DeSmet area, but some like Agusta refused to follow. The Sisters of Charity, desiring additional land to build a dormitory school for girls among the Coeur d'Alene, established their facility at DeSmet. Likewise, the Jesuits built a church and boys school. Between February and March 1877, a new site for the mission had been identified and work started on a schoolhouse in the vicinity of present-day DeSmet. The large quantity of good farmland promoted settlement by Indians near the new DeSmet mission; thereby, the Jesuit fathers exercised greater influence over the lives of the Coeur d'Alene.[130]

Joset, however, later recalled that Coeur d'Alene led by Seltice decided on the move themselves. According the missionary,

> When the white migration began to pour into the country, one of them [a member of the tribe], in a winter evening, called a meeting of his friends and said: What are we doing? The White will take possession of all the lands: there is no time to lose: let us move to the prairie, and be the first to occupy what we like best: all agreed: and decided to go in early spring; they sent to apprize the Chief of this

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[128] Diomedi, *Sketches*, 62-68, 71-72, and Palmer, "Indian Pioneers," 34.
[129] Frey, *Landscape Traveled by Coyote and Crane*, 65-66.
[130] Palmer, "Indian Pioneers," 36, and 65-92

> resolution. He not only highly approved of it, but concluded to go himself and give the example: he added: that is not enough there are some among us, who have no workhorses, or who are too poor to buy ploughs: we must help them and given them a start.[131]

The available historical record points to a more complex interpretation. The migration and consolidation of the Coeur d'Alene to the Hangman Creek Valley and other small valleys principally south and west of Lake Coeur d'Alene occurred over a number of years, beginning sometime in the late 1860s. This movement accelerated into the early 1870s as not only the Coeur d'Alene participation in bison hunting on the Great Plains declined, but also both the Jesuits and the Coeur d'Alene became aware of non-Indian encroachments on the tribe's aboriginal territory centered around the lake.

The Hangman Creek Valley was not the only place that the Coeur d'Alene settled beginning in the late 1860s. The threat of non-Indian settlement and expansion into the southern portion of the tribe's ancestral homeland spurred relocation to the area, but other areas north, south, and west of that valley also became home to tribal members. Ignace Timothy, for instance, moved from the head of navigation on the St. Joe River to the vicinity of present-day Plummer, while Massisla and Alexis moved to the vicinity of present-day Worley. Spotted Louie moved to Lovell (Little Hangman Creek) Valley near the Washington-Idaho border, while Peter (elsewhere known as Pierre) Wildshoe – who later succeeded Andrew Seltice as head chief – staked a claim three miles up from the confluence of Lovell and Hangman Creek. Tecomtee staked a claim four miles east of Wildshoe in what became known as the Moctelme Valley. Regis (also known as Steer Summit) and his brother Que-que-shoe likewise took up land in the Moctelme Valley.[132]

By the early 1880s, the Coeur d'Alene within the 1873 executive order reservation dominated the larger Palouse region in terms of population and farms. As is discussed in the section below, the Coeur d'Alenes' agricultural effort reportedly exceeded that of local homesteaders in both sophistication and acreage; there were some 160 Coeur d'Alene farms in Hangman Creek Valley alone. Farms varied from 10 to 130 acres with larger fenced areas for livestock. Wheat and oats were cultivated, transported by lumber wagons or two wheeled carts and across Lake Coeur d'Alene to market. Surplus crops were sold to Ft. Sherman, the nearby Army post at Coeur d'Alene at the headwaters of the Spokane River, Spokane Falls, and other adjoining towns. In 1880, the tribe built a wagon road from the farming region to a large granary and root house on a landing on the banks of Lake Coeur d'Alene where flat-boats, formed by lashing together canoes to form a platform, transported loads of grain up to three tons across the lake to the fort.[133]

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[131] Palmer, "Indian Pioneers," 36.

[132] Seltice, *Saga of the Coeur d'Alene Indians*, 229-231.

[133] James O'Neill, Farmer, Colville Agency, to John A. Simms, US Indian Agent, Coleville Agency, July 26, 1879, 144, from Report of Colville Agency, available online from University of Washington Libraries Digital Collection at http://digitalcollections.lib.washington.edu/cdm/compoundobject/collection/lctext/id/757/show/3959, last accessed August 26, 2014; James O'Neill, "Annual Report of Resident Farmer," August 6, 1880. ff. Misc. Letters Rec'd, Coeur d'Alene, 1880-84, Box 32, Letters Received, Miscellaneous Coeur d'Alene Reservation, BIA Colville, RG 75, the National Archives at Seattle [hereafter NARA S]; Robert A. Gardner, Inspector to Hon. H.M. Teller, Secretary of the

As they improved their reservation lands, the Coeur d'Alene continued to seek congressional recognition and compensation for the aboriginal lands they had agreed to cede in July 1873. During the brief Nez Perce War (July-October 1877), Seltice and the Coeur d'Alene avoided being drawn into the conflict on the side of the Nez Perce. Throughout the summer of 1877, Coeur d'Alene warriors protected the lands and property of local non-Indian settlers from Nez Perce raids. In July 1877, Seltice returned a horse stolen from settlers by Nez Perce warriors, and during an August conference between the US Army and the non-treaty tribes, he declared that if necessary, he would join the fight on the US side. Such actions and words yielded the approbation of both non-native Palouse residents and military commanders, yet did not secure the Coeur d'Alene the reservation that they sought.[134]

At a multi-tribal council in Spokane Falls between August 16 and 18, 1877, following the conclusion of the Nez Perce War, Seltice insisted upon a larger reservation to Col. E. C. Watkins, the U.S. Indian Inspector. Watkins was primarily interested in getting non-treaty tribes on either the Colville Reservation or the 1873 executive-order Coeur d'Alene Reservation. Seltice, for his part, sought to protect what he and the tribe believed they already had. The Coeur d'Alene chief, pointing to the assistance that he had rendered to "the white people" during the conflict and stressing his desire to "get a piece of land," called upon "white people...[to] do what is right to please all the Indians." When asked about the reservation by Watkins, Seltice acknowledged his earlier dealings with "General Schenck" but noted that the reservation as currently understood was "too small if other Indians want to come on." There was not, however, much interest on the part of the representatives of the other tribes in attendance – a group that included the Upper and Lower Spokane, the Palouse, the Pend O'reille, and the Okanagan – in joining the Coeur d'Alene on their proposed reservation. Watkins consequently recommended that an Act of Congress be passed confirming the executive-order reservation for the Coeur d'Alene alone.[135]

Two months later, in early November 1877, Fenn again introduced a bill (H.R. 1195) that would have had Congress authorizing and directing the President of the United States to appoint a commissioner to enter into an agreement with the Coeur d'Alene tribe "defining the extent and boundaries of a tract of land to be set apart by the Secretary of the Interior for the sole use and benefit of said tribe of Indians." The legislation appropriated $30,000 for the Coleville Agency to assist in the construction of flour and saw

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Interior, forwarding Inspection Report of Colville Reservation with Enclosures, November 18, 1882. Trial Exhibit 3,097, *United States of America and Coeur d'Alene Tribe v. State of Idaho*, Case No. CIV-94-0328-N-EJL.

[134] James Ewart to the Cath. Priest, Cour [*sic*] D'Alene Mission, June 27, 1877, J. Joset to James Ewart, July 4, 1877, J. Joset to John Simms, U.S. Indian Agent, July 4, 1877, James Ewart to Father Joseph, July 5, 1877. ff. Joset, Fr. Joseph 3:35, Special Endeavors: Mediation of Indian Hostilities, Correspondence with James Ewart, 1877, NWM 32: 843-850, JOPA, GSC; Testimonial from citizens of Idaho and W. Territ to Coeur d'Alenes, Attest, Sidney D. Waters, U.S. Ind. Agent, June 17, 1877. Enclosure "A"; Testimonial from citizens of Idaho and W. Territ to Coeur d'Alenes, Attest, Sidney D. Waters, U.S. Ind. Agent, August 25, 1877. Enclosure "B"; and Waters to Hon. H.C. Price, Commissioner, Indian Affairs, March 26, 1885. 1885-6939, Box 234, 1885 6601 to 7049, Letters Received, 1881-1907, RG 75, NARA DC. See also Robert Ignatius Burns, SJ, "The Jesuits and the Spokane Council of 1877," *Pacific Historical Review* 21, no. 1 (1952): 65-75; and Woodworth-Ney, *Mapping Identity*, 102-104.

[135] Record of Council at Spokane Falls, W.T., Held August 16th, 17th and 18th, 1877. Inclosure No. 4, 1890-21864; and E.C. Watkins, U.S. I. Insp., Report of council held with Northern Indians, August 23, 1877, 77 W 823. Inspectors File No. 1864, Roll 20, Idaho Superintendency, 1873-79, M1070 Reports of Inspection of the Field Jurisdictions of the Office of Indian Affairs, 1873-1900, RG 48, NARA DC.

mills, a boys and girls school, a blacksmith shop furnished with the necessary tools, and farm implements; as well as to pay for a competent miller (or millers) and a blacksmith employed for a term of one year. The funds were to become available to the tribe upon the Secretary of the Interior reaching an agreement with the tribe on boundaries of a reservation.[136] The bill was referred to the House Committee on Indian Affairs, yet once again Fenn's proposed legislation failed to emerge out of the committee.[137]

Reservation Established, 1882-1891

In spite of Watkins's recommendation, Fenn's two bills, the many testimonials acknowledging Seltice's and the tribe's loyalty to the United States during the recent Nez Pearce Uprising, and the tribes' own industriousness and progress in agricultural pursuits, no Act of Congress approving the establishment of a reservation for the Coeur d'Alene was forthcoming for more than ten years. By the 1880s, construction of the Northern Pacific Railroad through the Idaho Panhandle and discovery of gold, silver, and lead deposits along first the North Fork and then later the South Fork of the Coeur d'Alene River spurred a land rush by Euro-Americans that quickly grew to include interest in the thick forest lands in the northern part of the reservation and a recognition of the agricultural potential of the Palouse. Exploitation of mineral resources for much of the late-19th and early-20th centuries would prove the economic engine for the growth and settlement of not only the Idaho Panhandle, but also much of the state.[138] The influx of non-Indians interested in these mineral resources – greater than it had been in the 1860s – and to a lesser extent timber and farming, created pressure on both the tribe and Congress to establish finally a reservation for the Coeur d'Alene. In 1891, after two separate rounds of negotiations in 1887 and 1889, the Coeur d'Alene finally secured the reservation they had sought for more than four decades. They did so after agreeing to cede some of the land that they had sought to protect back in 1873, land that held less value to them and greater value to non-Indians.

In the early 1880s, the Coeur d'Alene began working through the Bureau of Catholic Indian Missions and the Colville Indian Agent John Simms to obtain an official federal survey of their 1873 executive order

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[136] "A Bill to Provide for Negotiations with Coeur d'Alene Indians, and making Appropriations for their Use and Benefit," H. R. 1195, November 6, 1877, 45th Cong., 1st Sess. ff. 10 Correspondence: 1877, Box 1b, Cage 213, Simms Papers, MASC WSU.

[137] *Congressional Record, Forth-fifth Congress, First Session,* Volume VI, 252 and 386.

[138] Non-Indian interest in forest lands of northern Idaho predated the 1880s, but accelerated with the emergence of mining towns along the South Fork of the Coeur d'Alene River. See John A. Simms to Hon. E. A. Hayt, Commissioner of Indian Affairs, October 13, 1879. Letterbook 2, Commissioner of Indian Affairs, Nov. 4, 1872 to Jan. 1-1879, Box 35a, Letters Sent, Commissioner 1874-1885, BIA Colville, RG 75, NARA S. On the mineral strikes, see William N. Bischoff, SJ, "The Coeur d'Alene Country, 1805-1892: An Historical Sketch," in David Agee Horr, ed. *Interior Salish and Eastern Washington Indians*, vol. 1 (New York: Garland, 1974) 218-219; John Fahey, *Hecla: A Century of Western Mining* (Seattle: University of Washington Press, 1990), 4-5; William S. Greever, *The Bonanza West: The Story of the Western Mining Rushes, 1848-1900* (Norman: University of Oklahoma Press, 1963), 275; John Fahey, *The Inland Empire: Unfolding Years, 1879-1929* (Seattle: University of Washington Press, 1986), 176; F. Ross Peterson, *Idaho: A Bicentennial History* (Nashville: American Association for State and Local History, 1976), 101; Carlos Schwantes, *The Pacific Northwest: An Interpretive History* (Lincoln: University of Nebraska Press, 1996), 171-175. On white agriculture in the Palouse, see Alex C. McGregor, "From Sheep Range to Agribusiness: A Case History of Agricultural Transformation on the Columbia Plateau," *Agricultural History* 54 (January 1980): 11-13; Fahey, *Inland Empire*, 27, 39; and Woodworth-Ney, *Mapping Identity*, 105-122, 123-130, 143-145.

reservation. Simms urged the necessity of a survey of the exterior boundaries of the reservation in a July 1882 letter to then-Commissioner of Indian Affairs Hiram Price. Price in turn referred the matter to the Interior Secretary in early September with a request that the General Land Office complete the survey before winter descended upon the reservation making field work impossible. US Surveyor General William P. Chandler, however, ran into difficulties finding a surveyor so quickly and upon the advice of Simms that the work be delayed until mid-1883, he did not appoint US Deputy Surveyor Darius F. Baker until early April 1883.[139]

Chandler's instructions to Baker were specific. The deputy surveyor was to adhere to the General Land Office's 1881 instructions to surveyors but otherwise "strictly follow" the boundaries of the reservation described in the 1873 executive order. Chandler further directed Baker to locate "the precise locations" of two points in the course of his survey: the boundary line between Idaho and Washington territory, and "the point directly south of a point on the Latah (or Hangman's) creek, six miles above the crossing of the Lewiston and Spokane bridge trails." Baker was also to keep field notes in accordance with the 1881 instructions.[140]

During the spring of 1883, Baker surveyed the exterior boundaries of the proposed reservation – a survey that conformed to the described boundaries in the 1873 agreement and the subsequent executive order reservation. "The Indian Agent [Simms], the priest [likely Fr. Caruana] and head men," according to the surveyor's field notes, insisted "that if the line to be run 'in a westerly direction, in a direct line to the point where the Spokane River heads in, or leaves the Coeur d'Alene Lakes' should start from the S.W. cor. of the [Cataldo] Mission Reserve, it would work a hardship on the Indians and would undoubtedly cause troubles, as they had always believed that the line 'in a westerly direction' started from the N.E. corner of the Mission Reserve." Baker, acknowledging that he "readily believe[d] this," based on the fact that the official instructions would have excluded "their play-ground, race-track, and a large part of some of their gardens and improvements," eschewed his official instructions: "I therefore concluded to run north along the west boundary of the Mission just so far should include these improvements, which was a point 67.30 chains north from the S.W. corner of the Mission Reserve." **Figure 11** below is a copy of the official General Land Office survey plat of the 1873 Coeur d'Alene reservation.[141]

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[139] B.A. Brouillet to Hiram Price, August 20, 1881. 1881-14739, Box 36, 1881-14725 to 15159, Letters Received 1881-1907, RG 75; John A. Simms to Price, July 31, 1882. 1882-14824, Box 91, 1882-14490 to 14886, Letters Received, 1881-1907, RG 75, NARA DC; Price to Simms, September 9, 1882. ff., Letters Rec'd from CIA 1880-82, Box 18a, Letters Received, Commissioner re Coeur d'Alene, Lake and Wenatchi Indians 1892, 1901-08 and re Coeur d'Alenes 1886-89; and William P. Chandler, Surveyor General to John A. Simms, US Indian Agent, Sept. 30, 1882. ff. Misc Letters Rec'd, Coeur d'Alene, 1880-84, Box 32, Letters Received, Miscellaneous, Coeur d'Alene Reservation, 1880-90, BIA Colville, RG 75, NARA S; Simms to Chandler, Oct. 6th, 1882. 1882-84088, Box 40, Idaho 1866-1874, Entry 509; and Contract No. 96, April 5, 1883, Box 54, Surveying Contracts, Idaho 1867-1885, Div E, RG 49, NARA DC.

[140] William P. Chandler, Surveyor General to Darius F. Baker, U.S. Deputy Surveyor, April 5, 1883, enclosed with Contract No. 96, April 5, 1883, Box 54, Surveying Contracts, Idaho 1867-1885, Div E, RG 49, NARA DC.

[141] Transcript from field notes Darius F. Baker, D.S., under his Contract No. 96, dated April 5, 1883, Survey of Coeur d'Alene Indian Reservation. Inclos. No. 5, 1887-30379,Box 431, 1887-30379 to 30766, Letters Received, 1881-1907, RG 75, NARA DC; and General Land Office Survey Plat, Coeur d'Alene Reservation, May 15, 1884. Provided by IDAG.

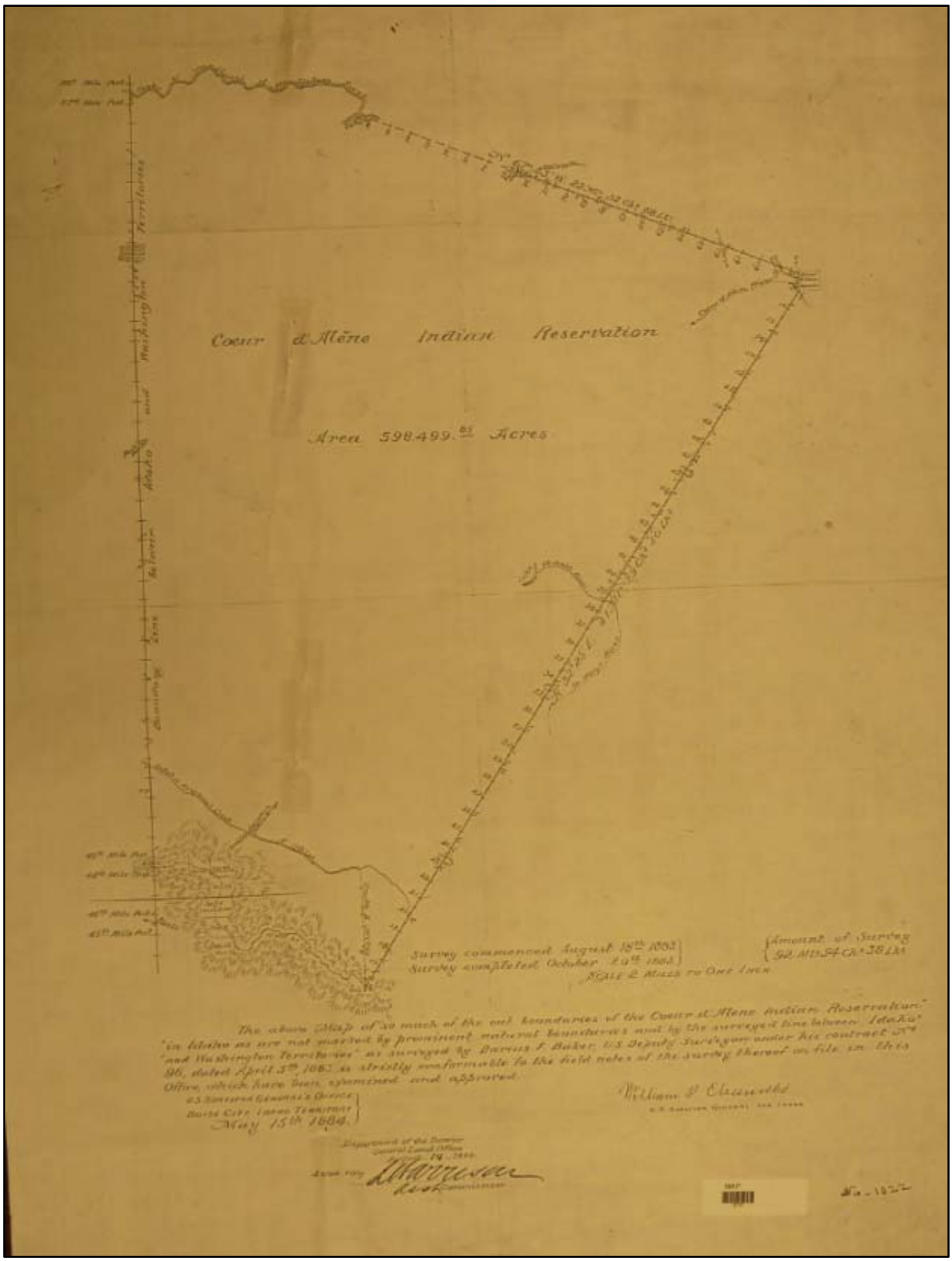

Figure 11. General Land Office Survey Plat, Coeur d'Alene Reservation, May 15, 1884.

Seltice and the rest of the tribal leadership remained vigilant, but their uneasiness with their precarious situation prompted a letter to Simms in October 1883:

> Before the surveyors had come to survey the Coeur d'Alene Reservation boundaries, we were, as you know, rather uneasy about it. When at last they came and drew the boundary lines, we thought every trouble was over, but we scarcely had one day of rest. For no sooner was the surveying done, then [*sic*] some Whites were getting up a petition to have the government open the very best portion of this reservation and send us back to the other side of the St. Joseph River; and we all heard the same bad news from different sources also.[142]

Seltice and the Coeur d'Alene had good reasons to be concerned. By 1884, word of gold discoveries along the upper Coeur d'Alene and St. Joe rivers prompted a rush of miners into the region. **Figure 12** below is a copy of an 1884 map that illustrates the close proximity of the reservation to the Coeur d'Alene gold fields.[143]

Federal Indian officials were soon at a loss to manage – let alone prevent – incursions over and across the reservation. Writing to Commissioner of Indian Affairs Hiram Price in March 1884, Sidney Waters (Simms's successor as Colville Indian Agent) asserted that prospective miners were crossing the reservation "by thousands [emphasis in original]." He characterizing the "rush of miners" as "unprecedented," and noted that roads and bridges as well as steamboat landings had been built "at different points" on the reservation. Waters was "powerless to prevent" these incursions and clearly flummoxed, he asked for "such instructions" as to how to handle the situation. Not receiving an immediate response, Waters dispatched Resident Farmer James O'Neill to make an investigation of the incidences of trespass, and upon receipts of O'Neill's report, Waters and O'Neill together traveled along the northern area of the surveyed 1873 executive-order reservation in April. The two found "three persons commencing the erection of a 'Hotel or restaurant'" at Rockford Landing on the west side of Lake Coeur d'Alene. Up the Coeur d'Alene River, three miles from the "Old Mission" they observed evidence of timber cutting, evidence that continued the three miles to the mission. Such work had been done by a Matthew Hayden, who had cut the wood for the steamboats traveling up and down the river. Hayden had previously sought and been denied permission to take timber from the reservation, and Waters posted a notice at an unoccupied cabin demanding that Hayden leave the reservation. Returning to the west side of the lake, at "'Priests, or the Farmington landing," Waters and O'Neill found another timber trespasser, "a Mr. Harrington," who likewise "had been cutting wood for sale to the boats." The Indian agent ordered Harrington and Harrington's brother to leave the reservation as well, and visited the agent for the "Steamer Coeur d'Alene to learn from them what quantities of wood had been consumed." Waters was unsuccessful in learning this information, but the steamer agent did inform that agent of how much

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[142] Andrew Seltis, et al., to Simms, October 21, 1883. ff. Misc Letters Rec'd, Coeur d'Alene, 1880-84, Box 32, Letters Received, Miscellaneous, Coeur d'Alene Reservation, 1880-90, BIA Colville, RG 75, NARA S; or Andrew Seltis and Others to John Simms, October 21, 1883. 1883-20347, Box 162, 1883-20291 to 20737, Letters Received, 1881-1907, RG 75, NARA DC.

[143] Official Map of Coeur d'Alene Gold Mines, 1884. Map No. 889, Tube 499, Entry 110 Central Map Files, Cartographic Records of the Bureau of Indian Affairs, RG 75, NARA CP.

Figure 12. Official Map of Coeur d'Alene Gold Mines, 1884.

had been paid for the wood. Upon Water's admonition to take no more timber, he "promised to attended to the matter at once."[144]

Price, for his part, was sanguine about the situation, believing that the trespasses would subside as the rush subsided and that the Indian agent should be accommodating to the miners. Responding to the Colville agent in May, the commissioner wrote

> 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

[144] Sidney D. Waters, U.S. Ind. Agent, to Hon. H. Price, Commissioner of Ind. Aff. Mch. 29, 1884. Claimant Exhibit No. 99, Claimant's Exhibits 110-124, Box 232, Docket No. 81, RG 279, and Sidney D. Waters, U.S. Indian Agent, Coleville Agency to Hon. H. Price, CIA, May 1, 1884. 1884-9185, Box 189, 1884-8770 to 9319, Letters Received, 1881-1907, RG 75, NARA DC

> will soon be over, and 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.

Price thus supported the construction of roads and bridges "to facilitate travel to and from the mines," and he had no "objection to the building of steamboats on the Lake," as "several [were] already plying the Lake from point to point." "Under no circumstances however," he emphasized should the miners or other non-Indians "be allowed to erect houses of any description on the reserve," nor should timber "be taken from the reservation in the construction of boats or landings, nor to supply fuel for the boats." Travelers through the reservation, furthermore, "should not be permitted to loiter in passing over the reservation" and "must not interfere with the Indians in any manner whatsoever nor hang about their dwellings." Price concluded by directing Waters to instruct O'Neill who as Resident Farmer lived upon the reservation to be "watchful" and to make "regular and frequent reports"; Waters was also directed to keep the Indian Office "advised of the course of affairs."[145]

This position hardly diminished the Coeur d'Alene's concerns, as encroachments only continued in the 1880s. The tribe appealed to Waters in 1885, and this lead to another investigation but the problem remained. A report by US Indian Inspector Frank C. Armstrong in May 1887, identifying incursions by prospective miners, timber cutters, and even hay cutters as a serious problem, did lead Secretary of the Interior L.Q.C. Lamar to request that the Secretary of War "cause the proper action to be taken." Lamar's request resulted in the referral of the matter to the commanding officer at Ft. Sherman in July 1887.[146]

Whether there was an organized effort in the 1880s to displace the Coeur d'Alene from "the very best portion" of their reserve or not as suggested by Coeur d'Alene leaders – beyond the apparent disregard of miners, trappers, and lumberman for the 1873 executive order – at least one Idahoan sought to have the reservation diminished. In April 1884, Idaho's delegate to U.S. Congress, Theodore F. Singiser, requested that Interior Secretary H. M. Teller restore to the public domain that portion of the reservation lying east of Lake Coeur d'Alene and between the mouth of Wolf Lodge Creek and St. Joseph's River and thus open the area to settlement. Singiser was sympathetic to mining interests; he had previously been involved in mining in the Idaho and Utah territories and served as the Idaho territorial secretary in 1880 and acting territorial governor between late 1881 and early 1882. The area in question, Singiser argued, had never been occupied by the Coeur d'Alene and to prevent miners and non-Indian settlers from

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[145] Price to Waters, U.S. Indian Agent, Coleville Agency, May 21, 1884. ff. Letters Rec'd, CIA 1883-85, Coeur d'Alene Indians, Box 18a, Letters Received, Commissioner re Coeur d'Alene, Lake and Wenatchi Indians 1892, 1901-08 and re Coeur d'Alenes 1866-89, BIA Colville, RG 75, NARA S.

[146] John A. Sweeney to Sidney Waters, June 25, 1885. ff. Misc. Letters Rec'd, Coeur d'Alene, 1885, Box 32, Letters Received, Miscellaneous, Coeur d'Alene Reservation, 1880-90, BIA Colville, RG 75, NARA S; Sidney D. Waters to John D. C. Atkins, December 26, 1885, Senate Ex. Doc. 122, 49th Cong., 1st sess., 7; Frank C. Armstrong, U.S. Indian Inspector, to Hon. L.Q.C. Lamar, Secy. Interior, May 29, 1887; J.D.C. Atkins, Commissioner, to The Honorable, The Secretary of the Interior, July 1, 1887; L.Q.C. Lamar, Secretary, to The Honorable, the Secretary of War, July 2nd, 1887. 1887-2943, 1887 AGO 4179, Letters Received by Office of Adjutant General (Main Series) 1881-1889), Frames 338-348, Roll 533, Records of the Adjutant General's Office, Record Group 94, National Archives Microfilm Publication No. M689.

occupying it would create trouble "without proving in the slightest degree beneficial or useful to the Indians."[147]

Singiser's letter was referred to the Indian Office, and in June acting Commissioner of Indian Affairs E.L. Stevens responded. Stevens stated that "this Office is decidedly opposed to reducing the reservation in question in any quarter." "It is the intention," the acting commissioner explained, "to gather the scattering Indians at Spokane Falls and vicinity on the Coeur d'Alene reservation, and it is likely that all the good land will be needed for that and other purposes now held in view." Further, the Office of Indian Affairs had "just been to the expense of having the outboundaries of the reservation surveyed and marked, and it is not desirable that any change be made at the present time."[148]

For their part, the Coeur d'Alene, the Jesuit missionaries, local Indian Office officials and local community leaders in 1885 began petitioning President Grover Cleveland, Interior Secretary L.Q.C. Lamar, Commissioner of Indian Affairs John D.C. Atkins, and key members of Congress for federal compensation for those Coeur d'Alene lands ceded in the 1873 agreement, as well as enforcement of the 1873 executive order reservation boundaries. The March 23, 1885 petition, drafted by Louis Kaizewet, a student at the Coeur d'Alene Indian mission school, and endorsed by Seltice and other tribal leaders, was notable for its detailed explication of Northern Plateau Indian policy and the federal government's dealings with the Coeur d'Alene. In this petition, the Coeur d'Alene once again identified what they considered their traditional tribal lands:

> Beginning at a point on the Pelouze River, west [to] a high butte, now known as and called Steptoe Butte, thence extending north-westwardly to the Spokane River, at a point on its north bank formerly resided at by Antoine Plant, a half-breed Indian; thence extending to the lower end of the Pend d'Oreille Lake; thence eastwardly to the summit of the Coeur d'Alene Mountains separating the waters of the Flathead or Missoula River from those of the Coeur d'Alene and St. Josephs River; thence southerly along the summit said Mountains to the most southern thereof, whence flow the waters of the Pelouze River; thence westwardly along the southern rim of the water-shed of the waters of the Pelouze River to the point of beginning.

All of these lands, except for those occupied by the Coeur d'Alene, the petition noted, "'have been taken possession of by the whites, without remuneration or indemnity.'" It further identified the worth of these lands with "'numerous and valuable wheat farms, with many forests of valuable timber'" and mines "'said to be extensive and rich.'" The petition reminded the president of the peaceable nature of the Coeur d'Alene and their willingness to protect non-natives from other native groups, such as the Nez Perce, and while stating the Coeur d'Alene's continued willingness to remain peaceful, nevertheless sought recompense for the lands they had lost and specific practical and financial support. That support was to include "'grist and saw mills'" and "'proper farming implements and machines,'" as well as the land the

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[147] T.F. Singiser, Delegate from Idaho, to Hon. H.M. Teller, Secretary of the Interior, April 25, 1884. 1884-8588, Box 188, 1884 8433 to 8769, Entry 91, Letters Received, 1881-1907, RG 75, NARA DC; and "Singiser, Theodore Frelinghusyen (1845-1907)," *Biographical Directory of the United States Congress, 1774-Present*, available online at http://bioguide.congress.gov/scripts/biodisplay.pl?index=S000443, last accessed August 29, 2014.

[148] E. L. Stevens, Acting Commissioner of Indian Affairs, Through the Honorable Secretary of the Interior, to Hon. J. F. Singiser, June 2, 1884. Letterbook 126, 146-148, Entry 96, Letters Sent, 1870-1908, RG 75, NARA DC.

Coeur d'Alene had granted the missionaries when the DeSmet mission had relocated from the Coeur d'Alene River to Hangman Valley, and confirmation of the 1873 reservation boundaries.[149]

Cover and separate letters attached to the petition by Waters and O'Neill further endorsed the petition. O'Neill summarized the great progress made by the Coeur d'Alene Indians as farmers over the previous two decades. The resident farmer had first become familiar with the Coeur d'Alene as farmers in 1866 when he was agent for the Nez Perce at Lapwai. At that time, with few farm implements in their possession, the Coeur d'Alene had built fences and were cultivating the soil of the aboriginal territory. O'Neill noted "they showed thrift and progress totally unexpected in *that* day [emphasis in original]." Since that time, he maintained, they had continued to progress as farmers:

> In 1875 "Nicodemus," one of the tribe, first commenced farming upon the present reserve [the 1873 executive order reservation]. In the spring of 1876 two or three more opened small farms. In 1877 or 1878 they all commenced making small farms in different localities upon the reservation from "Stallams" village, farms near the Spokane River near Crowley'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 (De Smet) at the head of Latah or Hangman Creek. Nearly 200 farms have been opened. For the first two or three years they struggled along as best they could, being poor and unable to purchase the necessary farming implements.
>
> The only help they had was through the father connected with the mission, in furnishing plows and other tools and advice. At the present time their farms, houses, etc., 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 substantial rail fence, and under cultivation. . . . By their own labor and exertions . . . they have accumulated about 150 farm wagons, 8 or ten spring wagons, 160 plows, harness, mowing and reaping machines, sulky-plows, etc.[150]

O'Neill's account, although at odds with earlier statements made by the Jesuits, Seltice, and others regarding Coeur d'Alene farming generally and the timing of the tribe's settlement the Hangman Creek Valley specifically, nevertheless indicates that the transition of the tribe into sedentary farmers was well underway prior to the 1873 executive order and was supportive of the tribe's petition to secure a congressionally authorized reservation. Waters, forwarding the petition to Commissioner Price, requested prompt action as non-Indian settlers were "'ready to step in and possess themselves of their [the Coeur d'Alene] reservation.'"[151]

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[149] Andrew Seltis and Others to the President of the United States, March 23, 1885. Enclosure 3, 1885-6939, Box 234, 1885 6601 to 7049, Letters Received, 1881-1907, RG 75, NARA DC.

[150] James O'Neill, Res't Farmer, Coeur d'Alene, to Hon. Sidney D. Waters, US Indian Agent, March 26, 1885. Enclosure 4, 1886-6939, Box 234, 1885 6601 to 7049, Entry 91, Letters Received, 1881-1907, RG 75, NARA DC (or James O'Neill, Res't Farmer, Coeur d'Alene, to Hon. Sidney D. Waters, US Indian Agent, March 26, 1885. ff. Misc. Letters Rec'd, Coeur d'Alene, 1884-85, Box 32, Letters Received, Miscellaneous, Coeur d'Alene Reservation, 1880-90, BIA Colville, RG 75, NARA S; also published in H. Rep. 1109, 44-45).

[151] Sidney D. Waters, U.S. Ind. Agent to Hon. H. Price, Commissioner Ind. Affairs, March 26, 1886. 1886-6939, Box 234, 1885 6601 to 7049, Entry 91, Letters Received, 1881-1907, RG 75, NARA DC (or Waters to Price, March 26, 1885. 1886-9044, Box 299 1886 9020 to 9413, Entry 91, Letters Received, 1881-1907, RG 75, NARA DC).

In 1885 the House of Representatives established a Special Committee for the purpose of visiting western tribes with the intention of settling outstanding land disputes. Seltice addressed a letter on behalf of his people to the committee chairman W. S. Holman, through the Bureau of Catholic Indian Missions. This letter contained the March 1885 petition setting forth the injustices done to the Coeur d'Alene tribe by the United States in taking ancestral lands claimed by the tribe. The Coeur d'Alene chief asked that Holman and the BCIM bring the matter to the attention of Congress and to incorporate the petition into the report of the Special Committee. Members of the BCIM delivered the petition and called on Holman and the Special Committee to give it careful consideration in their report to Congress.[152] Holman replied that the subject of the petition was outside the jurisdiction of the Special Committee, but he referred the matter to the Secretary of the Interior for his consideration.[153]

Within a year, the US Senate had opened its own investigation relating to the proposed removal of the Spokane, Pend d'Oreille, and Coeur d'Alene Indians to reservations in Washington, Idaho, or Montana territories, passing a resolution on March 30, 1886 requesting the Interior Department to investigate and report on the claims of the three tribes for lands formerly held and occupied by them and relinquished without compensation. J. D. C. Atkins, Commissioner of Indian Affairs, limited the investigation to papers, correspondence and petitions on the subject dating back to 1883. Copies of these documents were included in the Senate's report upon the claims of certain Northwestern Indian tribes for compensation for lost lands, including correspondence from the Colville Agency and tribe's March 23, 1885 petition to the President, Secretary of the Interior and Commissioner of Indian Affairs.[154]

For their part, interested non-Indian settlers near Farmington, Washington Territory, on the western boundary of the 1873 executive-order reservation, sought clarity on the reservation's boundaries. In September 1885, a group wrote to the Interior Department through their representative W.A. French to inquire as to the eastern boundary of the reservation. They maintained, based on "all maps we have seen," that "the line is a direct one, running a little north of North-east." The Coeur d'Alene, however, insisted that "there is an angle in it." Enclosing a map that depicted the surveyed Coeur d'Alene boundary, "Many Citizens" questioned if it was correct. Not trusting the map, they asked for "such information as will enable us to find the South east corner, and trace the line north east for a number of miles." **Figure 13** below is the copy of the map enclosed in the September 1885 letter.[155] Atkins, responding in

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[152] Chas. F. Lusk, Secretary, Bureau of Catholic Indian Missions, to Hon. W.S. Holman, Chairman, Special Committee to Inquire into Indian Matters, November 24, 1885 (or Lusk to Holman, November 24, 1885. 1886-9044, Box 299 1886 9020 to 9413, Entry 91, Letters Received, 1881-1907, RG 75, NARA DC). Frame 1046; and Lusk to Seltise, Head Chief, Coeur d'Alene Indians, Dec. 5, 1885. Frame 1050, ff. Idaho Territory, Colville Agency, Coeur d'Alene Reservation, De Smet Mission, 1885, Roll 12, BCIM.

[153] W. S. Holman, Chairman, Select Committee on Indian Affairs, to Hon. L.Q.C. Lamar, Secretary of the Interior, March 31, 1886, in Letter from the Acting Secretary of the Interior, In response to Senate resolution, March 30, 1885, report upon the claims of certain Indians for compensation for lands, 49th Cong., 1st sess., 1886, S. Ex. Doc. 122, 3. Trial Exhibit 3,134, *United States of America and Coeur d'Alene Tribe v. State of Idaho*, Case No. CIV-94-0328-N-EJL.

[154] S. Ex. Doc. 122, 3-11.

[155] Many Citizens to Dept. of the Interior, September 13, 1885. 1885-22500, Box 264, 1885 22319 to 22857, Letters Received, 1881-1907, RG 75, NARA DC.

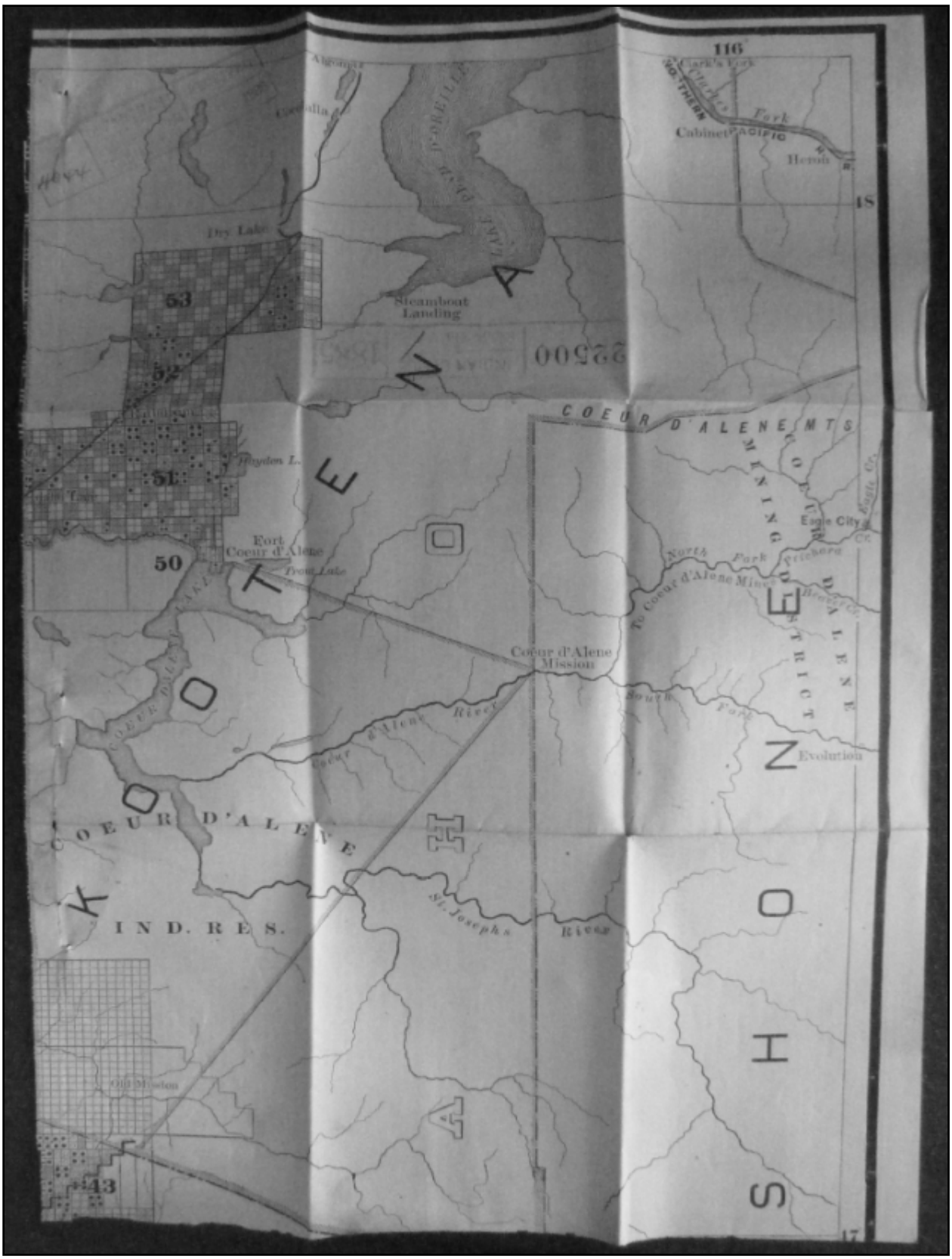

Figure 13. Map enclosed in the "Many Citizens" September 1885 letter.

November, directed French and those he represented to Waters, assuring them that Waters would "be able to furnish you with correct information."[156]

In 1886, another group of non-Indians living in neighboring Spokane and Whitman Counties in Washington, and Nez Perce County in Idaho, submitted a petition to Congress. Noting that Coeur d'Alene agricultural success and advancement in civilization and Christian conversion argued in favor of "severalty" – that is, abolishing the reservation in favor of allotting individual tribal members farmland for their own use – they sought to gain access to what they characterized as the DeSmet Mission "'with-hold'" once land had been granted to Coeur d'Alene tribal members. This petition appealed to anti-Catholic sentiment, suggesting that the tribe was under the influence of the Jesuits. These local settlers, according to the petition, were the ones suffering, unable to obtain the timber they needed from underutilized reservation lands without paying "'tribute'" to the Coeur d'Alene.[157]

After this petition appeared in the *Coeur d'Alene Sun*, the Jesuit missionaries and the Coeur d'Alene quickly responded with editorials and pamphlets of their own in April 1886, denying these claims. In particular, an April 6, 1886 editorial by "Traveler," published in the *Sun*, asserted that the Coeur d'Alene took advantage of receding seasonal inundation on bottomlands along the Coeur d'Alene and other rivers, carefully burning off the brush, clearing the land in sections and raising timothy hay for sale. An absence of residences on these low-lying lands subject to annual inundation resulted in them appearing to be vacant and unused, when in fact they were not.[158]

Facing pressure to allow non-Indian settlers to encroach on the reservation and utilize its natural resources, Seltice and O'Neill through the Colville Indian Agent Benjamin P. Moore requested that a small delegation of tribal leaders come to Washington to make their case before the Commissioner of Indian Affairs for a permanent reservation and reimbursement for ancestral lands lost to non-Indians. Atkins denied Seltice's request, but noted that a permanent reservation for the tribe was "now under consideration by Congress" and that it was "highly probable that an appropriation will be made for that purpose."[159]

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[156] J.D.C. Atkins, Commissioner, to W.A. French, November 14, 1885. Letter Book 142, p. 27, Vol. 71, Correspondence, Land Division, Oct. 8, 1885 to Dec. 18, 1885, Letter Books 141-142, Office of Indian Affairs, Entry 96, Letters Sent, 1870-1908, RG 75, NARA DC.

[157] To the Honorable Senate and House of Representatives of the Forty-Ninth Congress From the Freeholders of Spokane and Whitman County, Wash. T., and Nez Perce County, Idaho, "A Petition Asking for the Opening of the De Smet Mission With-Hold and Allotment of Lands to the Indians in Severalty," circa 1886. ff. Correspondence, anet white settlement on Indian lands, including clippings, printed material and pamphlets 1885-1890 [NWM 16:176-238], Box 2, Sacred Heart Mission Correspondence, Sacred Heart Mission Records, JOPA, GSC.

[158] Traveler, "The Coeur d'Alene Indians: Why Their Reservation Should Not Be Thrown Open," *Coeur d'Alene Sun*, April 6, 1886. ff. Correspondence, anet white settlement on Indian lands, including clippings, printed material and pamphlets 1885-1890 [NWM 16:176-238], Box 2, Sacred Heart Mission Correspondence, Sacred Hearth Mission Records, JOPA, GSC.

[159] Saltise, Chief of Coeur d'Alenes to Maj. James O'Neill, March 8, 1886. Inclos. No. 2; O'Neill to Hon. B. P. Moore, US. Ind. Agent, March 13, 1886. Inclos. No. 1; Moore to Hon. J.D.C. Atkins, Commissioner of Indian Affairs, March 24, 1886. 1886-8481, Box 297, 1886 8360 to 8679, Entry 91, Letters Received, 1881-1907, RG 75, NARA DC; and Atkins to Moore, April 16, 1886. ff. Letters Received, CIA re Coeur d'Alene Indians 1886-87, Box 18a, Letters Received,

The Jesuits also appealed to John Mullan, the builder of the Mullan Road who was now working as an attorney in Washington, D.C. focused on territorial land issues, and serving as a commissioner with the Bureau of Catholic Indian Missions. After receiving a request to help from Joseph Cataldo, superior general of the Rocky Mountain Missions, Mullan wrote to the Bureau and forwarded his correspondence to the Interior Secretary. He argued that the federal government had neglected not only the Coeur d'Alene, but also the Colville and Spokane Indians, and urged the appointment of a commission to negotiate "a proper and just treaty between [the tribes] and the United States, and by which an adequate compensation could be had for the value of the lands of which, in my opinion, they have been so wrongfully divested."[160]

Following Mullan's letter, the Senate adopted its resolution of March 30, 1886 that requested the Commissioner of Indian Affairs provide all recent correspondence relating to the lands occupied by the Coeur d'Alene, Spokane, and Kalispel tribes. The Senate was particularly concerned about the claims of the Coeur d'Alene tribe and the present status of the reservation. Convinced by this correspondence of the "'advancement'" of the Coeur d'Alene and their neighboring tribes, the Senate authorized the creation of a commission in the Indian Appropriations Act of May 15, 1886 to negotiate with the tribes of the Pacific Northwest. The act also authorized the commissioners to furnish money for ceded lands as well as for blacksmiths, sawmills, schools, and other reservation improvements.[161]

A commission consisting of John V. Wright, Jarred W. Daniels and Henry W. Andrews, known as the Northwest Indian Commission, was appointed to treat with the Coeur d'Alene and other Indians for the cession of certain portions of their lands. In July 1886, Mullan sent Cataldo a confidential letter, informing the Jesuit priest of the commission's appointment, and insisting that the Jesuit missionaries be present to assist in the negotiations. He was adamant that whatever treaty was negotiated that it "specially provide that their [the Coeur d'Alene] present reservation be absolutely confirmed to them for all times and that no change is to be made in regard thereto at any time hereafter without their knowledge and consent."[162]

The commission began its task in March 1887. Upon completing treaties with tribes in North Dakota and Montana and an agreement with the Upper and Middle bands of Spokane Indians (who agreed to move to the Coeur d'Alene Reservation), the commissioners proceeded to the Coeur d'Alene Reservation. They

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Commissioner re Coeur d'Alene, Lake and Wenatchi Indians 1892, 1901-1908 and re Coeur d'Alenes 1866-89, BIA Colville, RG 75, NARA S.

[160] Cataldo to Mullan, January 10, 1886, and Mullan to the Bureau of Catholic Indian Missions, February 5, 1886, in H. Rep. 1109, 46 and 35-38.

[161] H.L. Muldrow, Acting Interior Secretary, to the President Pro Tempore of the Senate, April 9, 1886, in S. Ex. Doc. 122; L.Q.C. Lamar, Secretary to President Grover Cleveland, December 30, 1887, in US Congress, House of Representatives, *Reduction of Indian Reservations. Message from the President of the United States, transmitting A communication from the Secretary of the Interior, with accompanying papers, relating to the reduction of Indian reservations*, 50th Cong., 1st sess., 1888, H. Ex. Doc. 63, 1-3. Trial Exhibit 3,139, *United States of America and Coeur d'Alene Tribe v. State of Idaho*, Case No. CIV-94-0328-N-EJL; and Jerome Peltier, *A Brief History of the Coeur d'Alene Indians, 1806-1909* (Fairfield, Washington: Ye Galleon Press, 1981), 55.

[162] Capt. John Mullan, Attorney and Counsellor at Law, to Rev. J. M. Cataldo, July 12, 1886. ff. Correspondence 2:3 anent white settlement on Indian lands, including clippings, printed material and pamphlets, 1885-1890 [NWM16: 176-238], Box 2, Sacred Heart Mission Records, JOPA GSC.

continued to the De Smet Mission, where the council was to take place on March 23, 1887. They were greeted by Seltice who led them to the place where the tribe had assembled for the council. In their report to the Commissioner of Indian Affairs, the commissioners praised the Coeur d'Alene on the advanced condition of their land and people:

> The reservation is one of the best we have visited. The Indians have good productive farms, good houses, barns, gardens, horses, hogs, cattle, domestic fowls, wagons, agricultural implements of the latest pattern, and indeed everything usually found on flourishing farms. The Indians are industrious, thrifty, provident, and good traders. They wear their hair short, and dress in citizen's dress from head to toe. They are polite, good natured, and ambitious to excel, and to do all things as white men do, except to adopt their vices.
>
> There may be a few exceptions, but so far as not to excite comment. Each one has a comfortable house on his farm, and nearly all have equally comfortable houses at the mission, which together make quite a village. They remain on their farms during the week days and on the Sabbath they repair to their dwellings at the village to attend religious services and see their children, who are at the mission schools. Their land outside of the Reservation and much of the best in that country, has been appropriated by the whites, and the Indians have never received a dollar.
>
> They have been friends of the white people in times of great trouble, and many owe their lives and property to the protection afforded them by these Indians against hostile tribes.[163]

As noted above, the Coeur d'Alene had petitioned the government two years earlier for land owned "by their forefathers from time immemorial," an area covering 4.5 million acres, or seven times as large as the area contained within the boundaries of the un-ratified 1873 executive order reservation. Their claim to their ancestral homeland was laid out in the March 23, 1885 petition signed by Seltice and other members of the tribe and published as *Senate Executive Document No. 122,* which Commissioner Wright brought to the council. It described the ancestral boundaries of the Coeur d'Alene people as

> commencing at Steptoe Butte, runs northwest to Antoine Plants on the Spokane River, thence to the Pend d'Orielle Lake, thence to the summit of the Coeur d'Alene mountains, thence south to the most southern thereof whence flow the waters of the Palouse River, thence west along the southern rim of the water-shed of the Palouse River to the beginning.

These lands included valuable timber land, wheat farms, the gold, silver and lead mines of the Coeur d'Alene mining district, navigable waters plied by steamboats, the line of the Northern Pacific Railroad and railroad grant lands, as well as Fort Sherman.[164]

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[163] Final Report of Commissioners, June 29, 1887, Records of the Proceedings of the Northwest Indian Commission 2, 2-3. Inclosure No. 3, 1887-16779, Drawer 5, Irregular Shaped Papers, RG 75, NARA DC. See also "Report of Northwest Indian Commission, June 29, 1887," in US Congress, Senate, *Message from the President of the United States transmitting A letter of the Secretary of the Interior relative to the purchase of a part of the Coeur d'Alene Reservation*, 51st Cong., 1st sess, 1889, S. Ex. Doc. 14, 50. Trial Exhibit 3,164, *United States of America and Coeur d'Alene Tribe v. State of Idaho*, Case No. CIV-94-0328-N-EJL.

[164] Council with Coeur d'Alenes, March 23, 1887, Records of the Proceedings of the Northwest Indian Commission 8. Inclosure No. 12, 1887-16779, Drawer 5, Irregular Shaped Papers, RG 75, NARA DC; and S. Ex. Doc. 122, 49th Cong., 1st Sess., 9-10.

The purpose of the commissioners' visit to the Coeur d'Alene was two-fold, as Wright explained to Seltice and the assembled headmen. One was to "do right about the claim," and the other was to obtain the consent of the Coeur d'Alene Indians to "save" the scattered bands of Spokane Indians residing in and around Spokane Falls in Washington Territory "from ruin" by allowing them to be removed to the Coeur d'Alene Reservation where they could possess land and live among the Coeur d'Alene people. The commissioners asked the Coeur d'Alene Indians to provide farm land for the Spokane Indians so that they might cultivate the soil and become prosperous farmers as had the Coeur d'Alene. Seltice responded that his people would welcome any of the Spokanes who wished to come onto the Coeur d'Alene Reservation and live among them.[165]

With respect to the Coeur d'Alenes' land, Seltice aserted that non-Indians had occupied and taken away more than four million acres of Coeur d'Alene ancestral land. The proposed reservation was, in Seltice's words, "only a small part" of the Coeur d'Alene aboriginal lands. Nevertheless, the chief declared, "[h]ere we have made our homes, here we have builded [*sic*] our houses, here are our fences, our farms, our schoolhouses, our churches . . . Here we have lived, and here we wish to die and be buried." Imploring the commissioners to preserve this reservation for his tribe and other Indians settled thereon forever, Seltice spoke of the land reserved to them in the agreement proposed by the commissioners: "Make the paper strong; so strong that we and all Indians living on it shall have it forever."[166]

An agreement was reached and signed on March 26, 1887. The Coeur d'Alene Indians agreed to "grant relinquish and quitclaim to the United States all right, title, and interest" which they possessed to lands beyond the limits of their reservation – more than three million acres of their aboriginal territory lying outside the boundaries of the 1873 Executive Order reservation. Tribal concern for the prospect of losing more of their reservation due to continuing non-native encroachment caused the commissioners to insert Article 5 into the agreement which provided:

> In consideration of the foregoing cession and agreements it is agreed that the Coeur d'Alene Reservation shall be held forever as Indian land and as home for the Coeur d'Alene Indians now residing on the reservation, and the Spokane or other Indians who may be removed to said reservation under this agreement, and their posterity; and 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.

Under this agreement, the United States promised to expend for the benefit of the Coeur d'Alene $150,000 for the purchase of "useful and necessary articles" to promote the "progress, comfort, improvement, education and civilization" of the tribe. These payments were to be made under the direction of the Secretary of the Interior in annual installments over a period of sixteen years. The United States was also to provide at its own expense for the benefit of the Coeur d'Alene tribe a saw and grist

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[165] "Council with Coeur d'Alenes," March 23, 1887, Records of the Proceedings of the Northwest Indian Commission 8. Inclosure No. 12, 1887-16779, Drawer 5, Irregular Shaped Papers, RG 75, NARA DC.

[166] "Council with Coeur d'Alenes," March 23, 1887, Records of the Proceedings of the Northwest Indian Commission 8. Inclosure No. 12, 1887-16779, Drawer 5, Irregular Shaped Papers, RG 75, NARA DC.

mill, a physician, medicines, a blacksmith, and a carpenter.[167] Impressed with the work of the commission, in December, Commissioner of Indian Affairs John D. C. Atkins forwarded the agreement to Interior Secretary L. Q. C. Lamar.[168]

Federal efforts to obtain an agreement with the Coeur d'Alene notwithstanding, various interests within and outside Congress continued to press for a smaller reservation for the tribe. Idaho's territorial delegate to Congress John Hailey, for instance, supported the appointment of a commission to negotiate with the Coeur d'Alene, but argued much as the "Freeholders of Spokane and Whitman County, Wash. T., and Nez Perce County, Idaho" had that the Coeur d'Alene reservation ought to be broken up. In a March 1887 letter to Interior Secretary L.Q.C. Lamar (prior to the Northwest Indian Commission meeting with the Coeur d'Alene), Hailey insisted that the Coeur d'Alene were an "industrious and intelligent" tribe whose members were "anxious . . . to take their lands in severalty."[169] Since they numbered only 425 persons, they would require about 68,000 acres of the 598,000-acre reservation, thereby leaving nearly a half million for new settlers or miners.[170]

On January 25, 1888, in apparent response to local complaints over the lack of access to land, timber, and mineral resources within the Coeur d'Alene reservation as defined by the 1887 agreement, the Senate demurred on approving the agreement. Instead, in a resolution it directed the Interior Secretary to undertake an investigation of the reservation. According to the resolution, "it [was] alleged" that the tribe numbered only about 476 members while occupying a reservation in excess of 480,000 acres, including important highways of commerce such as Lake Coeur d'Alene, the navigable waters of Coeur d'Alene River, about 20 miles of the navigable portion of Saint Joseph's River, and part of St. Maries River, a navigable tributary of St. Joseph's River. It was further "alleged" that areas adjacent to these navigable waters possessed abundant precious metals but were "of no real value or benefit to the Indians." The Interior Secretary was thus to investigate and advise the Senate regarding the opening of the reservation "to occupation and settlement under the mineral laws of the United States" and on releasing "any of the

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[167] "Report of Northwest Indian Commission, June 29, 1887," and "Agreement with Coeur d'Alenes," March 25, 1887, in S. Ex. Doc. 14, 53 and 68 (respectively).

[168] J.D.C. Atkins, Commissioner, to The Honorable, The Secretary of the Interior, December 13, 1887, 15-17 and 22. 1887-6581, Box 83 1887 6062-6860, Entry 653 Letters Received, 1881-1907, Indian Division, RG 48, NARA CP.

[169] "Severalty," the granting of Indian reservation land to individual tribal members, was viewed by late-19th century Indian reformers such as Senator Henry Laurens Dawes of Massachusetts and Commissioner of Indian Affairs John C. Atkins as the answer to "the Indian problem." Prior to the Civil War, Congress had approved Indian treaties that provided for severalty, and after the war, several limited allotment acts were passed. The most comprehensive was the 1887 Dawes-sponsored General Allotment Act, also known as the Dawes Severalty Act, or Dawes Act. The Dawes Act provided for the allotment of land in varying sizes (up to 160 acres) to members of tribes that no longer required federal support and guidance at the president's discretion. The allotted land was then to be held in trust by the federal government for 25 years before it could be sold or taxed. For a general discussion of severalty and the Dawes Act, see Richard White, *It's Your Misfortune*, 114-115. Allotment in relation to the Coeur d'Alene is discussed in greater detail in the section below, entitled "Allotment, Alienation, and the Coeur d'Alene Indians, 1906-1936." On the impact of allotment on the Coeur d'Alene, see Ross R. Cotroneo and Jack Dozier, "A Time of Disintegration: The Coeur d'Alene and the Dawes Act," *Western Historical Quarterly* 5 (1974), in particular.

[170] Hon. John Hailey to Hon. L.Q.C. Lamar, March 9, 1887. 1887-6558, Documents Disclosed to Mining Companies by Coeur d'Alene Tribe.

navigable waters aforesaid from the limit of such reservation." The Interior Secretary forwarded the resolution to Atkins, who responded to the Senate in February.[171]

Atkins's report identified the Coeur d'Alene reservation as nearly 600,000 acres in area, with most of the land suitable for agriculture or pasturage, and a population of slightly less than 490 individuals as of 1888. Judging from available mapping, the commissioner concluded that the reservation "appears to embrace all of the navigable waters of Lake Coeur d'Alene, except a very small fragment cut off by the north boundary"; the lake was "about 35 miles long and from 2 to 5 miles wide." Both the Coeur d'Alene and St. Joseph rivers emptied into the lake. The Coeur d'Alene River, which passed through the reservation for a distance of 25 miles, was navigable throughout this course. The St. Joseph River only entered into the reservation a few miles before emptying into Lake Coeur d'Alene, and Atkins could not furnish any information regarding its navigability. Regardless, he was confident that "changes could be made in the boundaries for the release of some or all of the navigable waters" through negotiations with the tribe.[172]

As for the character of the reservation lands as mineral, timber, grazing or agricultural land, Atkins observed that only a small portion of the 598,500-acre reservation had been surveyed, therefore his estimates were rough. "From a rude sketch of the reservation prepared by the farmer in charge" enclosed with Atkins's letter report – reproduced as **Figure 14** below – the commissioner nevertheless offered the following assessment:

> . . . It will be observed that the lands in the extreme northern portion of the reserve, west of the lake, for a distance of 10 or 12 miles south, are described as "timbered lands on mountains, with small valleys of pasture lands." From thence south to the hills south of the Farmington Landing road they are set down either as first or second class "agricultural lands," and so of all the lands lying directly south of the lake until the "hill-land" is reached. Then south of the hilly lands, extending along the entire course of Hangman's Creek, is a wide strip described as "agricultural lands, first class."
>
> East of the lake and north of the Coeur d'Alene River the lands are described as "all mountains," and along the north line of the reservation, also east of the lake, are lands described as "mineral lands."
>
> A strip one-half mile wide on both sides of the Coeur d'Alene River along its entire length is described as "fertile valley, overflowed every spring."
>
> South of the Farmington road and along the entire east line of the reservation is a broad strip varying from 2 to 8 miles wide, described as "all hill-land; is timbered, and soil third rate, in places rocky."
>
> The west side of Coeur d'Alene Lake appears to be skirted all along with timbered mountains or hills.[173]

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[171] US Congress, Senate, *Resolution*, 50th Cong., 1st sess., 1888, S. Mis. Doc. No. 36. Trial Exhibit 214, *United States of America and Coeur d'Alene Tribe v. State of Idaho*, Case No. CIV-94-0328-N-EJL; and H.L. Mudrow, Acting Secretary, to The President Pro Tempore of the Senate, February 9, 1888, in H Rep 1109, 18-19.

[172] J.D.C. Atkins, Commissioner, to The Honorable, The Secretary of the Interior, February 7, 1888. Correspondence, Land Division, Vol. 85, Jan 10, 1888 - Feb. 29, 1888, Letterbook 169-170, 96-98, 101, 105-106, Entry 96, Letters Sent, 1880-1907, RG 75, NARA DC (microfilm provided by IDAG). See also Atkins to Secretary, February 7, 1888, in H Rep 1109, 20-21.

[173] Atkins to Secretary, February 7, 1888, 4-5. Letterbook 169-170, 99-100, Entry 96 Letters Sent, 1880-1907, RG 75, NARA DC (microfilm provided by IDAG). See also Atkins to Secretary, February 7, 1888, in H Rep 1109, 20-21. The

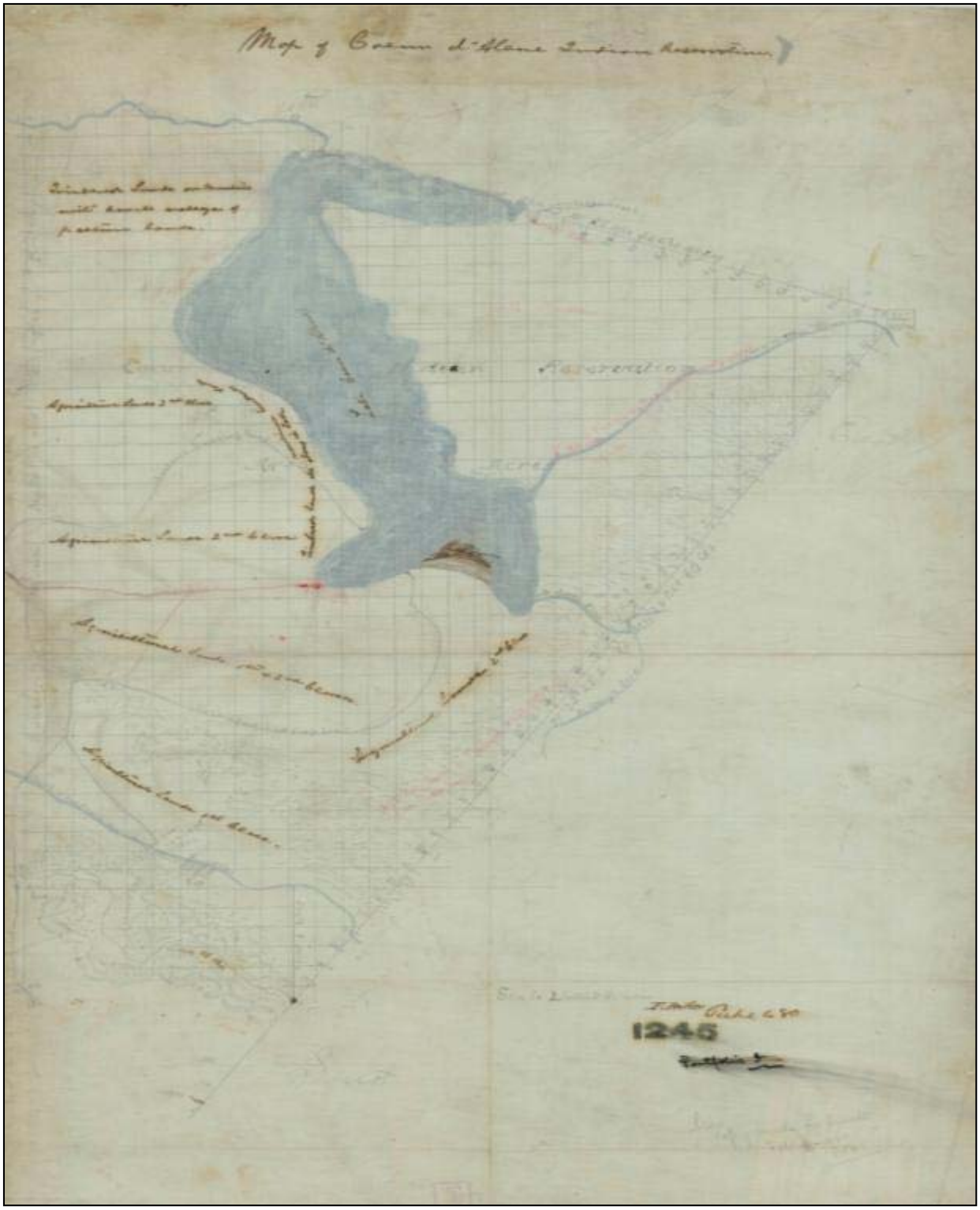

Figure 14. Sketch Map of Coeur d'Alene Reservation Lands by Farmer-in-Charge, ca. 1888.

"rude sketch" was "Map of Coeur d'Alene Indian Reservation," Feb. 8, 1888. Map 1245, Idaho, Tube 680, 110 Coeur d'Alene Indian Lands and Reservation, Central Map Files, Cartographic Records, RG 75, NARA CP.

In addition to this map, Atkins referenced a second map enclosed in an 1886 inspection report done by Lt. Col. H. M. Lazelle, 23rd Infantry, acting Inspector-General, Department of the Columbia. This map, reproduced from the original deposited with the records of the Office of Indian Affairs as **Figure 15** below, shows neighboring towns and mines with reference to the reservation the steamboat routes, roads and trails, and railroads.[174]

The commissioner further acknowledged observations made by US Indian Inspector Robert Gardner during his September 1887 visit. Gardner found considerably less agricultural land on the reservation than was suggested by the agency farmer's map; in his estimation, no more than 50,000 or 60,000 acres were "susceptible of profitable cultivation." The inspector also noted that although the mountainous country in the northeastern portion of the reservation was highly prized by mining prospectors, the area was largely unused by the Coeur d'Alene. With regard to the "Wolf Lodge District" in particular,

> The Indians do not use this [district], and only occasionally go there hunting for elk and deer. The mountains in this district are said to contain large quantities of valuable minerals. Already prospectors have made their appearance and are only deterred from developing same by occasional presence of the military, who would eject them, and the Agent would cause their arrest for trespassing on an Indian Reservation. For farming, grazing, or, in fact, for any purpose whatsoever, this mountain district is approximately valueless to the Coeur d'Alene Indians, but could be advantageously utilized by the whites in developing the mineral resources of same. And in view of these facts, I see no reason why proper legislation should not be had authorizing the Indians to dispose of their title to same to the United States.[175]

According to Atkins, as of 1888 "all or nearly all" of the 487 Indians lived on the portion of the reservation lying south of Lake Coeur d'Alene and St. Joseph River and were mostly scattered on farms in relatively close proximity to the DeSmet Mission along Hangman Creek. The Coeur d'Alene, in his view, "have all the original Indian rights to the soil they occupy," and further, "[t]hey claimed the country long before the lines of the reservation were defined by the Executive Order of 1873 . . . and the present reservation

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[174] Atkins to Secretary, February 7, 1888, 5. Letterbook 169-170, 99-100, Entry 96 Letters Sent, 1880-1907, RG 75, NARA DC (microfilm provided by IDAG); and "Map accompanying the report of Lieut. Col. H. M. Lazelle, US Army, Actg Inspector General," copied in Office Indian Affairs, Paul Brodie-Draughtsman, Aug. 12-1886. Map 1255, Tube No. 2, 110 Coeur d'Alene Indian Lands and Reservation, Central Map Files, Cartographic Records, RG 75, NARA CP. This investigation by Lazelle was prompted by allegations of alcohol transportation and sales upon the Coeur d'Alene Reservation; it is discussed in further detail below in connection with the negotiations leading to the 1889 agreement between the United States and the Coeur d'Alene, in which the tribe ceded lands and waters along the northern boundary of the 1873 executive order reservation.

[175] Atkins to Secretary, February 7, 1888, 6, and 11. Correspondence, Land Division, Vol. 85, Jan 10, 1888 - Feb. 29, 1888, Letterbook 169-170, 101, Entry 96 Letters Sent, 1880-1907, RG 75, NARA DC (microfilm provided by IDAG). See also Atkins to Secretary, February 7, 1888, in H Rep 1109, 21 and 23. For Gardner's report, see Robert A. Gardner, US Indian Inspector, to The Honorable, The Secretary of the Interior, September 19, 1887. 1887-26706, Colville Agency, Sept. 19, 1887 (5035), Roll 7, M1070 Reports of Inspection of the Field Jurisdictions of the Office of Indian Affairs, 1873-1900, NARA DC.

Figure 15. Lazelle's Map of the Coeur d'Alene Reservation and Environs, August 12, 1886.

embraces only a portion of the land to which they laid claim."[176]

Despite Atkins's defense of tribal title to the reservation lands, his report ultimately proved fatal to the 1887 agreement. The commissioner urged Congress to confirm the 1887 agreement first, and then proceed to negotiate for the acquisition of reservation lands; he enclosed a third map, a copy of Baker's survey approved in 1884 (**Figure 11** above). Atkins's report was forwarded through the Interior Department to the Senate with a recommendation to enter into negotiations with the Coeur d'Alene Indians for "the cession of such portions of their reservation as they do not need, including all or a portion of the navigable waters," which Atkins and acting Interior Secretary H. L. Muldrow believed could be easily accomplished "upon fair and very reasonable terms."[177]

With the recommendation of both the Office of Indian Affairs and the Interior Department, a Senate bill was drafted to ratify and confirm the recent agreement with the Coeur d'Alene Indians with provision for the necessary appropriation to carry that agreement into effect. On September 20, 1888, the bill passed the Senate, but did not reach final action in the House where it was referred to the Committee on Indian Affairs on September 24.[178]

The 50th Congress failed to ratify the 1887 agreement, and during the next Congress, Idaho Territorial Delegate Fred T. Dubois led an effort to authorize another round of negotiations with the Coeur d'Alene. Dubois had close ties with the mining interests in northern Idaho. He had moved to the Idaho Territory in 1880, and secured an appointment as the US Marshall for the territory two years later. In 1886, Dubois ran as a Republican for the congressional delegate position for Idaho Territory and defeated the Democratic incumbent. He remained in the position until statehood. He was a strong advocate for statehood and intensely opposed any efforts to split up the territory among neighboring regions – necessitating the cultivation by Dubois of good relationships with the mining districts in order to keep the panhandle region from seceding. He therefore campaigned for local control over Coeur d'Alene Reservation resources. After Idaho became a state in July 1890, Dubois was elected by the Idaho state legislature to serve the first full six-year term in the U. S. Senate, beginning in March 1891. He was among the senators who blocked approval of the Northwest Indian Commission's 1887 agreement with the Coeur d'Alene Tribe, and instead backed a resolution aimed at uncovering the extent of surplus or unneeded reservation mineral, timber, and other resources under the ownership and control of the tribe.[179]

In the Indian appropriation act (25 Stat. 1002), approved on March 2, 1889, the 51st Congress appointed yet another commission to negotiate with the Coeur d'Alene tribe for a portion of their reservation land

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[176] Atkins to Secretary, February 7, 1888, 6 and 12-13. Correspondence, Land Division, Vol. 85, Jan 10, 1888 - Feb. 29, 1888, Letterbook 169-170, 101 and 107-108, Entry 96 Letters Sent, 1880-1907, RG 75, NARA DC (microfilm provided by IDAG). See also Atkins to Secretary, February 7, 1888, in H Rep 1109, 23.

[177] Atkins to Secretary, February 7, 1888, 13-14. Correspondence, Land Division, Vol. 85, Jan 10, 1888 - Feb. 29, 1888, Letterbook 169-170, 101, Entry 96 Letters Sent, 1880-1907, RG 75, NARA DC (microfilm provided by IDAG); Muldrow to President Pro Tempore of the Senate, February 9, 1888, in H Rep 1109, 18-19.

[178] United States, *Congressional Record, 50th Congress, 1st Session*, Volume 19, Pt. 9, 8755 and 8892. Trial Exhibit 188, *United States of America and Coeur d'Alene Tribe v. State of Idaho*, Case No. CIV-94-0328-N-EJL.

[179] Arrington, *History of Idaho*, vol. 1, 371-380; Schantes, *In Mountain Shadows*, 124-125.

non-agricultural in nature and principally valued for its mineral and timber resources. The fourth section of the act provided:

> That the Secretary of the Interior be, and he is hereby, authorized and directed to negotiate with the Coeur d'Alene tribe of Indians for the purchase and release by said tribe of such portion of its reservation not agricultural, and valuable chiefly for minerals and timber, as such tribe consent to sell, on such terms and conditions as shall be considered just and equitable between the United States and said tribe of Indians, which purchase shall not be complete until ratified by Congress . . . [180]

Singiser's proposal of five years previously had effectively returned. In June 1889, Interior Secretary John W. Noble appointed General Benjamin Simpson, Hon. John H. Shupe, and Napoleon B. Humphrey as commissioners.[181]

Learning that Congress had authorized the appointment of yet another commission to treat with them, the Coeur d'Alene tribal leadership reacted swiftly. Seltice, Regis Captain, and Peter Wildshoe wrote to newly-elected President Benjamin Harrison on April 30, 1889, pleading for the ratification of the prior 1887 agreement. Insisting that they were "very friendly . . . with all the Whites here around," and had "protected all the Whites here around" during the Nez Perce War of 1877, Seltice, Regis, and Wildshoe pledged their "fidelity" to the United States and asked for Harrison's "assistance and protection." Fearing encroachment on their "small, little reservation," they asked the president "to ratify it [the agreement] by putting your name on that paper." As for the newly-appointed commission, sent to "treat with us for the purpose of curtailing our reservations," they had

> no objection, to give up some of our mountains, yet we do not see how we can make an agreement before the ratification of the first agreement. Our people will surely say Washington does not keep his word, and it is useless to treat with him.[182]

This letter was forwarded by Fr. Cataldo to John Mullan on May 10, and to Harrison on May 28, 1889.[183]

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[180] *An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and ninety, and for other purposes*, March 2, 1889, chap. 412, 25 Stat. 980, 1002.

[181] R.V. Belt, acting commissioner, to The Honorable, The Secretary of the Interior, May 22, 1889; Belt to the Secretary of the Interior, May 29, 1889; Jno. H. Oberly, Commissioner, to Hon. John H. Shupe, June 3, 1889; Oberly to General Benjamin Simpson, June 3, 1889; and Oberly to Napoleon B. Humphrey, Esqr., June 3, 1889. Correspondence Land Division, Vol. 93, May 22, 1889 to July 8, 1889, Letter Books 185-186, 18, 150, 452, 454, and 455, Entry 96 Letters Sent, 1870-1908, RG 75, NARA DC.

[182] Andrew Seltice, Regis Captain, and Peter Wildshoe to Hon. B. Harrison, President of the U.S., April 30, 1889. 1889-14388, Box 551, Entry 91 Letters Received 1881-1907, RG 75, NARA DC.

[183] Jos. M. Cataldo to Capt. Mullan, May 10th, 1889, and Inclosure 2, "Respectively presented to the President the 28 May 1889 by John Mullan, 1310 Connecticut Avenue, Washington, DC." 1889-14388, Box 551, Entry 91 Letters Received 1881-1907, RG 75, NARA DC.

This correspondence figured in the instructions that the Indian Office sent later that month to Simpson, Shupe, and Humphrey as part of their appointment to the Coeur d'Alene Commission.[184] Drawing heavily upon Atkins's February 1888 report, acting Indian Office commissioner R.V. Belt described the Coeur d'Alene reservation, the tribe itself, and the history of federal negotiations with the Coeur d'Alene in his letter to the commissioners dated June 13, 1889. Belt stressed that negotiations were – as authorized by Congress back in March – "for the purchase and release by said tribe 'of such portions of its reservation [emphasis in original] not agricultural and valuable chiefly for minerals and timber as such tribe shall consent to sell.'" The Indian Office was generally sympathetic with the view of nearby and prospective non-Indian settlers that the reservation be reduced to promote "the interest of trade and commerce and public convenience," including wagon roads, trails crossing the reservation, railroads, and especially the release of navigable waters on the steamboat route to the Coeur d'Alene mining region. Making clear reference to the April 28 Seltice, Regis, and Wildshoe letter, Belt indicated that

> Saltice and other prominent chiefs of the tribe have frequently expressed a willingness to sell some of the "mountain lands" within their reservation boundaries, but they appear to be very greatly disappointed on account of the failure of Congress thus far to ratify the agreement of March 26, 1887, which provides payment to the Indians for lands claimed by them outside of their present reservation, and in a recent communication to the President they expressed a strong disinclination to enter into a new agreement in advance of the ratification of the old one.

According to Belt, the Indian Office had recommended "speedy ratification," which had been supported by then-Interior Secretary Lamar, but Congress had not taken "any final action."[185]

He therefore directed the commissioners to the Coeur d'Alene reservation to "hold open councils" with male tribal members 18 years old and older, to emphasize in those councils that any negotiated agreement required congressional ratification, "to advise them wisely and for their best good," and "to secure proper and exact interpretations of the communications passing between you." Belt further asked that the commission "make a complete and accurate report of all proceedings, and the proceedings of every council held" and to prepare two copies for Congress. "Any agreements effected," he stated, "should be carefully drawn and executed by not less than three-fourths of all the adult male members of the tribe occupying the reservation" and while the commissioners were to "employ such interpreters and clerical assistants" as necessary, they were not to exceed the $2,000 appropriated for these negotiations.[186]

Interior Secretary John Noble generally concurred with these instructions, but overrode the requirement that the commissioners obtain the consent of "not less than three-fourth of all the adult male members

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[184] The exterior of the trifold letter containing Seltice, Regis, and Wildshoe's April 28 letter, along with Cataldo's May 10 letter to Mullan noted that this correspondence was "Referred to in instructions to the Coeur d'Alene Commission – dated June 13/89." See 1889-14388, Box 551, Entry 91 Letters Received 1881-1907, RG 75, NARA DC.

[185] Belt to Simpson, et al., June 13, 1889. Correspondence Land Division, Vol. 93, May 22, 1889 to July 8, 1889, Letter Books 185-186, 481-486, Entry 96, Letters Sent, 1870-1908, RG 75, NARA DC.

[186] Belt to Simpson, et al., June 13, 1889. Correspondence Land Division, Vol. 93, May 22, 1889 to July 8, 1889, Letter Books 185-186, 486-487, Entry 96, Letters Sent, 1870-1908, RG 75, NARA DC.

of the tribe occupying the reservation."[187] Citing the congressional authorization for negotiations, which did "not provide that any agreement that may be effected shall be signed by three-fourths of the Indians," and the "small appropriation for this negotiation," Noble was "of the opinion that if in open council it may be shown that the tribe is willing to be represented by its headmen and councilors, such headmen and councilors may sign the agreement on behalf of the tribe." He believed that such an approach would "save time and money and will accomplish the end desired by the law."[188] On July 3, 1889, Belt forwarded the Interior Secretary's letter with the amended instructions to the commissioners.[189]

Once the Coeur d'Alene learned that "three Commissioners were on their way to treat with [them]," tribal leaders drafted another letter to Harrison, dated June 14, signed by not only Seltice, Regis, and Wildshoe but also 39 of the tribe's "headmen." Complaining yet again about the failure of Congress to confirm the previously-negotiated 1887 agreement, Seltice and the others indicated they were disinclined to treat with the new commission "until the treaty now before Congress is either confirmed or rejected." They asked the president to consider suspending the commission "until Congress acts upon the present treaty." While reiterating that they were not averse to the idea of negotiating for a reduction in the size of their reservation if needed, Seltice, Regis, Wildshoe, and the headmen nevertheless thought it was "a good rule to finish one piece of work before commencing another."[190]

For its part, the Simpson Commission (as it later became known) proceeded to DeSmet in early August to meet with the Coeur d'Alene. Altogether they held four councils with the tribe over the course of August and early September. Upon arriving at the DeSmet Mission, Simpson, Shupe, and Humphrey were again informed that the Coeur d'Alene refused to consider negotiations until the 1887 agreement had been accepted by Congress. The commissioners contacted Commissioner of Indian Affairs Thomas Jefferson Morgan for authorization to "insert a clause in the proposed treaty to the effect that it shall not be valid until former treaty is ratified." Morgan, citing both the congressional authorization for the commission and their instructions, advised them that they could "with propriety insert any reasonable conditions remembering that any agreement made must be ratified by Congress before taking effect.[191]

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[187] Belt forwarded the instructions to Noble for his approval on the same day as he sent the instructions to Simpson, Shupe, and Humphrey, inviting the Interior Secretary's "special attention" to the three-fourths requirement. Belt was "not certain but that an agreement signed by a majority [emphasis in original] of all the adult male members of the tribe would be deemed sufficient" as "the law is silent upon that point." Belt to The Honorable, The Secretary of the Interior, June 13, 1889. Correspondence Land Division, Vol. 93, May 22, 1889 to July 8, 1889, Letter Books 185-186, 489-490, Entry 96, Letters Sent, 1870-1908, RG 75, NARA DC.

[188] John W. Noble to The Commissioner of Indian Affairs, June 18, 1889. 1889-16405, Box 529, 1889 16186 to 16653, Entry 91, Letters Received, 1881-1907, RG 75, NARA DC.

[189] Belt to Gen. Benjamin Simpson, July 3, 1889; Belt to Hon. John H. Shupe, July 3, 1889; and Belt to Napoleon B. Humprey, Esq., July 3, 1889. Correspondence Land Division, Vol. 93, May 22, 1889 to July 8, 1889, Letter Books 185-186, 381, 383, and 385, Entry 96, Letters Sent, 1870-1908, RG 75, NARA DC.

[190] Andrew Seltice, Regis, Pierre Wildshoe, et al., to The President, June 14, 1889. 1889-3753, Box 103 1889 3443-4038, Entry 653 Letters Received, 1881-1907, Indian Division, RG 48, NARA CP.

[191] Benjamin Simpson, John H. Shupe, N.B. Humphrey, Report rel. to their negotiations with the Coeur d'Alene tribe of Indians, Sept. 1889. 1889-26974 (see also Report of Coeur d'Alene Indian Commission, appointed March 2, 1889 (Stat., 1002), in US Congress, Senate, *Message from the President of the United States, transmitting A letter of the*

On August 14, the commissioners held the first council with Cole, the chiefs and headmen, and male adults living on the reservation to explain the purpose of their visit. Simpson assured the assembled Coeur d'Alene that in order to give "force and vitality" to any agreement reached that the commission would "insert a clause to the effect that unless the other treaty (of 1887) is ratified, this [agreement] shall become null and void." Seltice appreciated Simpson's comments, but described the unratified 1887 agreement as "a wall we can not [*sic*] see through. When it is down we can see through and talk." Simpson tried to assure Seltice that the current agreement being discussed and the one negotiated two years ago would be approved by Congress at the same time. Seltice was skeptical but urged the commissioners to inspect the land in question, assess the value of its resources, and then return to talk.[192]

As the commission later reported to the Commissioner of Indian Affairs, Simpson, Shupe, and Humphrey went overland to the confluence of St. Joseph River and Lake Coeur d'Alene on August 16. They passed

> over the rich agricultural land and the many well-cultivated farms of the Indians lying in that portion of their territory. It was with much surprise and pleasure that the Commission noted the great progress made by these Indians in the ways of civilization and the arts of peace. Farms surrounded by better fences than their neighbors, the whites, burdened with golden grain that gave promise of a rich harvest; horses and cattle in large numbers peacefully grazing upon hills covered with bunch-grass, made a picture truly pleasant to contemplate.

The commissioners noted that the greater part of the country from the southern boundary of the reservation to St. Joe River was "susceptible of cultivation." The commissioners traveled by boat from the mouth of this river, up Lake Coeur d'Alene eight miles to Coeur d'Alene River, and up the river 20 miles to Sacred Heart Mission. From the mission the commissioners journeyed for three days into the interior to explore the mineral deposits of the Coeur d'Alene mining district and inspect the timber stands in the rugged mountains. They then headed west into the northeast sector of the reservation to inspect the timber and mineral belt of the Wolf Lodge district, pronouncing its "rich deposits of gold, silver, and lead, equal, if not rivaling, the developed mines of Coeur d'Alene." Returning to Coeur d'Alene City on the north bank of the lake, the commissioners explored the timbered country south of the Spokane River and

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Secretary of the Interior relative to the purchase of a part of the Coeur d'Alene Reservation, 51st Cong., 1st sess. (1889), S. Ex. Doc. No. 14, 5. Trial Exhibit 3164, *United States of America and Coeur d'Alene Tribe v. State of Idaho*, Case No. CIV-94-0328-N-EJL; Telegram from Ben Simpson, Chairman, Coeur d'Alene Commission, to Hon. Commr., Indian Affairs, Aug. 8, 1889. 1889-21998. Entry 91, Letters Received, 1881-1907; and Telegram from T. J. Morgan, Commissioner, to Benjamin Simpson, Chairman, August 8, 1889. Correspondence, Land Division, Vol. 94, July 9, 1889 to Aug. 30, 1889, Letter Books 187-188, 109, Entry 96, Letters Sent, 1870-1908, RG 75, NARA DC. Morgan had replaced John H. Oberly as Commissioner of Indian Affairs on June 10, 1889. Oberly had taken office on October 10, 1888, but President Cleveland was defeated in the presidential election a month later and on June 6, 1889 Oberly submitted his resignation, having spent only eight months in office. Robert M. Kvasnicka and Herman J. Viola, eds, *The Commissioners of Indian Affairs, 1824-1977* (Lincoln: University of Nebraska Press, 1979), 189-190.

[192] Simpson, et al., Report rel. to their negotiations with the Coeur d'Alene tribe of Indians, Sept. 1889; and Council Minutes of the Coeur d'Alene Indian Commission, August 14-September 8, 1889, First Council with Coeur d'Alene Indians held at the DeSmet Mission, Wednesday, Aug. 14, 1889, 1-2. 1889-26974, Entry 91 Letters Received, 1881-1907, RG 75, NARA DC. Council minutes are also included in Report of Coeur d'Alene Indian Commission Appointed March 2, 1889, September 1889, S. Ex. Doc. No. 14, 7.

west to the northwest corner of the reservation. Having completed its inspection of the northern portion of the reservation, the commissioners returned to DeSmet Mission and called a council for August 27.[193]

At the second council, Simpson emphasized that the land desired by the government was non-agricultural and of no value to the Coeur d'Alene, insisting "that the cultivation of the soil is the very foundation of civilization, prosperity, and wealth." Again, he emphasized that "the treaty of two years ago has not been ratified for want of time; there is no objection to it, and it will be ratified when Congress meets."[194] Seltice remained intransigent, but he did inquire about the boundaries of the area the commissioners were seeking. Simpson described the area desired by the government for exclusion from the reservation as follows:

> Commencing at the northeast corner of the Coeur d'Alene Reservation, then along the northern boundary line of the reservation to the northwest corner; then south along the division line between Washington and Idaho Territories to a point 12 miles south of the said northwest corner; thence due east to the west margin of the Coeur d'Alene Lake; thence southerly along the west shore of said lake to a point due west of the point at the mouth of the Coeur d'Alene River; thence due east across said lake to said point; then southerly along the east shore of said lake to a point 1 mile north of the St. Joseph River; thence on a parallel line with the north bank of said St. Joseph River, 1 mile distant from said bank, to the east line of said reservation; thence northerly along the east line of said reservation to the place of beginning.

This proposed boundary excluded from the reservation the valuable timberlands and mineral deposits of the northern part of the reservation; the Coeur d'Alene and Spokane rivers and river valleys; the Wolf Lodge area; the agricultural area surrounding the Old Mission; and two-thirds of Lake Coeur d'Alene. "Now, if we buy this land," Simpson stressed, "you [the Coeur d'Alene] still have the St. Joseph River and the lower part of the lake and all the meadow and agricultural land along the St. Joseph River."[195]

The Coeur d'Alene, however, were unwilling to consider this without the ratification of the 1887 agreement. Seltice did "not quite like those boundaries," and when Simpson suggested that the chief discuss it with the rest of the tribe, Seltice told him that "[t]he Indians don't like that," and that the tribe was preoccupied with the ratification of the 1887 agreement. Simpson continued to try to assuage the tribe's concerns, and suggested that the chief discuss the matter with the rest of the tribal leaders and set a time for another council. Seltice set August 31 as the day for the next meeting.[196]

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[193] Simpson, et al., Report rel. to their negotiations with the Coeur d'Alene tribe of Indians, Sept. 1889, 1-2. 1889-26974, Entry 91 Letters Received, 1881-1907, RG 75, NARA DC; and Report of Coeur d'Alene Indian Commission Appointed March 2, 1889, September 1889, S. Ex. Doc. No. 14, 5-6.

[194] Report of Coeur d'Alene Indian Commission Appointed March 2, 1889, September 1889, S. Ex. Doc. No. 14, 8.

[195] Council Minutes of the Coeur d'Alene Indian Commission, August 14-September 8, 1889, Second Council, Aug. 27th, 1889, 2-4. 1889-26974, Entry 91 Letters Received, 1881-1907, RG 75, NARA DC; and Report of Coeur d'Alene Indian Commission Appointed March 2, 1889, September 1889, S. Ex. Doc. No. 14, 8-9.

[196] Council Minutes of the Coeur d'Alene Indian Commission, August 14-September 8, 1889, Second Council, Aug. 27th, 1889, 4-5. 1889-26974, Entry 91 Letters Received, 1881-1907, RG 75, NARA DC; and Report of Coeur d'Alene Indian Commission Appointed March 2, 1889, September 1889, S. Ex. Doc. No. 14, 9.

At that third council, Seltice indicated in discussions among the leaders over the past several days "strong" voices in favor of selling the land prevailed over the "weak" and that the Coeur d'Alene were now willing to sell some of their ancestral lands previously set aside by the 1873 executive order and reflected in the reservation boundaries described in the 1887 agreement. Seltice began by laying out the history of treaty negotiations from Wright's 1859 peace treaty and culminating with the 1887 agreement with the Northwest Indian Commission. Provided that the 1887 agreement was ratified and for $5.00 an acre, he signaled the tribe's willingness "to sell the land that 'lays along the northern boundary of our reservation, and from eastern boundary of Coeur d'Alene River, and western boundary of Coeur d'Alene Lake, and south to mouth of Coeur d'Alene River.'" Seltice also insisted that those tribal members whose farms were in the area to be sold were to be compensated individually.[197]

Simpson replied that the commission was not in a position to deal with individual members of the tribe and that the US desired the forested land on the west side of the lake as well as the land that Seltice had offered. The commissioners proposed to purchase a total of approximately 185,000 acres, or 289 square miles, for the sum of $150,000. Simpson explained that Congress would not authorize the purchase of the land at the price of $5.00 per acre offered by Seltice. He suggested that Seltice take a day to consider the commission's offer. Seltice, however, "prefer[red] to have it finished to-day," stressing that the tribe was "under expense and busy with [their] crops." Simpson therefore countered, offering $250,000, "which, with what the Government now owes [the Coeur d'Alene], would make $400,000, if ratified." He urged the Coeur d'Alene to accept the offer, not only because it was a good deal – "amount[ing] to $5 per acre for the land that amounts to anything, and will amount to $2.50 for all, both good and bad" – but also that with the conclusion of these negotiations the Coeur d'Alene could "go to Washington and see that these treaties are ratified and the money paid."[198]

Seltice was unmoved, and arguments were traded back and forth. "You know it is against our wishes to sell any land, but you wanted to buy," the chief responded, "When you make your report to Washington let them say it is too much." Shupe did not think that Seltice understood the commission's role. He explained that they had been sent to assess the value of the land in question, offer the tribe "a fair and reasonable price," and "guard your [the Coeur d'Alenes'] rights and interests." Having examined the land, Shupe believed the commission's offer would be "fair and just." Seltice conceded that some of the land was bad, but the commissioners had been sent to acquire those properties desired by outsiders who trespassed on the reservation and that "the mines are cheap at five dollars per acre." Humphrey added that nobody knew the value of these mines, although Simpson noted that "we prospected some and found a few specimens of silver and gold." Seltice maintained his position: "You make your report at five dollars per acre," he told the commissioners, "and I think they [Washington, D.C.] will say it is all right."

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[197] Council Minutes of the Coeur d'Alene Indian Commission, August 14-September 8, 1889, Third Council, DeSmet Mission, Aug. 31st, 1889, 5-7. 1889-26974, Entry 91 Letters Received, 1881-1907, RG 75, NARA DC; and Report of Coeur d'Alene Indian Commission Appointed March 2, 1889, September 1889, S. Ex. Doc. No. 14, 9-10.

[198] Council Minutes of the Coeur d'Alene Indian Commission, August 14-September 8, 1889, Third Council, DeSmet Mission, Aug. 31st, 1889, 7-8. 1889-26974, Entry 91 Letters Received, 1881-1907, RG 75, NARA DC; and Report of Coeur d'Alene Indian Commission Appointed March 2, 1889, September 1889, S. Ex. Doc. No. 14, 11.

"[I]nformal talk regarding the price of the land and of conferring with the Secretary of the Interior by telegraph" followed, but the council adjourned without setting a date for another meeting.[199]

The Simpson Commission was at a loss following the third council. The same day as the third council, Simpson, Shupe, and Humphrey drafted a joint letter to Sen. John H. Mitchell of Oregon. In that August 31 letter, they expressed concern that an agreement could not be reached "within the appropriation limit [to which they] were restricted to." Blaming "outside interference and the natural tardy disposition of the Indians," the commissioners found the negotiations "very slow work." They hoped that Mitchell could provide some assurance that if they continued they "would be paid for [their] extra time and expense." Mitchell, however, could not and in replying to the commissioners on September 4, he advised them to inform the Commissioner of Indian Affairs of the situation "and abide his instructions." The senator also forwarded the correspondence to Morgan, adding that he hoped "there is some way in which they can be continued until they can perfect their work."[200]

Heeding Mitchell's advice, the commissioners telegraphed Morgan on September 2. Their telegram explained that the Coeur d'Alene wished $500,000 for "150,000 acres, more or less," described as

> Commencing at the Northeast Corner of their reservation running thence along the Northern boundary of the reservation to Fort Sherman thence south along the west shore of Coeur d'Alene lake to a point opposite the mouth of Coeur d'Alene river thence east across said lake to east Bank of Coeur d'Alene river, thence up the east bank of Coeur d'Alene river to east boundary of the reservation thence north to place of beginning. . . . These are the only terms they will agree to – have you any suggestion to make – Make answer Immediately.

The land described did not include the timbered land lying west of Lake Coeur d'Alene to the Washington-Idaho border. The following day, the Commissioner of Indian Affairs responded by telegram: "Telegram received. I have no suggestions to make. Commissioners should exercise their own judgment."[201]

Less than a week later, a final council "met by special arrangement" – seemingly at the instigation of the Coeur d'Alene as Simpson noted that the commission came "to hear what you [the Coeur d'Alene] have to say regarding the purchase of those lands." Pierre Wildshow (also known as Pierre or Peter Wheyilshoo or Wildshoe) – identified in the commission's later report as "second chief" – rose to speak for the Coeur d'Alene instead of Seltice. Wildshow indicated that the "young Indians" were open to selling land east of the lake and down to Coeur d'Alene River and the reservation lands west of Lake Coeur d'Alene from the northern boundary of the reservation down to Rockford "giving the two big mountains." Simpson

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[199] Council Minutes of the Coeur d'Alene Indian Commission, August 14-September 8, 1889, Third Council, DeSmet Mission, Aug. 31st, 1889, 8. 1889-26974, Entry 91 Letters Received, 1881-1907, RG 75, NARA DC; and Report of Coeur d'Alene Indian Commission Appointed March 2, 1889, September 1889, S. Ex. Doc. No. 14, 11.

[200] Ben Simpson, N.B. Humphrey, and John H. Shupe, Commission to Hon. John H. Mitchell, August 31, 1889; Mitchell to Gen. Ben Simpson, Chairman, Commission, September 4, 1889; Mitchell to Hon. T.J. Morgan, Commissioner of Indian Affaris, September 4, 1889. 1889-25511, Entry 91 Letter Received 1881-1907, RG 75, NARA DC.

[201] Telegram from Benjamin Simpson, N.B. Humphrey, and J.H. Shupe to Thomas Morgan, September 2, 1889. 1889-24564, Entry 91 Letters Received, 1881-1907; and Telegram from T.J. Morgan to Benj. Simpson, Chairman, Sept. 3, 1889. Correspondence, Land Division, Vol. 95, Aug. 31, 1889 to Oct. 29, 1889, Letter Books 189-190, 28, Entry 96, Letters Sent, 1870-1908, RG 75, NARA DC.

expressed an interest in additional land on the east side of the lake, including the entire area north of a line extending from the mouth of Coeur d'Alene River due east to the reservation boundary. In response to Simpson, Wildshow reportedly stated at the council that the lands asked for were available for purchase and for the commissioner "to make the line where you have proposed this last time" as long as the "former treaty" was ratified.[202]

Coeur d'Alene tribal leaders persisted in demanding individual compensation for those tribal members who were to be dispossessed of their farms or improvements by the cession. On the west side of the lake, Wildshow noted that there were four improved farms owned by Indian farmers living in the vicinity of Spokane bridge. In addition, near Fort Sherman there was a Coeur d'Alene hay farmer with fenced fields who sold hay to the fort. Along Coeur d'Alene River there were also tribal members (a number unspecified by Wildshow) who maintained traditional village sites, did not rely entirely upon farming, and occupied the river and lake area seasonally. Wildshow requested extra reimbursement for the loss of improved places used by these people. Finally, he demanded reimbursement to two old farmers with fenced improvements living near the old Sacred Heart Mission on Coeur d'Alene River.

Simpson, Shupe, and Humphrey however, maintained that they were not authorized to treat with or reimburse individual Indians. They were only authorized to pay $500,000 to the tribe, but the tribe would need to settle with individuals who lost farms or other improvements. Seltice spoke, drawing a distinction between what the commission was offering and what the Coeur d'Alene were seeking: "You pay that amount for the land that is not fenced. We want pay for that that is fenced." He insisted that "those men who have farms . . . be paid extra and not from the $500,000." Similarly, Bazil, a "subchief," asked "Did you not say when you came that Washington did not want you to buy farms?'" Simpson argued that the commission's instructions from Washington was to acquire timber and mineral land, which was why the Coeur d'Alene farming country south of Rockford was excluded from the lands proposed to be sold. "We will pay that [$500,000]," he told them, "and urge the Government to settle as soon as ratified . . . . We have offered you more than any other commissioners would pay."[203]

Seltice yielded grudgingly, reportedly saying:

> Five hundred thousand dollars is a little sum; the ground is full of gold that is worth millions.
>
> We are in a hurry to get through thrashing; can you come to-morrow and get those here at the mission to sign the agreement, and then go and see the ones who are out harvesting?

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[202] Council Minutes of the Coeur d'Alene Indian Commission, August 14-September 8, 1889, Council met by special arrangement, DeSmet Mission, Sept. 8th, 1889, 9. 1889-26974, Entry 91 Letters Received, 1881-1907, RG 75, NARA DC; and Report of Coeur d'Alene Indian Commission Appointed March 2, 1889, September 1889, S. Ex. Doc. No. 14, 11-12.

[203] Council Minutes of the Coeur d'Alene Indian Commission, August 14-September 8, 1889, Council met by special arrangement, DeSmet Mission, Sept. 8th, 1889, 9-11. 1889-26974, Entry 91 Letters Received, 1881-1907, RG 75, NARA DC; and Report of Coeur d'Alene Indian Commission Appointed March 2, 1889, September 1889, S. Ex. Doc. No. 14, 11-12.

Simpson agreed, and the council concluded on positive terms.[204]

The following day, September 9, the commissioners secured the marks of Seltice and 143 other males of the tribe. The agreement was brief, containing only four parts. In article one, the Coeur d'Alene agreed to "cede, grant, relinquish and quitclaim" to the United States, "all the right, title, and claim which they now have, or ever had," to the following portion of the reservation:

> Beginning at the northeast corner of said Reservation thence running along the northern boundary line north 67 degrees 29 min. west to the head of the Spokane River; thence down the Spokane River to the northwest boundary corner of said Reservation; thence south along the Washington Territory line twelve miles; thence due east to the west shore of the Coeur d'Alene Lake; thence southerly along the west shore of said Lake to a point due west of the mouth of the Coeur d'Alene River where it empties into the said lake: thence in a due east line until it intersects with the eastern boundary line of the said Reservation, thence northerly along the said east boundary line to the place of beginning.[205]

The placement of the northern line, excluding the Coeur d'Alene River but retaining Rockford and Farmington bays (both located on the western side of Lake Coeur d'Alene), would prove significant. Since the mid-1880s, Coeur d'Alene River had become an important transportation corridor linking the Coeur d'Alene Mining District with various communities along the river and adjacent to the lake – most notably the growing town of Coeur d'Alene that adjoined Fort Sherman. Rockford and Farmington bays were equally important landings for the transshipment of agricultural goods to the army post, the town of Coeur d'Alene and the mining communities along the river. However, as the river and bays were located wholly within the 1873 executive order reservation, non-Indian watercraft frequently violated the reservation boundaries. One of these, the steamer "Coeur d'Alene," was alleged to be selling alcohol onboard as it made a circuit from the town of Coeur d'Alene, down the lake to the Rockford and Farmington landings, then up the Coeur d'Alene River to the largely-abandoned Cataldo Mission, and back again. An investigation by US Army Acting Inspector General Lt. Col. H.M. Lazelle in 1886 – the same Lazelle whose map Atkins forwarded to Congress in his report supporting the 1887 agreement – indicated that not only was alcohol sold onboard the "Coeur d'Alene," but also that liquor was sold from the steamer to Indians on the reservation for at least a year in violation of federal law. Lazelle acknowledged the importance of the Rockford and Farmington landings as "important points of supply in cattle and subsistence stores for the mines," utilized for the benefit of both the local non-Indian communities of Rockford and Farmington, Washington and for Coeur d'Alene farmers. If steamboat traffic on the lake were halted, it would make "the reservation . . . infinitely more secure" but at the cost of these important economic linkages. Drawing the line as the commissioners and the Coeur d'Alene did can thus be viewed as an important compromise – one that preserved Coeur d'Alene access to the landings on the lake that facilitated delivery of their vital agricultural goods and products to the military post and town at the north end of the lake and the Coeur

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[204] Council Minutes of the Coeur d'Alene Indian Commission, August 14-September 8, 1889, Council met by special arrangement, DeSmet Mission, Sept. 8th, 1889, 11-12. 1889-26974, Entry 91 Letters Received, 1881-1907, RG 75, NARA DC; and Report of Coeur d'Alene Indian Commission Appointed March 2, 1889, September 1889, S. Ex. Doc. No. 14, 12-13.

[205] "Agreement," September 9, 1889. 1889-26974, Entry 91 Letters Received, 1881-1907, RG 75, NARA DC; and Report of Coeur d'Alene Indian Commission Appointed March 2, 1889, September 1889, S. Ex. Doc. No. 14, 13.

d'Alene Mining District, while limiting the Coeur d'Alene's exposure to possible liquor traffickers (as embodied by the steamer "Coeur d'Alene" and other vessels navigating the lake and Coeur d'Alene River to supply the mining region). Moreover, relinquishment of much of the lake itself conformed to the instructions given to the commissioners to seek "release" of those lands "not agricultural and valuable chiefly for minerals and timber."[206]

The line was important for another reason, as would become apparent within the next two years. Confusion over the surveyed line, or outright disregard, led to the establishment of the community of Harrison near the mouth of the Coeur d'Alene River. By fall 1890, Captain William A. Thompson, 4th Cavalry stationed at Fort Sherman, reported to the War Department upon his recent visit to the Coeur d'Alene Indian Mission that a large number of settlers – estimated in excess of one thousand people – already had scattered across the northern portion of the reservation unlawfully making preemption claims in anticipation of the ratification by Congress of the 1889 land cession. This settlement would prompt yet another round of negotiations with the Coeur d'Alene, leading to a cession by the tribe of a one-mile-wide strip that included the upstart community of Harrison and formally severed the Coeur d'Alene from access to aboriginal fishing grounds at the mouth of the Coeur d'Alene River.[207]

For the time being, the 1889 agreement promised to resolve the uncertainty surrounding the Coeur d'Alene Reservation to the benefit of both the United States and the tribe. The ceded reservation land contained some 184,960 acres, or 289 square miles, as Morgan later reported to the Interior Secretary, which would be opened for settlement and use under the U. S. public land laws with congressional ratification of the 1887 and 1889 agreements. The ceded area included the Coeur d'Alene's dense forests, rich mining areas, and navigable waterways desired by the federal negotiators, while preserving for the tribe its lands best suited to agriculture – not only in the Hangman Creek area, but also in the smaller valleys north of Hangman Creek and due west of Lake Coeur d'Alene, as well as the lower St. Joe River, a portion of the lake, and the lands on the west shore of the lake used by the tribe to ship agricultural products.[208]

Articles two and three provided for a total payment of $500,000 to the Coeur d'Alene for these described lands on a per capita basis to each of the members of the Coeur d'Alene tribe. Article four indicated that until the March 26, 1887 agreement was ratified by Congress this next agreement "shall not be binding

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[206] Belt to Simpson, et al., June 13, 1889. Correspondence Land Division, Vol. 93, May 22, 1889 to July 8, 1889, Letter Books 185-186, 481-486, Entry 96, Letters Sent, 1870-1908, RG 75, NARA DC; and H.M. Lazelle, Lieut. Col. 23rd Infantry, Acting Inspector General, to the Adjutant General, U.S. Army, July 27, 1886. Trial Exhibit 3,146, *United States of America and Coeur d'Alene Tribe v. State of Idaho*, Case No. CIV-94-0328-N-EJL.

[207] See R. V. Best, acting commissioner, to Hal J. Cole, U.S. Indian Agent, Coleville Agency, October 1, 1890. ff. Letters Rec'd CIA re Coeur d'Alene Indians 1890-91, Box 19a, Letters Received, Commissioner re Coeur d'Alene Indians, 1890-1901, BIA – Colville, RG 75, NARA S. The development of Harrison and the negotiations leading up to the cession of 1894 are discussed in further detail below.

[208] T.J. Morgan to Secretary of the Interior, December 7, 1889, in S. Ex. Doc. No. 14, 2.

upon either party." The 1889 agreement was, therefore, subject to the provisions of the prior agreement, including the $150,000 payment for lands that the Coeur d'Alene had ceded in 1887.[209]

President Harrison submitted the 1889 agreement and accompanying papers to the House and Senate on December 18, 1889 and the report was referred to the respective Committees on Indian Affairs.[210] Mitchell submitted a draft bill (SB 2828) for ratification of the two agreements made with the Coeur d'Alene, together with an appropriation for carrying the agreement into effect, to the Senate Committee on Indian Affairs on January 28, 1890. Article 4 of the proposed bill, as promised to the tribe in council, stated that the 1889 agreement was not binding on either party until the 1887 agreement had been ratified by Congress. A companion bill (HR 7703) with wording exactly the same as SB 2828 was introduced by Dubois and forwarded to the House Committee on Indian Affairs. The bill was reported favorably from the House Committee on Indian Affairs on August 19, 1890, but the bill was not passed before the end of the congressional session on October 1, 1890.[211]

During the second session of the 51st Congress, the 1889 agreement was ratified by an act of Congress approved March 3, 1891 (26 Stats. 1030), together with the agreement of March 26, 1887. In addition to the payment of $650,000, the agreements provided for the erection of a steam-powered saw and grist mill as soon as possible after ratification of the agreement by Congress and employment by the United States of an engineer and miller to operate the mill. These would be the first saw and grist mills built and operated solely for the tribe (the earlier mission grist mill identified by Mullan in the 1860s notwithstanding).[212] The act of March 3, 1891 further provided for per capita payments to the tribal members, "pro rata, share and share alike, for each member of the said tribe as recognized by said tribe now living on said reservation;" therefore, a census roll of the entire tribe became necessary before the Coeur d'Alene could receive their payments. The preliminary work was to be undertaken by the farmer-in-charge with Agent Hal J. Cole completing the work and certifying as to its correctness. The signed certificates were to be forwarded for inspection and approval by the Indian Department.[213]

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[209] "Agreement," September 9, 1889. 1889-26974, Entry 91 Letters Received, 1881-1907, RG 75, NARA DC; and T.J. Morgan to Secretary of the Interior, December 7, 1889, Senate Exec. Doc. 14, 51st Cong., 1st sess., 3.

[210] *Congressional Record*, December 18, 1889, 51st Cong., 1st sess., 212, 224.

[211] *Congressional Record*, January 28, 1890, 51st Cong., 1st sess., 1645, 1899, 2775, 3757, 5769-5770, 5905, 8479 and 8840; and US Congress, House of Representatives, *Ratification of Coeur d'Alene Indian Treaties in Idaho, Report to Accompany S. 2828*, 51st Cong., 1st Sess. (1890), H. Rep. No. 2988, 1.

[212] An Act Making Appropriations for the Current and Contingent Expenses of the Indian Department and for Fulfilling Treaty Stipulations with Various Indians for the Year Ending June 30, 1892, and for Other Purposes, Chapter 543, 51st Cong., 2nd Sess. (1891), 1029-1032. See also U.S. Congress, Senate, *Message of the President of the United States Transmitting a Letter of the Secretary of the Interior Relating to the Purchase of a Part of the Coeur d' Alene Reservation* 51st Cong, 1 sess., 1890, S. Exec. Doc. No. 14. With regard to the saw and grist mills, prior to the 1890s, the Coeur d'Alene apparently relied upon non-Indians such as Frederick Post (see the section immediately below) to cut timber for them and grind their grain into flour for sale.

[213] T.J. Morgan, Commissioner of Indian Affairs, to Major Hal J. Cole, Coleville Agency, June 30, 1891. ff. Letters Rec'd CIA re Coeur d'Alene Indians 1890-91, Box 19a, Letters Received, Commissioner re Coeur d'Alene Indians, 1890-1901, BIA – Colville, RG 75, NARA S.

These provisions were not easily enacted and realized. In early 1892 the Office of Indian Affairs prepared plans and specifications for a portable steam-powered flour and saw mill of sufficient capacity to produce 25 to 30 barrels of flour daily or 10,000 to 12,000 board feet of lumber daily, together with plans for a dwelling near the mill site for use by mill employees.[214] By late December, a flour mill had nearly been completed on Bartholomew Creek.[215] This water supply, however, was apparently insufficient so two wells had to dug, one near the boiler.[216] The digging of the wells took several months; in May 1893 they remained incomplete.[217]

Disbursement of the monies promised the tribe as payment for extinguishing the title to their aboriginal lands likewise dragged on. Cole wished to carry out the required census as soon as possible following approval of the agreement, and in fact he attempted to organize a council for that purpose in July 1891 at DeSmet. Resident farmer T.R. Gildea subsequently reported to Cole that "many of the Indians had gone in to [*sic*] the mountains hunting and fishing" – ahead of the fall harvest – but that Seltice expected "all of the Indians" to return by July 26 for "an important church meeting" (although "some . . . may be to [*sic*] far away in the in the mountains."[218] Even after the census was complete, several months passed before the tribe received any funds. In mid-February 1892, Seltice wrote to Cole that tribal members were getting impatient about "long looked for money." He asked when they could expect payment, and inquired as to what progress had been made.[219] The first payment of $8,000 for relinquishment of the tribe's aboriginal land claim was made in April 1892, while a second installment of $16,000 for 1893 and 1894 was not made until July 1894.[220]

These issues aside, the agreement sufficiently convinced the Coeur d'Alene that they were protected from further incursions that they began focusing more on developing their reservation lands for agricultural purposes. They built more permanent homes and invested more in crops, tools, and breeding stock to improve their herds. Tribal members did not own their individual farms in fee title, but those in Hangman Valley occupied and worked a specific tract of land looked upon as their own. Land disputes were

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[214] R. V. Belt, acting commissioner, to Hal J. Cole, U.S. Indian Agent, Colville Agency, March 17, 1891. ff. Letters Rec'd, CIA, Coeur d'Alene Indians, 1890-91; and T.J. Morgan, Commissioner to Hal J. Cole, U.S. Indian Agent, February 8, 1892. ff. Letters Rec'd, CIA, Coeur d'Alene Indians, 1892, Box 19a, Letters Received, Commissioner re Coeur d'Alene Indians, 1890-1901, BIA Colville, NARA S.

[215] Hector Ross to Benjamin Harrison, Dec. 26, 1892. ff. Misc. Letters Rec'd, Coeur d'Alene, 1892-94, Box 33, Letters Received, Miscellaneous Coeur d'Alene Reservation, 1891-1896, BIA Colville, RG 75, NARA S.

[216] T.J. Morgan, Commissioner, to Hal J. Cole, U.S. Indian Agent, January 5, 1893. ff. Letters Rec'd, CIA, Coeur d'Alene Indians, 1893, Box 19a, Letters Received, Commissioner re Coeur d'Alene Indians, 1890-1901, BIA Colville, NARA S.

[217] Hal J. Cole, U.S. Indian Agent, to J.J. Welsh, Carpenter, Coeur d'Alene Reservation, May 10, 1893. General Correspond: from May 7, 1892 to October 1893-23d, Vol. 6, Box 2, Letters Sent, Miscellaneous June 1884-July 1925, Volumes 5-8, May 1892-April 1896, Bureau of Indian Affairs, Colville Agency, NARA S.

[218] T. R. Gildea, to Major Hal J. Cole, July 2, 1891. ff. Misc. Letters Rec'd, Coeur d'Alene, 1891; and T. R. Gildea, to Major Hal J. Cole, July 16, 1891. ff. Misc. Letters Rec'd, 1891-92, Box 33, Letters Received, Miscellaneous, Coeur d'Alene Reservation, 1891-96, BIA – Colville, RG 75, NARA S.

[219] Andrew Seltice to Major Hal J. Cole, February 14, 1892. ff. Misc. Letters Received, 1891-1892, Box 33, Letters Received, Miscellaneous Coeur d'Alene Reservation, 1891-1896, BIA Colville, RG 75 NARA S.

[220] D. M. Browning, Commissioner, to Capt. John W. Bubb, Acting Indian Agent, July 7, 1894. ff. Letters Rec'd, CIA, Coeur d'Alene Indians, 1894, Box 19a, Letters Received, Commissioner re Coeur d'Alene Indians, 1890-1901, BIA Colville, NARA S.

adjudicated by the tribal leaders and the Jesuit priests. Certain other Indians had traditionally claimed specific meadow land around the lake or adjacent to Coeur d'Alene river whose meadows were within the ceded territory. They sought guidance from Cole, their agent, whether they would be permitted to continue to cut hay on their former claims, at least until they had received payment from the government for their lands.[221]

Other tribal members who had lived upon portions of the reservation ceded and relinquished to the United States who had made improvements consisting of houses, barns and fences sought to obtain payment from non-Indians who took possession of these improved farms. Acting Commissioner R. V. Belt instructed the Colville agent that the former Indian occupants, who were "very few" in number, could not expect any reimbursement as there was no provision made in the 1889 agreement to protect Indian property improvements in the ceded territory. Under the agreement, all lands in the ceded area were sold and released to the United States and restored to the public domain to be disposed of under the public land laws of the United States. Belt noted that the tribe agreed that upon the payment of $500,000 "all right, title, and claim which the tribe then had, or ever had, to the ceded lands and the cession covered everything appertaining to the realty." Tribal members who had lived in the ceded area were now expected to move onto the diminished reservation. Belt opined that any loss by individuals who had resided in the ceded territory would not "fall heavily" on any individual as "the improvements were not of very great value."[222]

The Seltice-Post Agreement of 1871 and Early Water Power Development near Post Falls

Included in the ratified September 1889 agreement was a separate agreement between Andrew Seltice and German immigrant Frederick Post concerning a site on Spokane River, nine miles west of Coeur d' Alene Lake where the river divided into three channels, each possessing a natural falls – a site that grew into the present-day town of Post Falls. The United States was not a party to the Seltice-Post agreement, nevertheless it recognized the agreement in the March 1891 ratifying act. According to the Seltice-Post agreement (which was recorded in Kootenai County, Idaho Territory on June 1, 1871, a little over a week after the final meeting between the Simpson Commission and the Coeur d'Alene tribal leadership), Seltice had "with the consent of my people, when the country on both sides of the Spokane River belonging to me and my people" sold to Post

> for a valuable consideration…the place now known as Post Falls, in Kootenai County, Idaho, to improve and use the same (water power); said sale included all three of the river channels and islands, with enough land on the north and south shores for water-power and improvements….[223]

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[221] T. R. Gildea, to Major Hal J. Cole, Coleville Agency, July 11, 1891. ff. Misc. Letters Rec'd, 1891-92, Box 33, Letters Received, Miscellaneous, Coeur d'Alene Reservation, 1891-96, BIA – Colville, RG 75, NARA S.

[222] R. V. Belt, acting commissioner, to Hal J. Cole, Esq., U.S. Indian Agent Coleville Agency, August 27, 1891. ff. Letters Rec'd, CIA, Coeur d'Alene Indians, 1890-91, Box 19a, Letters Received, Commissioner re Coeur d'Alene Indians, 1890-1901, BIA Colville, NARA S.

[223] Seltice, *Saga of the Coeur d'Alene Indians*, 316 and 358-360; "Original Contract With Post: Water Power Company Places Reliance in Agreement With Indians," *Coeur d'Alene Evening Press*, December 28, 1909, pp. 1 and 4.

As noted above, Andrew Seltice's father Moses occupied the land around present-day Post Falls – what the Coeur d'Alene called, "Swallow-em" – in the 1870s when Post reportedly sought to acquire the site. Post had grown up in Germany, where he trained as a millwright (by one account he studied civil engineering) and worked as a miner before he served in the army. He immigrated to the United States in 1850, settling in Kendall County, Illinois, outside Chicago. Post became a farmer, and applied his engineering skills to the construction of two dams on nearby creeks, one linked to a grist mill, and another to a lumber mill. He later operated a limestone quarry and dammed a portion of Fox River (tributary to Illinois River). In the early 1870s, he moved out west – first to San Francisco and later to Portland before settling in the Spokane River Valley of western Idaho and eastern Washington.[224]

Post allegedly offered Moses $500 for the land upon which Moses had erected a house and barn. Seltice's father demurred until he spoke with his son. The Coeur d'Alene chief implored Moses not to rely upon any "promise," and not to sell "unless Post gives you five hundred dollars right in your hand." Joseph Seltice, in his history of the tribe, alleges that Post had designs on the site that went beyond the acquisition of his grandfather's lands, that Post aimed to acquire land "for some distance both above and below the falls for $2.50 an acre," and that "the five hundred dollars he promised to pay Moses Seltice was just a promise made to get the land."[225]

Whether Post paid Moses or entered into some other kind of arrangement with Moses' son Andrew (as suggested by the recorded agreement) is unclear as is the exact date when Post took possession of the site. According to local lore, Post's agreement with the tribe was memorialized on "Treaty Rock," a granite rock near the falls that has petroglyphs reading "June 1, 1871, Frederick Post." Local historian Kimberly Rice has suggested that while Post may have acquired Post Falls in the early 1870s and began building a sawmill, for much of the decade he focused on ranching near present-day Rathrum, Idaho, and later moved to the town of Spokane Falls, Washington where he established a gristmill. Post reportedly offered the site, which was also known as the "Upper or Little Falls" of Spokane River to the U.S. Army in 1878 for military purposes. The Army declined, and in 1879 Post began developing the site in earnest. Both Rice and Joseph Seltice report that in 1880 Post completed "the first sawmill" at the falls. A federal survey of the fractional Township 50 North, Range 5 West, Boise Meridian, along the northern boundary of the executive-order Coeur d'Alene Reservation, in October 1880 confirms that such a sawmill was under construction in the township's fractional Section 3. **Figure 16** below is an excerpt from the October 1880 survey plat, showing an island in the Spokane River channel, the falls, the mill foundation, and the tailrace.[226]

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[224] "Frederick Post, Pioneer, Dead," *The Spokesman-Review*, August 8, 1908; Seltice, *Saga of the Coeur d'Alene Indians*, 215, 233, and 315-316; Kimberly Rice Brown, "Fredrick Post: Founder of Post Falls," The Post Falls History Walk (2008), available online at http://postfallshistorywalk.webs.com/frederickpost.htm, last accessed January 26, 2016.

[225] Seltice, *Saga of the Coeur d'Alene Indians*, 215, 233, and 315-316.

[226] Brown, "Fredrick Post," available online at http://postfallshistorywalk.webs.com/frederickpost.htm, last accessed January 26, 2016; Seltice, *Saga of the Coeur d'Alene Indians*, 215, 233, and 315-316; and Report 36273, Rec'd with Sur. General's letter of July 23, 1881: Field notes of the survey of the sub-division and meander lines of the fractional

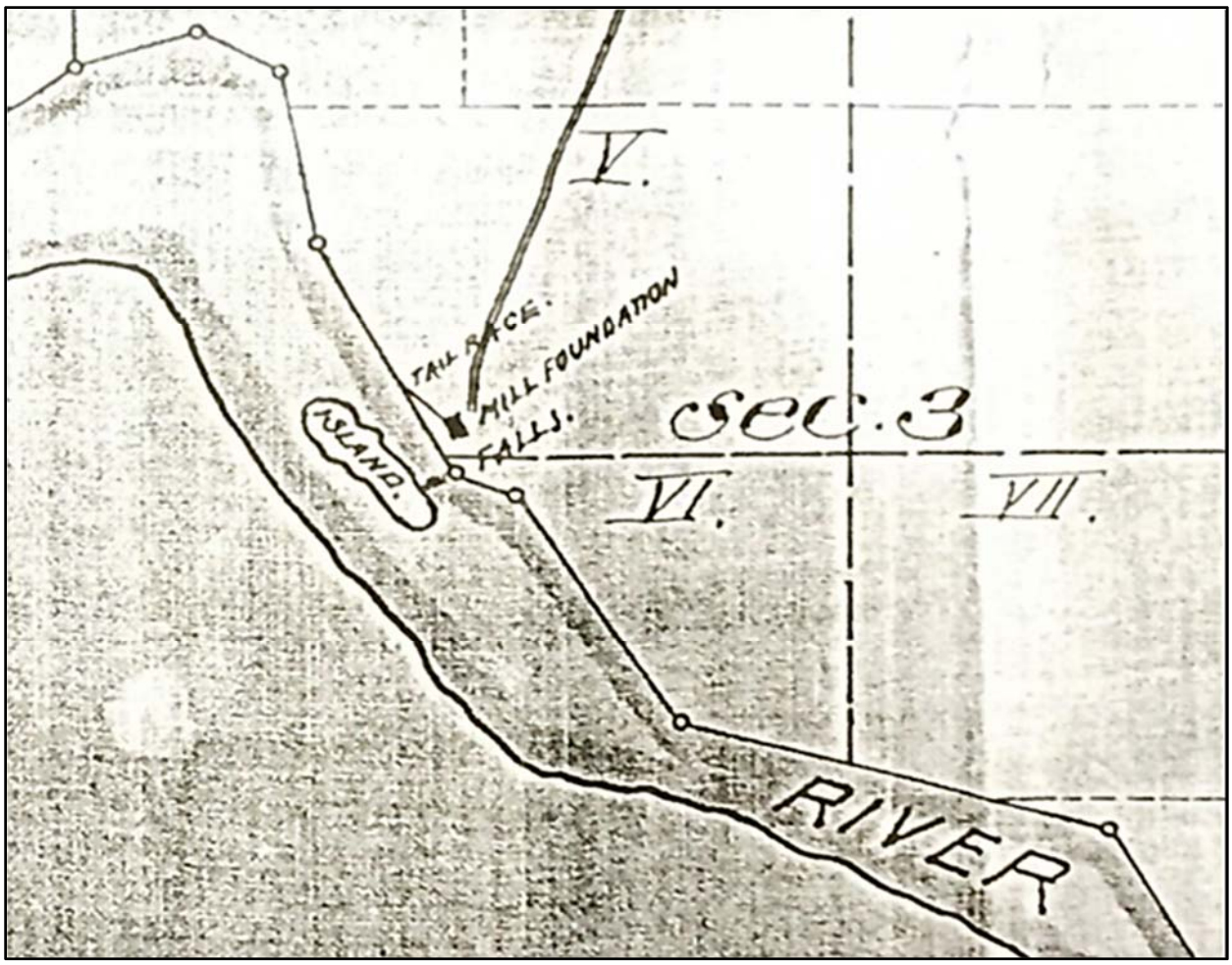

Figure 16. Excerpt of October 1880 survey plat of fractional Sec. 30, T50N R5W BM, enclosed with Separate Special Instructions to Contract No. 133.

By the mid-1880s, Post's development was serving the Coeur d'Alene with cut timber, and may have included a grist mill. In a March 1885 letter to Colville Indian Agent Sidney Waters, Commissioner of Indian Affairs Hiram Price reported that Post's "partner" Zaccheus Lewis had been confronted by "Special Agent Prosser" of the General Land Office for trespassing on reservation lands to cut timber. Lewis claimed to have made an agreement with Waters's predecessor John Simms (Colville Indian Agent from 1872 to 1883) to cut timber, compensating the Coeur d'Alene $1.00 for every 363 feet cut. Post reportedly confirmed that this was the case to the commissioner, noting that the agreement extended to Waters and

township No. 50 North of Range 5 West of the Boise meriden [*sic*] in the Territory of Idaho by John B. David deputy surveyor under his contract No. 83 bearing the date of 9th of August 1880 Surveys completed October 1, 1880, 12, and plat of Confirmed Claim of Frederick Post, Accompanying Separate Special Instructions to Contract No. 133, enclosed with Contract No. 133, Box 55, Idaho, 1886-1891, Div. E. Surveying Contracts and Bonds, RG 49, NARA DC.

insisting "that the terms of such agreement have been faithfully carried out in the furnishing of lumber and flour for the Indians."[227] **Figure 17** below is a photograph of that saw mill, circa 1900.[228]

Post continued development of the site through the 1880s without any apparent further issues, leasing out the site to various other operators. Correspondence in Indian Affairs and Interior Department records, however, reveal that his occupation and use of the falls came under scrutiny in the months leading up to the September 1889 agreement.[229] In April 1889, Elinor E. Lee (also spelled "Eleanor"), "a half breed Indian of the Coeur d'Alene Tribe," applied for permission to take in severalty a 400-acre tract, in the factionalpart of Sections 3 and 4, T50N R5W BM "south of Spokane River," "on the Coeur d'Alene Indian Reservation and unsurveyed" – land located within Post's claim.[230]

A subsequent investigation by Colville Indian Agent Rickard D. Gwydir revealed this opposing claim, and suggested that Post had in fact settled at Post Falls in 1871. Post reportedly occupied two islands in Spokane River that divided the stream into three channels, and had erected two dams – one across the middle channel and another across the north channel. Post defended his claim to the Commissioner ofIndian Affairs, requesting in May that his claim be protected from encroachment. Post asserted that he had purchased "the water privileges from the Indians," and spent more than $100,000 in making improvements to the site. The Coeur d'Alene, he maintained, had protected the site and alleged that "certain unscrupulous white men" were now attempting "to rob him of his property, through a mixed blood Indian woman, - Eleanor Lee." Post subsequently produced a signed affidavit from Andrew Seltice "to the effect that he (Saltice) sold the place known as Post's Falls to Post in the year 1871, for valuable consideration, before the establishment of the reservation, and that he [Seltice] has protected him in possession ever since"; as indicated above, Post also recorded the agreement with Seltice. For her part, Lee insisted to federal Indian officials, that Post was "using the water power located on land claimed by her," and she later alleged Post had bribed Seltice to falsify his claim.[231]

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[227] H. Price, Commissioner, to Sidney D. Waters, Esq., U.S. Indian Agent, Colville Agency, Washington Territory, March 14th, 1885. ff. Letters Rec'd CIA re Coeur d'Alene Indians, 1883-85, Box 18a, Letters Received, Commissioner re Coeur d'Alene, Lake and Wenatchi Indians 1892, 1901-08, and re Coeur d'Alenes 1866-89, BIA Colville, RG 75, NARA S. As discussed in the preceding section, the Coeur d'Alene did not have saw and grist mills of their own until after congressional ratification of the 1889 agreement.

[228] "North Idaho History," *The Guide to North Idaho*, available online at http://www.fyinorthidaho.com/resources/history/, last accessed January 29, 2016.

[229] JRP in the course of its research was able to locate and obtain only a few pieces of the correspondence discussed below.

[230] This was reportedly the first such petition by a member of the tribe for an award of lands in severalty. For more on "severalty," see the section "Allotment of the Coeur d'Alene Reservation" below.

[231] Eleanor Lee to The Hon. Commr of Indian Affairs, Thro' Agent Colville Agency, enclosed in Rickard Gwydir, U.S. Indian Agent, to Hon. Jno. H. Oberyl, Com'r of Indian Affairs, April 2nd, 1889. 1889-9700, Documents Disclosed to Mining Companies by Coeur d'Alene Tribe, pp. 142-145, RG 75; R.V. Belt, Acting Commissioner to Rickard D. Gwydir, Esq., U.S. Indian Agent, Colville Agency, Fort Spokane, Washington Territory, May 20, 1889. Land Division, Entry 96, Letters Sent, RG 75, NARA DC; R.V. Belt, Acting Commissioner to Hal. J. Cole, Esq., U.S. Indian Agent, Colville Agency, Fort Spokane, W. T., Sept. 19, 1889. ff. Letters Rec'd CIA 1889, re Coeur d'Alene Reservation, Box 18a, Letters Received, Commissioner re Coeur d'Alene, Lake and Wenatchi Indians 1892, 1901-08 and re Coeur d'Alenes 1866-89, BIA-Colville, RG 75, NARA S; Frederick Post to Commissioner of Indian Affairs, May 31, 1889 [trifold only]. 1889-

Figure 17. First lumber mill at Post Falls, Idaho where a 20-foot-high timber crib dam was erected to divert flow to the sawmill, ca. 1900.

Post's claim thus posed a problem in the context of the September 1889 agreement. In forwarding the matter to the Secretary of the Interior in October 1889, Commissioner of Indian Affairs T.J. Morgan found

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15491, Box 527, 1889 15458 to 15914. Letters Received, 1881-1907, RG 75, NARA DC; T. J. Morgan, Commissioner, to The Honorable, The Secretary of the Interior, October 26, 1889. 1889-3284, Box 102, 1889 2881-3442, Letters Received, 1881-1907, Indian Division, RG 48, NARA CP; and Eleanor Lee to Hon. Benjamin Harrison, President of the United States, May 9th, 1890. 1890-15809, Documents Disclosed to Mining Companies by Coeur d'Alene Tribe, pp. 168-174, RG 75.

that Post's "statements [were] corroborated by many citizens of that country." The commissioner cited Post's "early settlement" and "long occupation" as well as "the valuable improvements he has erected," as evidence that Post "would seem to have some equitable rights in the mill-site." Nevertheless, the September 1889 agreement, which "cede[d] and relinquish[ed] to the United States a considerable portion of [the Coeur d'Alene] reservation in the north and embracing the lands claimed by Mr. Post," was silent as to Post's claim. Moreover, Morgan pointed out, should Congress ratify the agreement, his "office would have no further jurisdiction over said lands" and would therefore not be in a position to address the issue. He therefore "recommend[ed] that the papers in the case be referred to the General Land Office for proper consideration in the event of the ratification of the agreement herein referred to, which will be submitted to Congress at its next session." On the same day as his letter to the Secretary of the Interior, Morgan sent a letter to Post describing the action he took.[232]

The Secretary of the Interior and Congress apparently agreed with Morgan's assessment, and in the March 1891 act, Congress directed the Secretary of the Interior to make a survey of Post's claim for the purposes of issuing Post a patent.[233] Two such surveys were made. Under separate special instructions included in contract No. 133, dated June 19, 1891, US Deputy Surveyor W. Clayton Miller, Esq., made the first survey of the fractional Sections 3 and 4, T50N R5W BM in November 1891. Miller found the site to be "barren, rocky and broken land, with scattering Timber [*sic*] in places." He found two houses on the south bank of Spokane River, and an abandoned house "on the North Island," but made no mention of dams on the river in his survey field notes. Following the survey, Miller learned that Post "disclaims [emphasis in original] title to that portion of section 4. T.50 N. R. 5. W, lying South of Spokane River."[234]

This alteration in Post's claim, as well as lack of conformity in the lines between Secs. 3 and 10, 4 and 9, and 5 and 8 straddling Spokane River, prompted the Commissioner of the General Land Office to direct that changes and corrections be made to Miller's original survey in May 1893. Two months later, Miller resurveyed Post's claim. He meandered the two islands within Post's claim, and recorded the locations of a grist mill, a saw mill, a lumberyard, two houses, and three dams across the three channels of the river.

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[232] T. J. Morgan, Commissioner, to The Honorable, The Secretary of the Interior, October 26, 1889. 1889-3284, Box 102, 1889 2881-3442, Letters Received, 1881-1907, Indian Division, RG 48, NARA CP.

[233] A survey was necessary in order to determine the extent of Post's claim as well as the public land open to entry outside the Coeur d'Alene reservation boundaries.

[234] 26 Stat. 1031; Willis H Pettit, U.S. Surveyor General for Idaho, to W. Clayton Miller, Eq., U.S. Deputy Surveyor, Under contract to survey the Confirmed Claim of Frederick Post, under separate special instructions, included in contract No. 133, dated June 19, 1891, included in Field Notes of the Survey of the confirmed Claim of Frederick Post in Township 50 North, Range 5 West of the Boise Meridian, Idaho, as Surveyed by W. Clayton Miller, U.S. Deputy Surveyor, Under Special Instructions under Contract No. 133, Dated June 19th, 1891, Survey Commenced November 10th, 1891, Survey Completed November 12th, 1891, 108 (26). Survey Plats and Field Notes, General Land Office Records, Bureau of Land Management, available at https://www.glorecords.blm.gov/search/default.aspx?searchTabIndex=0&searchByTypeIndex=1, last accessed January 19, 2016.

Figure 18 below is a copy of the General Land Office survey plat of Post's claim, approved September 5, 1893. The United States issued Post a patent a year later for 156.80 acres.[235]

Between 1880 and 1893, Post had clearly expanded and developed the site. Miller collected no physical data concerning the structures built by Post in the course of his 1893 surveys. The saw mill was destroyed by fire in 1902, but apparently the timber crib dam was unharmed.[236] United States Geological Survey (USGS) records indicate that in 1899 the elevation of the "dam at Post Falls, Idaho, on its crest was 2,119.6' above mean sea level."[237] The USGS obtained more detailed information about the three structures that constituted the "dam" after the site had been acquired by Washington Water Power Company (WWP). According to descriptions of the "old dams" by USGS district engineer J.C. Stevens, they appear to have been trapezoidal-shaped timber crib dams spanning the full width of each channel and without head gates, so that water flowed over the top of the dams during periods of high water:

> **North Channel**. A spillway 126.6 feet long at elevation of 2116.5 and a wing dam 137.8 feet long at elevation of 2125.4 or 8.9 feet higher than spillway.
>
> **South Channel**. A trapezoidal shaped spillway with bottom width of 67 feet at elevation 2119.2 [approximately 21 feet high]. The width increased 3.4 feet for every foot of rise.
>
> **Middle Channel**. A trapezoidal shaped spillway of bottom width 73 feet and elevation 2118.1 [approximately 23 feet high]. The width increased 3.2 feet for every foot of rise.
>
> The old mill sluice [i.e., the tail race] was a rectangular opening 14 feet wide with crest at elevation 2108.6.

The combined discharge capacity of these openings for the highest known flood, that of 1894, when the water was at elevation 2129.6 was 49,400 cfs; and for the second greatest flood of 1904 with a water

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[235] Willis H. Pettit, Supplemental Special Instructions, issued to W. Clayton Miller, U.S. Deputy Surveyor, under his Contract No. 133, dated June 19, 1893. Contract No. 133, Box 55, Idaho, 1886-1891, Div. E. Surveying Contracts and Bonds, RG 49, NARA DC; and Plat of the Confirmed Claim of Frederick Post in T. 50 N., R. 5 W., Boise Mer., Scale 10 chains=1 inch, Surveyed November 10-12, 1891 and July 1st 1893, by W. Clayton Miller, U.S. Dep. Surveyor, approved September 5, 1893. Survey Plats and Field Notes; and United States to Frederick Post, Patent, September 5, 1894. Patents, General Land Office Records, Bureau of Land Management, available at https://www.glorecords.blm.gov/search/default.aspx?searchTabIndex=0&searchByTypeIndex=1, last accessed January 19, 2016.

[236] Michael M. Drake, "Post Falls: Powering Northern Idaho for More than a Century," *HydroWorld*, November, 1, 2008, available online at http://www.hydroworld.com/articles/hr/print/volume-27/issue-7/feature-articles/post-falls-powering-northern-idaho-for-more-than-a-century.html, last accessed January 26, 2016.

[237] Confidential, Brief on report of Special Agent of the General Land Office, Charles A. Brinkley, dated April 19, 1909, re submerged Indian lands of the Coeur d'Alene Reservation, Idaho, by the Washington Water Power & Light Company, Spokane, Washington, 1. File No. 5-20 (Part 1), Indian Office, Washington Water Power Company, Coeur d'Alene Reservation (Overflow of tribal land), Feb. 2 '09 to Jan. 15 '10, Box 1484, 5-20, Coeur d'Alene, 1912, CCF 1907-1936, RG 48, NARA CP.

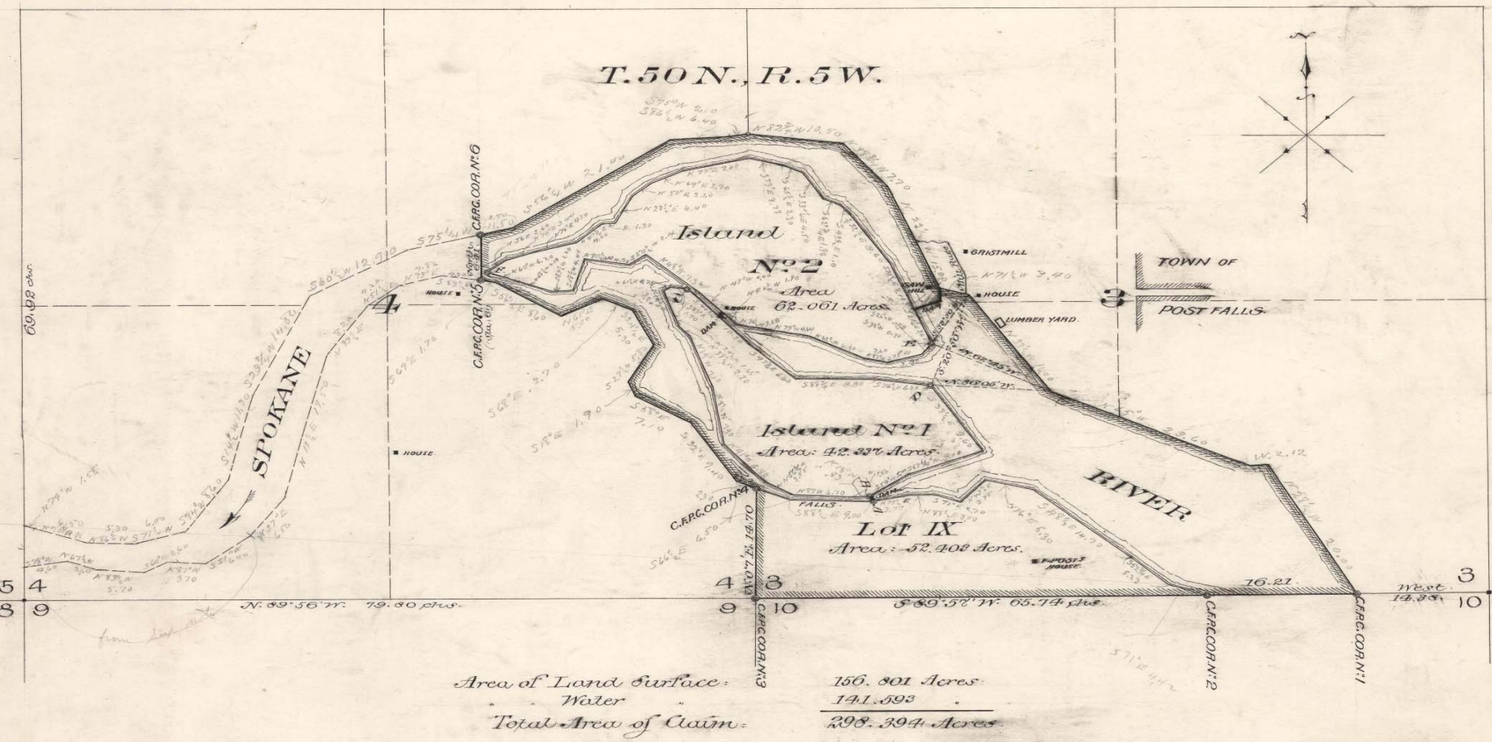
Office Copy

PLAT
OF THE
Confirmed Claim of Frederick Post
in
T. 50 N., R. 5 W., Boise Mer.

Surveyed: November 10-12th 1891 and July 1st 1893.

Scale: 10 chains = 1 inch.

by W. Clayton Miller U.S. Dep. Surr.



Area of Land Surface:	156.801 Acres	
Water	141.593	
Total Area of Claim:	298.394 Acres	

Note: See the notes used for making this plat Vol 108 pg 896

The above Plat of the Confirmed Claim of Frederick Post in Township No 50 North, Range No 5 West of the Boise Meridian, as surveyed by W. Clayton Miller, U.S. Deputy Surveyor, under separate special instructions, included in his Contract No 133, dated June 19th 1891, and in pursuance of directions, contained in letter "E" of the Commissioner of the General Land Office, dated May 29th 1893, is strictly conformable to the field notes of the Survey thereof, on file in this Office, which have been examined and approved.

U.S. Surveyor General's Office
Boise City, Idaho, September 5th 1893.

Joseph C. Straughan,
U.S Surveyor Gen'l for Idaho.

Figure 18. Plat of the Confirmed Claim of Frederick Post in T. 50 N., R. 5 W., Boise Mer., Scale 10 chains=1 inch, Surveyed November 10-12, 1891 and July 1st 1893, by W. Clayton Miller, U.S. Dep. Surveyor, approved September 5, 1893.

surface elevation of 2126.0 the discharge capacity was 26,900 cfs.[238] A report by the Secretary of the Interior in April 1908 indicated that Post's dams did elevate the water in Lake Coeur d'Alene, "caus[ing] the water to overflow upon the lands of the Coeur d'Alene Indian Reservation at least part of the year," but this apparently prompted no serious complaints.[239]

As indicated above, Washington Water Power Company [WWP] subsequently succeeded to the Post Falls development, and expanded it amid great controversy. The power company had completed three new dams by the summer of 1906, replacing Post's dams. These dams backed up a greater amount of water than Post's had, elevating not only the level of Lake Coeur d'Alene, but also the levels of Coeur d'Alene and St. Joe rivers. WWP, although it maintained that it had a right to overflow lands as successor-in-interest to Post, nevertheless obtained flowage easements from many settlers who had settled along the rivers. In 1909, the company also applied for and obtained a permit from the Secretary of the Interior to overflow lands on the Coeur d'Alene Indian Reservation, along the St. Joe. Per an investigation by the Coeur d'Alene Indian Agent Charles Worley and Special Allotting Agent William B. Sams that had deemed the flooded Indian lands as largely worthless prior to the construction of the new dams, WWP was to indemnify the Coeur d'Alene $1.25 an acre for the lands – more than $7,800 total. Subsequent protests by non-Indian homesteaders in the St. Joe and Coeur d'Alene river valleys that the elevated lake level was more damaging to their lands than the company had suggested led to an Interior Department proceeding that first revoked WWP's permit, and then upon the company's appeal reinstated it in 1910. Settlers, both on and off the reservation, pursued separate legal challenges to the company's rights in Idaho state court into the 1910s.[240]

The Harrison Cession, 1894

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[238] Report by J.C. Stevens, District Engineer, U.S. Geological Survey, The Physical Effect on Lake Coeur d'Alene of Operation of Washington Water Power Company's Dam at Post Falls, Idaho [December 24, 1909]. File No. 5-20 (Part 5), Indian Office, Washington Water Power Company, Coeur d'Alene Reservation (Overflow of tribal lands), July 9-1913 to May 17, 1921, Box 1485, 5-20, Coeur d'Alene, 5-28, 1909, CCF 1907-1936, RG 48, NARA CP.

[239] James Rudolph Garfield, Secretary to Hon. James S. Sherman, House of Representatives, Subject: Report on H.R. #21010, April 27, 1908. Box 3592, CCF 1907-1939, RG 75, NARA DC.

[240] "Post Falls Dams is Blown Up," *The Evening Statesman* [Walla Walla, WA], July 9, 1906; "Original Contract with Post," *Coeur d'Alene Evening Press*, December 28, 1909; R.W. Davenport, "Coeur d'Alene Lake, Idaho, and the Overflow Lands," in Nathan C. Grover, Chief Hydraulic Engineer, *Contributions to the Hydrology of the United States, 1921,* Water-Supply Paper 500, United States Geological Survey, Department of the Interior (GPO, 1922), 10-12; and John A. Nye, Chronology in Overflow Case Taken from Official Records, nd. File No. 5-20 Part 6, Indian Office, Washington Water Power Company, Coeur d'Alene Reservation (Overflow of tribal lands), Apr 11, 1921 to, Box 1485, 5-20, Coeur d'Alene 5-29, 1909, CCF 1907-1936, RG 48, NARA CP.

Only one member of the Coeur d'Alene tribe who had been allotted land on St. Joe River protested and received separate compensation from the company as a result of the elevated lake level: Clarence Boutelier (or Butler). Boutelier was an adopted member of the tribe; he claimed occupancy of the lands allotted to him dating back to 1904, and obtained a trust patent to these lands in 1910. With the assistance of federal attorneys, he and successfully sued the company in 1913. See Clarence Boutelier to Hon. Commissioner of Indian Affairs, Oct. 9, 1913; A.A. Jones, First Assistant Secretary, to The Attorney General of the United States, Suit of Clarence Butler, Coeur d'Alene, Sep. 30, 1913; Ernest Nauchel, Assistant Attorney General, to The Secretary of the Interior. December 16, 1913. Box 3592, CCF 1907-1939, RG 75, NARA DC.

Post was not the only non-tribal member to be found within or near the adopted boundaries of the Coeur d'Alene Reservation in 1889. Between the ratification of the 1889 agreement in March 1891 and the survey of the new reservation boundary by the General Land Office in July 1891, a number of non-Indians had settled upon what became known as the townsite of "Harrison" (named for then-President Benjamin Harrison) south of the new boundary and within the reservation on the east side of Coeur d' Alene Lake, near the mouth of Coeur d' Alene River. Some of these individuals may have been the prospective settlers found by Capt. Thompson in the fall of 1890, as noted above. These settlers allegedly had been told by the commissioners who had negotiated the cession and by the Indians that the northern reservation boundary should have run east from "a certain prominent point opposite the mouth of the Coeur d'Alene River" about 1.5 miles south of where it was actually located by the surveyors, thereby mistakenly leaving the townsite on the ceded portion. The townsfolk appointed a committee of relief to appeal to President Harrison to obtain a further cession of a tract of land including the town site of Harrison. Consequently, an item was inserted into the Indian appropriations act for fulfilling treaty stipulations with various Indian tribes that provided for obtaining consent from the Coeur d'Alene Indians for cession of a tract of land including the Harrison townsite. The initial attempt to convene a council failed and a second item was included in the appropriations bill for expenses relating to fulfilling treaty stipulations for the fiscal year ending June 30, 1894.[241]

The Commissioner of Indian Affairs on August 11, 1893 instructed Special U. S. Indian Agent Thomas P. Smith and Captain John W. Bubb, U.S. Army, acting Indian agent at the Colville Agency, to convene another council of the Coeur d'Alene Indians to obtain their consent for the cession of a strip of land along the northern border of the reservation on which the town of Harrison, its many inhabitants, and other settlers were located. Special Agent Smith was transferred to the Flathead Reservation and his duties were carried out by Special Agent Hardman. They met in council for the purpose of negotiating with the Indians for the strip of land on October 26, 28 and 30, 1893. The Coeur d'Alene initially balked at ceding a strip of land entirely across the reservation which included settlers outside of the town site. They also demanded compensation for any such land cession, $5.00 per acre outside the town and $25.00 per acre for land within Harrison town site. The government agents believed the price exorbitant and refused to enter into an agreement.[242]

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[241] The People of Harrrison, by A.A. Crane, Chairman of Com. of Relief, to President Harrison, September 4, 1891. Inclosure 1, 1891-10595, Special Case 200, RG 75, NARA DC; Thomas R. Gildea to Major Hal J. Cole, September 22, 1891; and Coeur d'Alene Tribal Members (names of signers excluded from copy) to the Honorable Commissioner of Indian Affairs, October 1891, enclosed with B.B. Holcomb to Major Hal J. Cole, Oct the 12th, 1891. ff. Misc. Letters Received, 1891-1892, Box 33, Letters Received, Miscellaneous Coeur d'Alene Reservation, 1891-1896, BIA Colville, RG 75 NARA S; and D.M. Browning, Commissioner, to John Lane, Esq., Special U.S. Indian Agent, December 21, 1893, in US Congress, House of Representatives, *Agreement with Coeur d'Alene Indians. Letter from the Secretary of the Interior, transmitting An agreement with the Coeur d'Alene Indians in Idaho, for a change of the northern boundary line of their reservation*, 53d Cong., 2d sess., 1894, H. Ex. Doc. No. 158, 4-5. Trial Exhibit 3,189, *United States of America and Coeur d'Alene Tribe v. State of Idaho*, Case No. CIV-94-0328-N-EJL.

[242] D.M. Browning, Commissioner, to Thomas P. Smith, U.S. Special Indian Agent, August 11, 1893, and Browning, to Capt. John W. Bubb, U.S.A., Acting Indian Agent, August 11, 1893. 1893-26999; Montgomery Hardman, Special Agent, and Jno. W. Bubb, Capt. USA, Acting US Ind. Agent to Commissioner of Indian Affairs, October 28, 1893.

A few days after the council with Bubb and Hardman, Paul Polotkan, interpreter for the Coeur d'Alene tribe at the council, and the chiefs of the tribe prepared a letter to D.M. Browning, Commissioner of Indian Affairs. That letter recounted the recent meetings with Bubb and Hartman at which Bubb insisted that the tribe give up the Harrison townsite and a one-mile-wide by 15-mile-long strip of land without any compensation to the tribe. At the first meeting attended by only 10 tribal members, Seltice had insisted on seeing the instructions from Washington and on knowing what Washington expected to pay for the land. When Bubb did not comply the chiefs countered that they would not cede any land without some payment and demanded to be left alone for 20 years, recounting that "according to the last treaty there was to be a stone wall built all around our Reservation." Over the following days, the stance of the Indians hardened and Seltice told Bubb not to send any papers to Washington as the "Indians were dissatisfied and "wanted pay for their land." Seltice insisted that George F. Steele, the sub-agent, keep the formal written record of the negotiations instead of Bubb. Steele recorded that it was Chief Wildshoe who made the demand for $25 an acre within the townsite and $5.00 an acre for any land ceded outside the town. Bubb insisted that Washington would never agree to the demand, but Seltice insisted that Bubb send his message and "hear what Washington had to say about it." The negotiations descended into argument and Seltice "told Bubb that if Washington would send any other man here, we would treat with him, but that we did not care to do any business with him." Convinced Bubb was working against tribal interests and on behalf of the Harrison residents, Seltice and the other chiefs and headmen asked Browning to send a different agent of the "Great Father from Washington."[243]

The accounts of the failed negotiations were transmitted by Hardman and Bubb as well as by the Coeur d'Alene to Browning who in turn forwarded them to the Secretary of the Interior Hoke Smith in November 1893. On December 15, the Interior Secretary instructed Browning to direct U. S. Special Indian Agent John Lane, who was currently negotiating with the Yakama Nation over cession of certain rights in land known as the "Wenatshapam fishery,"

> to proceed, at as early date as practicable to the Coeur d'Alene Reservation and procure, if possible, from the Indians some agreement, and if the Indians object to ceding their lands without compensation to conduct the negotiations so that they shall receive a proper and reasonable compensation, subject, however, to the future action of Congress.[244]

Browning invited Lane to keep in mind that no provision had been made for an appropriation to pay the Indians anything for changing the northern boundary line. He noted that the Senators from Idaho, who had sponsored the legislation, had "informally advised" the Indian Office that the tribe would "consent to

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Inclosure 1, 1893-41798, , Special Case No. 200, Harrison Town-site on Coeur d'Alene Reservation, February 2, 1894, RG 75, NARA DC; See also Browning to Lane, December 21, 1893, in H. Ex. Doc. No. 158, 5-7. Trial Exhibit 3,189, *United States of America and Coeur d'Alene Tribe v. State of Idaho*, Case No. CIV-94-0328-N-EJL.

[243] Seltice and chiefs of the Coeur d'Alene tribe to Honorable Commissioner of Indian Affairs, November 2, 1893. Idaho, Colville Agency, Coeur d'Alene Reservation, De Smet Mission, 1893, MF Roll 24, BCIM.

[244] Hoke Smith, Secretary, to The Commissioner of Indian Affairs, December 15, 1893. 1893-46760, Special Case No. 200, Harrison Town-site on Coeur d'Alene Reservation, February 2, 1894, RG 75, NARA DC. See also Browning to Lane, December 21, 1893, in H. Ex. Doc. No. 158, 7. Trial Exhibit 3,189, *United States of America and Coeur d'Alene Tribe v. State of Idaho*, Case No. CIV-94-0328-N-EJL.

the change of said boundary line without any money or other consideration whatever" – therefore, no appropriation was necessary. Browning further advised Lane that the Indians should be made clearly aware and have a "perfect understanding" that any provision for payment would require congressional ratification. If the Indians objected to cession without compensation, Lane was to negotiate with them for payment "of a proper and reasonable compensation, subject to the future action of Congress." Any agreement made with the Coeur d'Alene was to be arrived at in open council with "all the chiefs, headmen and male adults 18 years old and upwards belonging to the reservation" invited and the resulting agreement executed by the same. Lane acknowledged his appointment on January 1, and proceeded to DeSmet Mission in early February 1894.[245]

On February 6, Lane convened a general council with Seltice, Wildshoe, and Moctelme along with most of the adult male Indians on the reservation who had assembled at the mission on the occasion of Ash Wednesday. In his travel through the reservation to the mission site, the Indian agent had been impressed with the condition of the reservation, as reflected in his opening address at the council:

> I am very much pleased with you Indians since my stay here, and with your fields, as well as the cultivated condition of your land, have filled me with admiration. It has been my pleasure to visit many reservations, but this one surpasses by far any I have seen for nice homes and beautiful farms. It shows me also that you have accomplished a greater work and advanced further in civilization than any tribe of Indians I have ever met. [246]

Lane asked that the assembled tribal members consent to giving up the land on which the town of Harrison had been founded and where non-Indians had occupied reservation land as far back as 1891 as a "purely voluntary gift" to Washington – a difficult task. Lane later confided in his report to Browning: "I was convinced before I finished talking that I would not succeed." Seltice noted that the first settlers to Harrison "came only with the intention to fish," and that they "have been petitioning us [the Coeur d'Alene] for a long time about that land." "[N]ow we will give them 1 mile square," the chief declared, "and the others that are living on that land, we don't want them bothering us; we want them removed." The agent did not think that this would "settle the question," but Seltice was immovable: "1 mile square

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[245] Browning to Lane, December 21, 1893, in H. Ex. Doc. No. 158, 7-9. Trial Exhibit 3,189, *United States of America and Coeur d'Alene Tribe v. State of Idaho*, Case No. CIV-94-0328-N-EJL; and John Lane, US Special Ind. Agent, to Hon. Commissioner of Indian Affairs, Jan. 1st, 1894. 1894-1731, Special Case No. 200, Harrison Town-site on Coeur d'Alene Reservation, February 2, 1894, RG 75, NARA DC. The Coeur d'Alene had their own ideas about who should treat with them. On December 18, the "Chiefs of the Coeur d'Alene tribe of Indians," Seltice, Pierre Wild Show, Sol-Louie, Regis, Pierre Mock-tel-me, and Andrew-You-mas, wrote to Browning to request the appointment of their former agent Maj. Sidney Waters and Steele as "Agents to treat with us for the Harrison Town Site." The chiefs described the two men as their "friends," and "promise[d] to deal justly with the people of Harrison, and also . . . a speedy settlement of the question" if Waters and Steel were appointed. See Andrew Seltice, Pierre Wild Show, Sol-Louie, Regis, Pierre Mock-tel-me, and Andrew-You-mas, to Hon. Commissioner of Indians Affairs, Dec. 18, 1893. 1894-2026, Special Case No. 200, Harrison Town-site on Coeur d'Alene Reservation, February 2, 1894, RG 75, NARA DC.

[246] John Lane, U.S. Special Indian Agent, to Hon. Commissioner of Indian Affairs, Feb. 10th, 1894. 1894-7250; Proceedings of Councils held at DeSmet, Idaho for sale of Harrison Townsite, 1-4. Inclos. No. 3, 1894-7520, Special Case No. 200, Harrison Town-site on Coeur d'Alene Reservation, February 2, 1894, RG 75, NARA DC. See also Lane to Commissioner, February 10, 1894, and "Opening Remarks of Col. Lane," February 6, 1894, in H. Ex. Doc. No. 158, 10.

and nothing more." The discussion at stalemate, Bazil asked to adjourn: "We want to go and talk this thing over among ourselves."[247]

The council reconvened the following morning, on February 7, and the Coeur d'Alene had changed their minds. Much like with the 1889 negotiations, the younger chief Pierre Wildshow rose to address Lane on behalf of the Coeur d'Alene:

> The white people settled not only at Harrison, but also on our land above Harrison, and we Indians know that. We have known this for a long time, but we felt sure that Washington would soon see about it. Where Harrison now stands was the place where the Indians used to fish. But we will let it go. We have come to this conclusion: that we will let them have one mile across the boundary of the Reservation.[248]

Wildshow nevertheless insisted that the tribe could not "let our land go for nothing." He asked for $15,000 as compensation for the Harrison townsite and the cession of a strip of land occupied by settlers along the northern part of the reservation. Lane accepted the offer. In his communication to the Commissioner of Indian Affairs regarding the results of the council proceedings, he noted that he had made "as good a bargain as could have been accomplished." Of the estimated 142 adult male Indians residing on the reservation, Lane reported that 112 (79 per cent) had signed the agreement.[249]

The agreement excluded from the reservation a strip of land one mile wide by 15 miles long (approximately 8,960 acres) across the northern reservation boundary on which the town of Harrison and numerous settlers were located. The agreement provided further the payment of $15,000 per capita to the Coeur d'Alene, and required that "[t]he new boundary lines of the reservation . . . be surveyed and marked in a plain and substantial manner." The agreement would become binding when ratified by Congress.[250]

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[247] John Lane, U.S. Special Indian Agent, to Hon. Commissioner of Indian Affairs, Feb. 10th, 1894, 1-2. 1894-7250; and Proceedings of Councils held at DeSmet, Idaho for sale of Harrison Townsite, 4-6. Inclos. No. 3, 1894-7520, Special Case No. 200, Harrison Town-site on Coeur d'Alene Reservation, February 2, 1894, RG 75, NARA DC. See also Lane to Commissioner, February 10, 1894, and Council Proceedings, February 6, 1894 and February 7, 1894, in H. Ex. Doc. No. 158, 10.

[248] John Lane, U.S. Special Indian Agent, to Hon. Commissioner of Indian Affairs, Feb. 10th, 1894, 2-4. 1894-7250; and Proceedings of Councils held at DeSmet, Idaho for sale of Harrison Townsite, 7-8. Inclos. No. 3, 1894-7520, Special Case No. 200, Harrison Town-site on Coeur d'Alene Reservation, February 2, 1894, RG 75, NARA DC. See also Lane to Commissioner, February 10, 1894, "Opening Remarks of Col. Lane," February 6, 1894, and Council Proceedings, February 6, 1894 and February 7, 1894, in H. Ex. Doc. No. 158, 10-12.

[249] John Lane, U.S. Special Indian Agent, to Hon. Commissioner of Indian Affairs, Feb. 10th, 1894, 2-4. 1894-7250; and Proceedings of Councils held at DeSmet, Idaho for sale of Harrison Townsite, 7-8. Inclos. No. 3, 1894-7520, Special Case No. 200, Harrison Town-site on Coeur d'Alene Reservation, February 2, 1894, RG 75, NARA DC. See also Lane to Commissioner, February 10, 1894, "Opening Remarks of Col. Lane," February 6, 1894, and Council Proceedings, February 6, 1894 and February 7, 1894, in H. Ex. Doc. No. 158, 10-12.

[250] Agreement entered into by John Lane, U.S. Special Indian agent and the Coeur d'Alene Indians for the sale Harrison Town site and adjacent land in the State of Idaho. Inclos. No. 2, 1894-7250, Special Case No. 200, Harrison Town-site on Coeur d'Alene Reservation, February 2, 1894, RG 75, NARA DC. See also Agreement concluded on the 7th day of February, 1891, between John Lane, special U.S. Indian agent, on the part of the United States, and the Indians of the Coeur d'Alene Reservation in the State of Idaho, in H. Ex. Doc. No. 158, 12-14.

The Indian Office approved. In late February 1894, Acting Commissioner of Indian Affairs Frank C. Armstrong forwarded to Interior Secretary Smith a copy of Lane's report, a transcript of the council proceedings, the agreement along with a map illustrating the land to be ceded (reproduced as **Figure 19** below), and draft legislation to ratify the agreement. A month later, Smith recommended congressional approval. On August 15, 1894, Congress ratified the agreement.[251]

Creation of the Coeur d'Alene Reservation in Historical Context

With the cession of this mile-wide strip of land for the Harrison townsite, the Coeur d'Alene Indian Reservation assumed its present boundaries. Over the course of four U.S.-tribal negotiations over the boundaries of this reservation, negotiations that took place over the space of three decades, the tribe ceded with compensation to the United States several thousand acres of aboriginal territory that included the majority of the Coeur d'Alene's aboriginal village sites as identified by ethnographic study. **Figure 20** below is adapted from a map prepared for the essay on the "Coeur d'Alene" published by the Smithsonian Institution as part of its *Handbook of North American Indians*, a compendium of anthropological and ethnographic scholarship on Native Americans. It shows a portion of the Coeur d'Alene's aboriginal territory (shaded in a light olive color) and the present reservation (in a slightly darker olive color and outlined in black), to which the approximate extent of additional land in the 1873 executive order reservation has been delineated (by the bright green line). Numbered dark black circles denote aboriginal villages, while black squares indicate present day towns and cities and empty squares indicate mission sites. Based upon this map, by the terms of the 1873 agreement, the Coeur d'Alene relinquished 16 aboriginal village sites located in present-day Washington State (1, 2, 3, 4, 5, 14, 15, and 40), on the north bank of Spokane River (6, 7, 8, 9, 10, 11, and 12), and in the vicinity of present-day St. Maries near the confluence of St. Joe and St. Maries rivers (37). In 1887 and then in 1889, the Coeur d'Alene agreed to relinquish an additional 11 sites located largely adjacent to Lake Coeur d'Alene and on along the Coeur d'Alene River (17, 18, 21, 22, 24, 25, 26, 27, 28, and 29; 16 is located near the present Washington-Idaho state boundary). The Harrison cession in 1894 resulted in the further relinquishment of 3 aboriginal village sites located on the south bank of Coeur d'Alene River (19, 20, and 23).[252]

Strict attention to the Coeur d'Alene's loss of not only this aboriginal territory as a whole but also the village sites, while not factually incorrect, nevertheless belies a deeper historical context. That Euro-Americans settlers and mining and timber interests increasingly pressured the Coeur d'Alene to relinquish

[251] Map enclosed with Frank C. Armstrong, Acting Commissioner of Indian Affairs, to the Secretary of the Interior, February 27, 1894; Frank C. Armstrong, Acting Commissioner of Indian Affairs, to the Secretary of the Interior, February 27, 1894. 1894-1566, Box 181, 1894 1298-1893, Entry 653, Letters Received, 1881-1907, Indian Division, RG 48, NARA CP (see also Armstrong to Secretary, February 27, 1894, in H. Ex. Doc. No. 158, 1-3); Hoke Smith, Secretary, to The Speaker of the House of Representatives, March 22, 1894, in H. Ex. Doc. No. 158, 1; and *An Act Making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, eighteen hundred and ninety-five, and for other purposes*, August 15, 1894, 53d Cong., 2d sess., chap. 290, 28 Stat. 286.

[252] Gary Palmer, "Coeur d'Alene," in *Handbook of North American Indians*, vol. 12, ed. Deward E. Walker, Jr., series ed. William C. Sturtevant (Washington D.C.: Smithsonian Institution, 1998), 314.

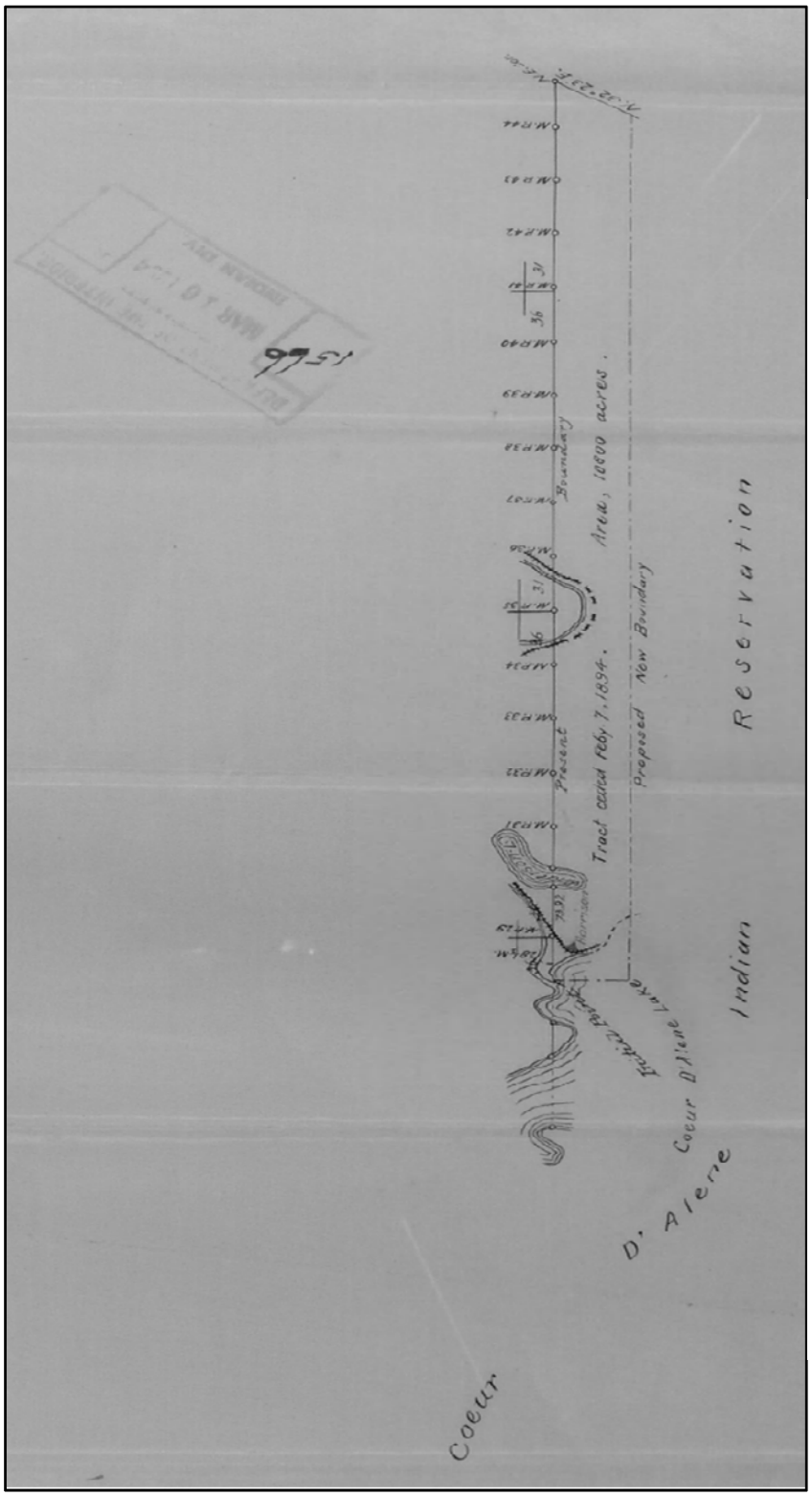

Figure 19. Map of Strip of Land Ceded by February 7, 1894 Agreement.

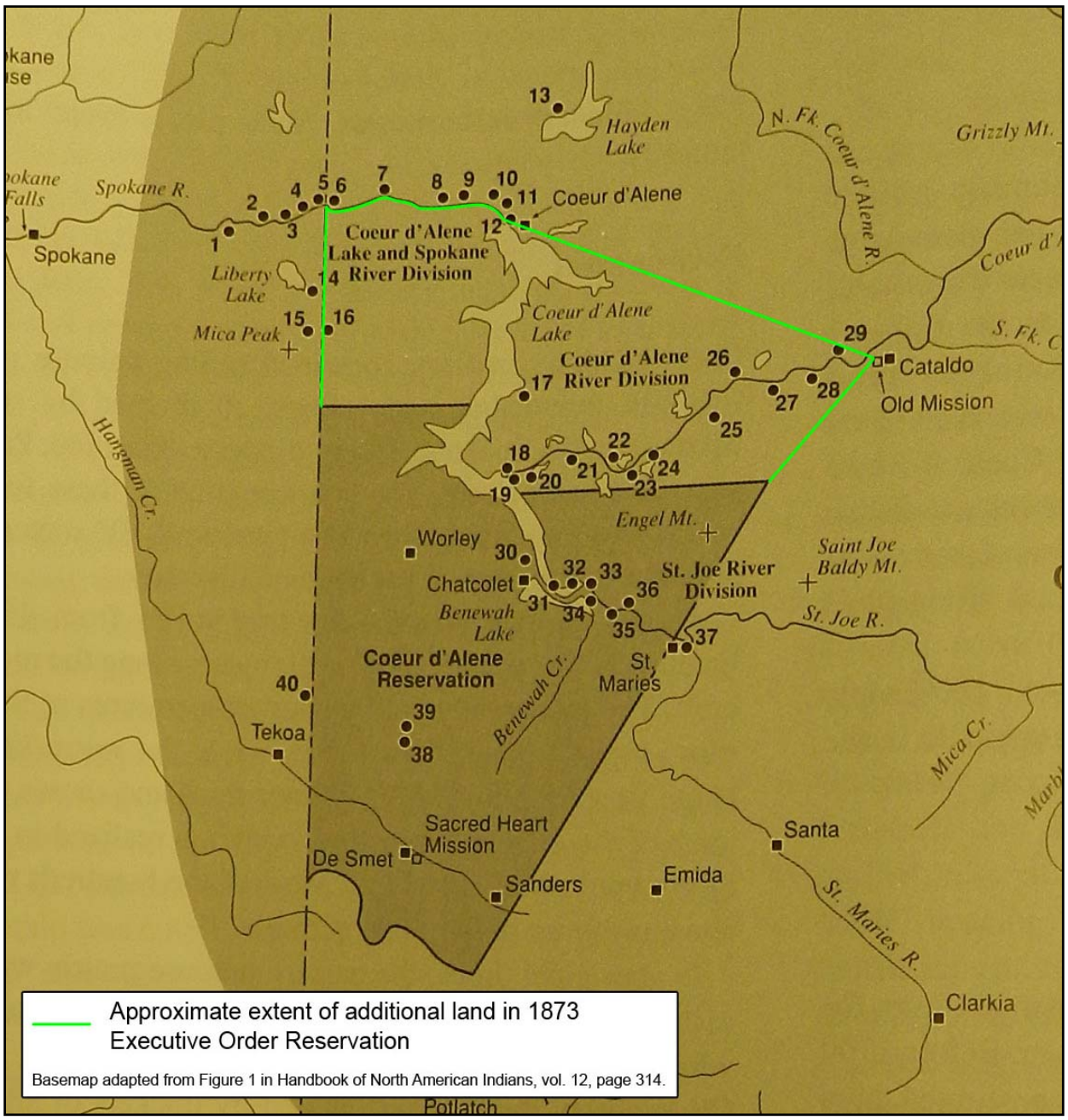

Figure 20. Aboriginal Territory and Village Sites Relinquished by the Coeur d'Alene, 1873-1894

significant portions of their territory from the 1870s into the 1890s cannot be denied. The land sought by U.S. negotiators under instructions from Congress and federal Indian officials, however, was land deemed largely unfit for cultivation, and the Coeur d'Alene by many accounts, including their own, were committing themselves to Euro-American farming and livestock raising by the early 1870s. The tribal leadership, particularly by the late 1880s when younger chiefs came to the fore, were willing to cede with compensation land that at one time had been tribal village sites and land important to aboriginal subsistence activities but were no more. In fact, most of the Coeur d'Alene who continued to occupy those lands into the 1890s were seemingly engaged in agriculture themselves. The Coeur d'Alene

furthermore since the 1870s had sought to secure the most agriculturally advantageous land within their aboriginal territory for themselves, forestalling non-Indian use and development in the lands south and west of Lake Coeur d'Alene that touched upon the rich wheat lands of the Palouse region.

Although an important shift, this change in Coeur d'Alene settlement, land use, and subsistence in the latter decades of the 19th century was part of a longer history of the tribe re-orienting itself to historical circumstances. Introduction of the horse in the mid-to-late 18th century, for instance, led the tribe to expand the range of its subsistence activity beyond the lands centered around Lake Coeur d'Alene and the Coeur d'Alene and St. Joe river valleys. The Coeur d'Alene travelled down to the upper reaches of Clark Fork of the Columbia River and the Clearwater River for fish and into the Northern Plains in Montana to hunt bison along with the Flathead. Mobility thus forged connections as the Coeur d'Alene and Flathead intermarried, and it fostered trading relationships that later extended to non-Indians. Mobility also brought the Coeur d'Alene into conflict with other native groups such as the Blackfeet, and exposed the tribe to non-native diseases such as smallpox because of increased contact with non-Indians. These changes, in turn, brought to the Coeur d'Alene an awareness of Jesuit missionaries, and at the invitation of tribal leaders, the Jesuits came to minister to the Coeur d'Alene, introducing the tribe to Euro-American agriculture as bison hunting began declining in importance.

Not all of the Coeur d'Alene took to farming in the 19th century. Some continued to practice traditional subsistence activities, such as hunting and fishing, and there is historical evidence that even those who had embraced agriculture would from time-to-time leave their farms to hunt, fish, and gather elsewhere within their aboriginal territory and later the prescribed boundaries of their reservation. Such instances, however, do not undermine historical documentation showing that from the 1870s forward the Coeur d'Alene built upon the early instruction provided by the Jesuit missionary fathers to develop their lands primarily for agricultural purposes, and in that there is little evidence that tribal members made systematic application of water for irrigation purposes on their farms. The turn to agriculture had the further advantage of bolstering the tribe's case for a reservation. In the federal records of the reservation negotiations, Coeur d'Alene agriculture justified the ultimate boundaries of that reservation to a Congress interested in balancing the needs and demands of Euro-American miners and settlers in the Idaho panhandle in the late-19th century.

Development of Coeur d'Alene Agriculture, 1869-1906

Coeur d'Alene agricultural activity was essential to the tribe securing a reservation of their own, to the geographical extent of that reservation, and to the spatial deployment of tribal members on that landscape. As noted above, Euro-American-style agriculture – crop cultivation and ranching – first took hold among the Coeur d'Alene in the 1850s and expanded in the latter half of the 19th century. In the 1850s and 1860s tribal members continued to live at their traditional village locations and practice their traditional subsistence rounds, including horse-mounted bison hunting on the northern plains, while keeping small agricultural fields or gardens. The Coeur d'Alene continued to engage in bison hunting into the mid-1870s, although its importance declined with the accelerating loss of habitat and industrial-scale

hunting by non-indigenous people.[253] Although the 1873 Report of the Commissioner of Indian Affairs still characterized the Coeur d'Alene tribe as still practicing a "roving way of life," hunting, fishing, and gathering was increasingly mixed with farming and stock-raising.[254] Indeed, throughout the protracted nearly three decade reservation negotiation process, commissioners and agents sent to treat with the Coeur d'Alene regularly praised the tribe for its farming endeavors.

The Jesuit mission fathers, federal Indian officials, and tribal chieftains alike celebrated an increasing trend among the Coeur d'Alene toward adoption of agriculture and a more sedentary way of life from the 1870s to the turn of the nineteenth century. In 1870, the Colville Indian Agent William Park Winans reported the Coeur d'Alene as cultivating a total of only 30 acres, far less than the Spokanes, Kalispel, and Colville Indians, who were also under his jurisdiction. The Coeur d'Alene produced only 100 bushels of wheat, 100 bushels of corn, and 200 bushels of potatoes. Winans also reported that about 150 Coeur d'Alenes lived in the country bordering the Spokane River and its tributaries "where streams or springs put into the prairie." These prairie dwellers possessed cultivated fields in "a few places," but still hunted and trapped, selling their furs to traders at Colville.[255]

Coeur d'Alene agriculture gained ground rapidly into the 1870s and beyond as more of the tribe relocated to lands southwest of Lake Coeur d'Alene. On his visit to Hangman's Creek in April 1872, Fr. Cataldo

> found many of our Coeur d'Alene Indians busy in ploughing their farms, fencing in new claims of land, putting up new barns, hay-houses, shippons [cattle pens], &c. It is really a pleasure to see with what earnestness they work; they have learnt by their own experience how true is the teaching of their Missionaries, that by working they will be good men and good Christians."[256]

Speaking at the 1872 council with Winans, Seltice believed that 200 tribal members were engaged in farming in the Hangman Creek Valley, and wished to continue doing so. For that year, Winans reported that the tribe had 20 acres under the plow, producing 100 bushels of corn, and 200 bushels of potatoes.[257]

By the late 1870s, nearly the entire tribe (approximately 500 people) had moved from their scattered villages along the lake and rivers of the Coeur d'Alene region to lands west and south of the lake – the most agriculturally-advantageous areas within their aboriginal territory. In the 1880s, federal Indian

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[253] Gary Palmer, "Indian Pioneers: The Settlement of Ni'lukhwalqw (Upper Hangman Creek, Idaho) by the Schitsu'umsh (Coeur d'Alene Indians)," *Oregon Historical Quarterly* 102 (2001): 27.

[254] US Department of Interior, *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior* (Washington: General Printing Office, 1873), 17.

[255] William Park Winans, "Statistical Return of Farming &c of the Indians parties to no treaty, East of Cascade Mountains, 1870," 60-61; and William P. Winans to Ross, August 1, 1870, 45. ff. 34 Cage 147, Letterbook "Copies of Correspondence of W.P. Winans," Box 147/4, Cage 147, William Park Winans Papers, 1836-1915, Manuscripts, Archives, and Special Collections, Washington State University, Pullman, WA [hereafter MASC WSU].

[256] J.M. Cataldo, S.J. to Rev. Father, July 15, 1872, 165-166. ff. 4:12 Cataldo, Fr. Joe, Correspondence, To Fr. DeSmet, 1871-1872, published in Letters and Notices, Box 4, Correspondence, Personal Papers of Cataldo, Joseph, JOPA GSC.

[257] William P. Winans, Meetings with Tribes, June 22, 1872, 198; and William P. Winans, "Annual Report 1872 – Statistical Return of Farming &c of the Indians Parties to no Treaty East of the Cascade Mountains, Washington Territory, 1872." ff. 34 Cage 147, Letterbook "Copies of Correspondence of W.P. Winans," Box 147/4, Cage 147, William Park Winans Papers, 1836-1915, MASC WSU.

officials identified these lands as "1st and 2nd class" agricultural lands, as shown on **Figure 14** above. The Hangman Creek lands were rated exclusively "1st class" the best, while those to the north of the creek, west of the lake, were a mix of "1st" and "2nd class." Moving further north toward the Spokane River, the quality dropped to "2nd" class before being overtaken by lands that were largely "Timbered . . . with small valleys of pasture lands." The eastern part of the reservation near and along the St. Joe River was likewise "2nd class," becoming hilly, "Timbered," with "3rd Rate soil" and "in Places rocky" closer to what became the reservation boundary in 1891.[258]

The Hangman Creek area was the locus of their settlement, but the tribe reportedly extended over the "Camas Prairie East & North to Missoula [Mullan's wagon] road." The move was a further step toward a new social order that embraced modern values of individualism and "civilization" for the Coeur d'Alene in that each family claimed and occupied their own tract of agricultural land. Engaged in a process that redefined their social, cultural and physical landscape, the migrating families, behaving like pre-emptors on the unsurveyed public domain, staked out their property and took up individual claims. Even though the Indians did not own the tracts, they lived on the farms and each viewed their property as their own. These land claims were recognized and respected by others. The Coeur d'Alene plots of land were apparently assigned by tribal leaders to individuals. According to Special Allotting Agent W.B. Sams, prior to the allotment period lands were assigned by "the Chief [who] would go and point out to them a certain tract of land and have them plough a furrow around the same, which was afterwards fenced and cultivated." These tracts were "invariably" located "in the draws where the water is most convenient and along the streams."[259]

The Hangman Creek lands, in particular, are located in the far northeastern corner of the famed Palouse agricultural belt, where the climate is at its coldest and wettest. Native grasses along with camas root, hay crops, and oats thrived in the lowlands, but wheat faced a greater danger from frost and produced lower yields in the heavier soils. The Coeur d'Alene thus practiced a mixed agriculture that leaned heavily towards livestock, small dry-farmed grains, and vegetable gardens. They kept large numbers of horses and swine, with somewhat smaller herds of cattle. Early on, bread was a high status item, and Coeur d'Alene farming families went to considerable effort to raise enough wheat for bread year-round; however, most of the grain cultivated was oats, which provided winter feed for animals and was less difficult to cultivate than wheat.[260]

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[258] "Map of Coeur d'Alene Indian Reservation," Feb. 8, 1888. Map 1245, Idaho, Tube 680, 110 Coeur d'Alene Indian Lands and Reservation, Central Map Files, Cartographic Records, RG 75, NARA CP.

[259] "Indians, Spokanes, the different bands of. Tribal names of. Their Chiefs names of. Number of and localities in which they live." Inspector's File No. 1864, Inclosure No. 9, 1890-21864, Idaho Superintendency, 1873-79, Roll 20, M1070 Reports of Inspection of the Field Jurisdictions of the Office of Indian Affairs, 1873-1900, RG 48; and W.B. Sams, Sp'l Allott Agent, To the Commissioner of Indian Affairs, Sept. 13th, 1908. File No. 313, 58767-1908 Coeur d'Alene, Box No. 56 Coeur d'Alene 56387-1908-313 to 23634-1909-313, Entry 121 Central Classified Files, 1907-39, RG 75, NARA DC.

[260] Mike Hall, Douglas L. Young, and David J. Walker, *Agriculture in the Palouse: A Portrait of Diversity*, University of Idaho College of Agriculture, Extension Bulletin 794 (Moscow: University of Idaho, Feb 1999), 1-2, 18; and Seltice, *Saga of the Coeur d'Alene Indians*, 158-161.

Young Coeur d'Alene men initially developed their agricultural skills working on the mission farm, where steady labor, rather than maximum efficiency, was the guiding aim. Their early tools and techniques were unsophisticated, suitable only for growing small quantities of grain. Oxen pulled simple, handmade walking plows that worked small fields of generally two or three acres. Wheat was hand-broadcast from a sack hung around the neck, and a farmer needed an entire day to cover seven or eight acres. The seed was then covered by harrowing with thorn bushes that were tied together and pulled behind the oxen. At harvest, Coeur d'Alene made use of a small reaper owned by the mission. The grain was then hand raked into bundles that were tied, stacked, and left to dry. Stampeding horse through specially built corrals where the grain was laid out on the floor threshed the wheat. The final step of milling the grain to flour was done at the mission with a small two-horse stone mill that required two months to grind all the harvested wheat.[261]

Over subsequent decades, as the Coeur d'Alene moved in greater numbers to the Hangman Creek Valley and other agriculturally-suitable locations, it became a "prevailing practice," according to Indian Superintendent Morton D. Colgrove, for "thrifty" Indian families "to claim as much land as they could fence," thereby obtaining control over large areas of cultivable land. As farmers invested in agricultural implements, machinery, and wagons, they were capable of farming larger tracts than they had previously and agriculture became more central to the reservation economy. The Coeur d'Alene Indians who seemingly embraced Euro-American style agriculture did not completely abandon their traditional hunting, fishing, and gathering economy, but these did decline in importance as more and more Coeur d'Alene took up agricultural activities.[262]

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[261] Seltice, *Saga of the Coeur d'Alene Indians*, 158-161, 204-205; Palmer, "The Settlement of Ni'lukhwalqw," 39; Keith Williams, "Hills of Gold: A History of Wheat Production Technologies in the Palouse Region of Washington and Idaho," (PhD diss., Washington State University, 1991), 46.

[262] Palmer, "Indian Pioneers: The Settlement of Ni'lukhwalqw (Upper Hangman Creek, Idaho) by the Schitsu'umsh (Coeur d'Alene Indians)," 27, 37; Seltice, *Saga of the Coeur D'Alene Indians*, 234-236; Ross R. Cotroneo and Jack Dozier, "A Time of Disintegration: The Coeur d'Alene and the Dawes Act," *Western Historical Quarterly* 5 (1974) 407. See Harold D. Stevens, "An Analysis of Coeur d'Alene Indian-White Interrelations," M.A. thesis, University of Idaho, Moscow, 1955, 78. ff. 11:16 Published Histories, Thesis, "An Analysis of Coeur d'Alene Indian-White Interrelations," by Harold D. Stevens, University of Idaho, 1955, Box 11, Sacred Heart Mission Records, JOPA GSC; John A. Simms, Colville Indian Agent to the Commissioner of Indian Affairs, August 23, 1877, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior* (Washington: General Printing Office, 1877), 186-187. Morton D. Colgrove to Commissioner of Indian Affairs, November 5, 1912. Letterbook 5, OFF 10/12/12 to 11/2/13, 46-47, Box No. 0002, Letters sent to Commissioner of Indian Affairs 1911-14, Northern Idaho Agency, Coeur d'Alene Agency, RG 75, NARA S.

According to reports by federal Indian officials and the local Jesuit missionaries, for instance, fishing formed only a small part of the Coeur d'Alene diet by the end of the century. Colville Indian Agent George Newman observed in his 1896 report that while the majority of the Coeur d'Alene farmed or raised stock, a "few" fished and hunted. The 1904 annual report of the Commissioner of Indian Affairs indicated that only 10% of Coeur d'Alene subsistence was derived from "hunting, fishing, and root gathering." The Jesuit fathers in the mid-1910s observed that Coeur d'Alene Indian families would visit Lake Chatcolet in the summer to fish and Peter Moctelme and Andrew Yasmos enjoyed fishing on Plummer Creek, which fed the lake, but Coeur d'Alene Indian superintendent Morton D. Colgrove reported that tribal members "fish . . . to a very limited extent." See Geo. H. Newman, United States Indian Agent, to The Commissioner of Indian Affairs, August 22, 1896, Report of Colville Agency, Reports of Agents in Washington, in *Annual Report of the Commissioner of Indian Affairs, 1896*, 311; US Congress, House of Representatives, *Annual*

The Indians recognized that a water source was an important consideration in selecting land upon which to settle and build a permanent home. Tribal members, as noted above, initially chose areas "where there was good running water or a fresh running spring." However, most of the farms were served with water for domestic use, stock watering and subsistence orchard and garden plots from wells where good quality water was frequently found at a depth of 20 feet or less. Once barns were erected, farm implements and machinery secured, and grain fields sowed with wheat, oats or other small grains, herds flourished and the pastoralists grew richer.

With the tribe territorially concentrated, the influence of the Catholic church – with the new church, boys' and girls' schools, and Indian village at DeSmet – grew in the lives of the Indian population. DeSmet became not only the center of religious life, but also the social and political center of the reservation and the place where negotiating councils with U.S. government officials and other important tribal meetings were held. Father Diomedi wrote to the Bureau of Catholic Indian Missions in April 1877 that the transformation that had taken place among the "Pointed Hearts" since their relocation to Hangman Valley had been nothing short of remarkable. "Any white man acquainted with our Indians wonders at the progress they made both in religion and in civilization," he wrote. "It is enough to say that in the whole tribe we have only two cases of wild life; all the rest are good and practical Catholics. As to their industry I may say it is far superior to the expectation of anyone, and with hardly any exception all of them are a collection of good farmers."[263]

Figure 21 below, a 1907 General Land Office survey plat of Township 44 North, Range 5 West, Boise Meridian illustrates some of these land use and development patterns. This township encompasses a portion of the Hangman Creek Valley, roughly between Liberty Butte (located in Secs. 7, 8, 17, and 18) and the town of DeSmet where the mission, the Catholic boys and girls school, and the Coeur d'Alene agency were all were located (Secs. 23 and 24). Residences for Sol Louie and Peter Wildshoe (both in Sec. 10), Seltice (Sec. 15), Louie Sam (Sec. 20), and several other tribal members are clearly identified, although in some cases merely "house" is noted. Several of the identified individuals are located near Hangman Creek (as is the case for Sol Louie and Peter Wildshoe), adjacent to unnamed streams, or near springs (Seltice is located about a mile from Andrew Springs in Secs. 16 and 20 and half-a-mile from an unnamed tributary of Hangman creek); DeSmet itself is located less than a quarter of mile from Hangman Creek.

Reports of the Department of the Interior for the fiscal year ended June 30, 1904: Indian Affairs. Part I. Report of the Commissioner and Appendixes, 58th Cong., 3d sess., 1905, H. Doc No. 5, 610; House Diary, 1894-1931, July 3, 1915. ff. Journals 3:10, House Diary, 1894-1931, typescript by Fr. Wm. Ryan, SJ [NWM 16: 807-910], Box 3, Sacred Heart Mission Records, JOPA GSC; Supt. & S.D.A. to Fish and Game Warden, Boise, Idaho, March 9, 1911. Misc. 4th Nov. 1910 to 9/9/11, 211, Box No. 0003, Miscellaneous Letters sent 1909-11, Coeur d'Alene Agency, Northern Idaho Agency, RG 75, NARA S.

[263] Seltice, *Saga,* 230, 253-255; and Alexander Diomedi to Bureau of Catholic Indian Missions, April 3, 1877. Frames 7-9, Idaho Territory, Coeur d'Alene Reservation, De Smet Mission, 1875-1884, Correspondence, Roll 8, Series 1-1, Bureau of Catholic Indian Mission Records, Marquette University).

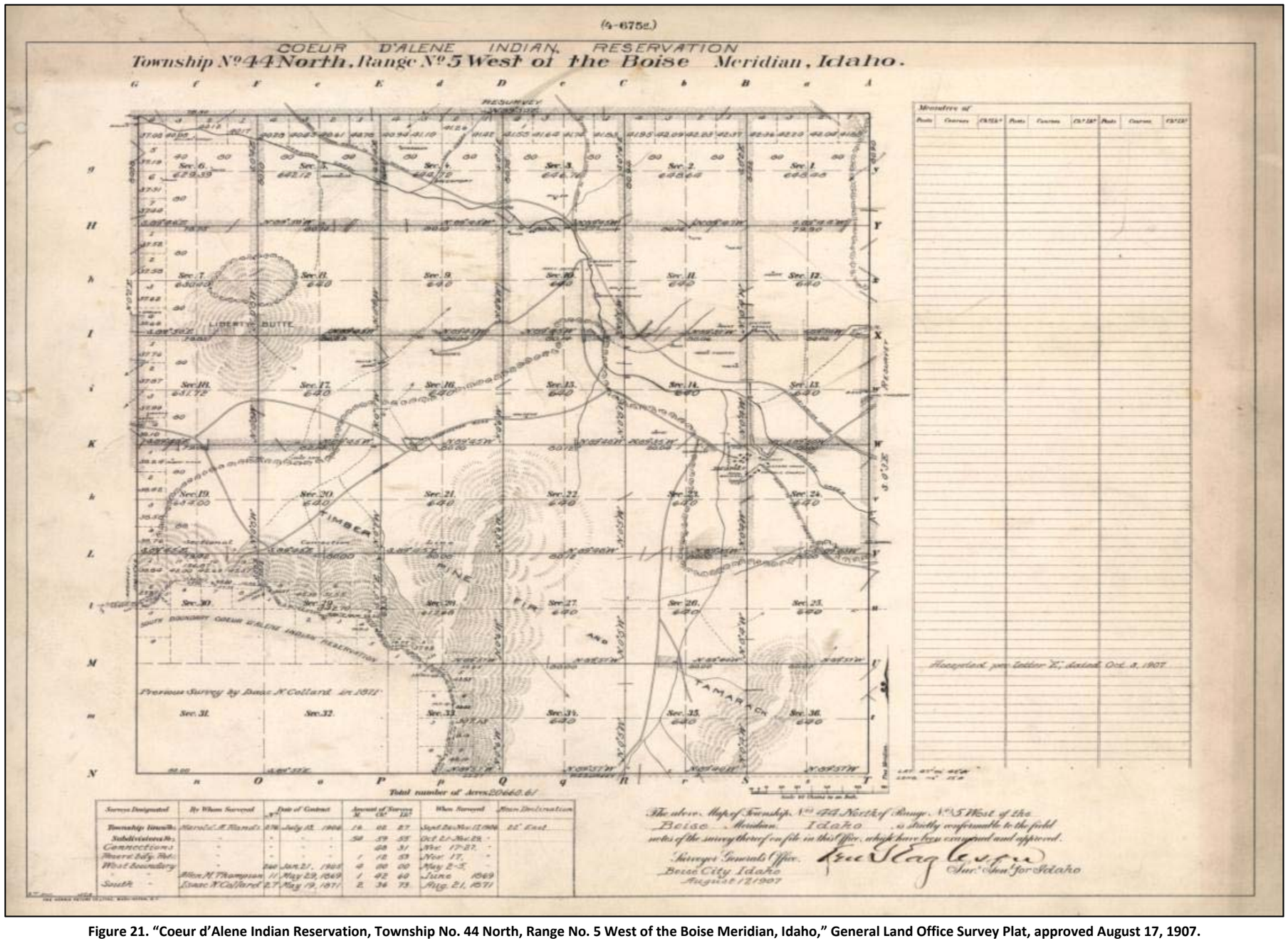

Figure 21. "Coeur d'Alene Indian Reservation, Township No. 44 North, Range No. 5 West of the Boise Meridian, Idaho," General Land Office Survey Plat, approved August 17, 1907.

Diagonal hashmarks appear along many of the exterior section lines of the township, denoting agricultural fields.[264]

Into the 1880s, more members of the tribe turned to farming. Most operations began as small family farms, with a few horses or cattle, or dry-farmed wheat and oat fields just large enough to make flour for a family and raise feed for milk cows. This pattern suggests that the Indians practiced mixed farming operations or what might be called the "Midwestern close-herding" type of ranching operations wherein cattle grazed on open pasture land, hay meadows, and bottom lands during the spring and summer months and were brought to the home ranch during the harsh winter and fed with hay cut and put up as winter feed. When the hay had been harvested and put up and when the crops were all in the ground and growing, farmers and pastoralists had time to fish and hunt as they had always done.[265]

Important sources of information on the Coeur d'Alene in this period include the annual reports of the Colville Indian Agency to the Commissioner of Indian Affairs; the reports of the resident Colville Agency Farmer and later the Coeur d'Alene Resident Farmer; and periodic inspection reports by U.S. Indian Inspectors reporting directly to the Secretary of the Interior. The annual reports of the Colville Indian Agency were authored by the U.S. Indian agent at Fort Colville in Washington Territory. The Colville Agency oversaw a number of tribes in the region including the Coeur d'Alene, whose territory was over 100 miles from Colville. It is not clear if these reports are based on first-hand observations; given the distance separating the Colville and Coeur d'Alene reservations, the Colville Agent certainly could not spend much time on the Coeur d'Alene Reservation. From the late 1870s through the mid-1880s, separate reports by the Colville Agency Farmer and the Coeur d'Alene Resident Farmer – the latter of whom resided on the Coeur d'Alene reservation at DeSmet and thus could make first-hand observations – provide greater details about tribal agricultural and economic activities. The U.S. Indian Inspectors, who were charged with making independent reviews of Indian agencies throughout the West, likewise offer first-hand account of tribal conditions.[266]

Annual reports of the Commissioner of Indian Affairs, from 1874 through 1906, aggregated statistics given in these individual reports; those statistics are summarized in **Table 1** below.[267] While at times incomplete

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[264] US Department of the Interior, *Coeur d'Alene Indian Reservation, Township No. 44 North, Range No. 5 West of the Boise Meridian, Idaho*, General Land Office Survey Plat (1907), available online at: http://www.glorecords.blm.gov/details/survey/default.aspx?dm_id=37967&sid=heitwap4.h05#surveyDetailsTabIndex=1, last accessed September 24, 2014.

[265] Seltice, *Saga,* 66-69, 158, 179, 186-87, 204, 231, 238-39, and 241-44; Cox, "Tribal Leadership," 2-9, 25-31, "Testimony Fixes Land Values," *Coeur d'Alene Evening Press*, December 31, 1906.

[266] Colville Agency Reports and Reports of Agency Farmers are bound in *Annual Reports of the Commissioner of Indian Affairs.* Many of these reports are available online at The History Collection, University of Wisconsin-Madison Libraries, Digital Collections, available at http://digital.library.wisc.edu/1711.dl/History. U.S. Indian Inspectors reports can be found in National Archives' Microfilm Publication M1070, Reports of Inspection of the Field Jurisdictions of the Office of Indian Affairs, 1873-1900.

[267] *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior* [hereafter *AR CIA*] *for the Year 1874*, 328-329; *AR CIA 1878*, 129-130; *AR CIA 1879*, 140-144; *AR CIA 1880*, 153-154; *AR CIA 1881*, 159-161; *AR CIA 1882*, 152-154; *AR CIA 1883*, 298-299; *AR CIA 1884*, 158-162; *AR CIA 1885*, 183-186; *AR CIA 1890*, 476-477; *AR CIA 1892*, 814-815; *AR CIA 1898*, 626-627; *AR CIA 1899*, 594-595; *AR CIA 1900, Pt. 1*, 672-673; *AR CIA 1901, Pt. 1*, 722-

or imprecise, these numbers when taken with narrative reports indicate that the Coeur d'Alenes' agricultural efforts – concentrated largely on farming wheat and oats – were successful from the 1870s through the 1890s despite setbacks in 1893 and 1897. Indeed, Coeur d'Alene agriculture development from the late 19th century into the early 20th century, closely paralleled that of the Palouse overall, with a focus on dry farming of grains supplemented by stock raising.[268]

The period from the late 1870s through the late 1880s was one of steady and significant improvement. In 1878, for instance, Colville Indian Agent John A. Simms counted over 100 farms "cultivated in a manner that would be creditable to any white settlement." The Indians grew wheat and oats on fields from 5-to-100 acres and had small log dwellings and barns. Many farms were described as being well-fenced and employing good farm implements such as 15 "Eastern-made" lumber wagons, and many two-wheeled carts. The agent noted that five tribal members had yoke oxen. The new focus on agriculture allowed the tribe to move beyond small-scale subsistence farming and produce surplus crops for market. James O'Neill, Colville Agency Farmer, reported that in July of 1879 the Coeur d'Alene were in the process of transporting oats for sale to the recently-established Camp Coeur d'Alene (later known as Fort Coeur d'Alene and then Fort Sherman), the city of Spokane Falls, and other nearby rural towns.[269]

The Coeur d'Alene continued to expand and improve their farms over the next decade. In January 1880, Colville Agency resident farmer James O'Neill was transferred to the Coeur d'Alene Reservation and charged with not only teaching the Coeur d'Alene agricultural techniques but also "protect[ing] them from the encroachments of white settlers." Over the course of the upcoming year, O'Neill noted a "marked change" in the condition of the farms on the reservation, reporting that many existing farms had been enlarged and about 60 new farms settled upon. He counted about 160 farms total, "all under good

723; *AR CIA 1903, Pt. 1*, 542-543; *AR CIA 1904 Pt. 1*, 628-629; and *AR CIA 1906*, 213-215. The History Collection, University of Wisconsin-Madison Libraries, Digital Collections, available at http://digital.library.wisc.edu/1711.dl/History, last accessed February 25, 2016; *AR CIA 1877*, 710-711 (Trial Exhibit 238); *AR CIA 1885*, 409, 616-617 (Trial Exhibit 246); *AR CIA 1886*, 624-625 (Exhibit 247); *AR CIA 1887*, 458-459 (Exhibit 248); *AR CIA 1888*, 442-443 (Trial Exhibit 249); *AR CIA 1891*, 788-789 (Trial Exhibit 252); *AR CIA 1893*, 720-721 (Exhibit 254); *AR CIA 1894*, 596-597 (Trial Exhibit 255); *AR CIA 1895*, 590-591 (Trial Exhibit 256); *AR CIA 1902, pt. 1*, 664-665, accessed at www.doi.gov/ost/tribal_doc_archive, last accessed February 25, 2016. All identified trial exhibits from *United States of America and Coeur d'Alene Tribe v. State of Idaho*, Case No. CIV-94-0328-N-EJL

[268] See Andrew Duffin, "Fill the Earth and Subdue It: The Environmental Consequences of Intensive Agriculture in the Palouse" (PhD diss., Washington State University, 2003), 49-69.

[269] John A. Simms, Colville Indian Agent to the Commissioner of Indian Affairs, August 8, 1878, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior, for the Year 1878* (Washington: General Printing Office, 1878), 129-130; and James O'Neill, Farmer, Colville Agency, to Hon. John A. Simms, United States Indian Agent, Colville Agency, Wash., July 26, 1879, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior, for the Year 1879* (Washington: General Printing Office, 1879), 141-144.

Table 1. Agriculture and Stock Raising on Coeur d'Alene, 1874, 1877-1904, and 1906

YEAR	ACRES CULTIVATED	CROPS (in bushels unless otherwise noted)								STOCK (numbers)								NOTES
		"GRAIN"	WHEAT	OATS	BARLEY & RYE	CORN	"VEGETABLES" (potatoes, onions, beans, turnips, etc.)	MELONS & PUMPKINS (numbers)	HAY CUT (tons)	HORSES	DAIRY COWS	OXEN	CATTLE	MULES	SWINE	SHEEP	FOWL	
1874		600																Numbers reflect aggregate totals for Indians of the Colville Agency, including the Coeur d'Alene
1877	1,657		7,000	1,500		150	2,370		75	4,850			1,500	8	150			
1878			12,000	3,500		300	2,000											
1879			15,000	4,000		430	3,500	2,600	100									
1880	570		18,000	17,000		500	7,150		150									Crop and stock numbers reflect aggregate totals for Indians of the Colville Agency, including the Coeur d'Alene. Acres under cultivation for Coeur d'Alene Indians Basil, Louie, Marchand, Pierre, George, Joseph, and Seltice only. Reservation Farmer reported a total of 160 Coeur d'Alene farms.
1881	4,500		20,500	28,000			8,000		400	2,500	200	100	1,400 "other"		1,800			
1882	5,000	100,000																
1883	11,672		35,000	20,400		600	3,850		1,400	6,100			5,500	8	7,750		1,550	Numbers reflect aggregate totals for Indians of the Colville Agency, including the Coeur d'Alene.
1884			45,000	35,000			10,000			6,000			2,500		4,900			
1885	1,200									9,000			8,500	8	3,400		3,500	Acres cultivated are for Coeur d'Alene only; crop and stock numbers reflects aggregate totals for Indians of the Colville Agency, including the Coeur d'Alene.
1886	6,100		55,000	45,000	150	100	1,050	25,000	800	3,000			3,000		6,000		2,000	
1887	6,900		30,000	60,000	100	100	1,875	8,000	1,200	3,000			1,000		1,000	200		
1888	6,000		40,000	11,000			2,610		1,500	3,205			1,200		1,500	100	1,200	
1889	6,000		40,000	11,000			2,610		1,500	3,205			1,200		1,500	100	1,200	
1890	7,500		7,000	70,000		100	1,620		1,400	1,202			400		400		500	
1891	8,000		10,000	17,500			2,830		3,000	1,404			600		300		700	
1892	7,500		8,000	15,000			1,487		1,500	1,529			550		250		800	
1893	4,800		27,600	56,500			2,750		2,760	8,284			1,450		950		750	
1894	11,876		45,000	45,846		805	2,654		2,605	2,140			1,080		383		1,829	
1895	32,500		85,000	80,311		1,750	3,447		3,700	2,217			1,108		467	96	1,764	
1896	35,000		100,000	75,800		50	1,025		4,000	2,137			1,264		546	125	2,120	
1897	36,000		100,000	90,200		10	1,060		5,000	2,110			950		600	150	2,000	
1898	28,000		110,000	101,500		25	590		500	2,205			1,000		700	160	2,000	
1899	28,000		115,000	122,000			1,050		640	2,500			1,800		900		2,000	
1900	29,000		117,000	124,900		100	1,230		690	2,500			1,400		1,000		2,200	
1901	30,000		121,000	131,800			1,625		800	2,700			1,460		1,040		2,500	
1902	20,000		122,000	130,000			18,000		2,000	2,700			1,510		1,100		2,800	
1903	30,000		120,000	125,000			21,000		2,000	2,800			1,600		1,400		3,000	
1904	20,000		80,000	115,000			61,300		10,000	2,504			1,200		600	175	2,500	
1906	15,000																	

cultivation and excellently fenced." Of the grain being grown, about a third was wheat and two-thirds oats – all marketed to the military reservation and the small towns adjacent to the reservation.[270]

That same year Simms reported to the Commissioner of Indian Affairs,

> The progress made by the Coeur d'Alenes in farming is particularly encouraging many of them have valuable tracts, well fenced and cultivated in a manner that would be considered credible in any frontier settlement; they have in all 160 farms, and find a ready sale for their surplus produce at good prices. They take great pride in their farms, and do not hesitate to use their available means in the purchase of agricultural implements, they have purchased during the year 45 heavy wagons which increases the number they have to 60 . . . they are building and have furnished in all 30 new houses during the present year. These Indians receive no assistance from the government other than the support of a boarding school of 25 scholars which is in charge of the Sisters of Charity . . .[271]

Farmland acreage reportedly increased again in 1881. About 4,500 acres were under fence and cultivation, and tribal members possessed 1,800 swine, 2,500 horses, 200 milk cows, 1,400 cattle and 100 oxen. The productive farm acreage yielded 20,500 bushels of wheat; 28,000 bushels of oats; 8,000 bushels of potatoes, turnips, carrots, onions, beets, and other vegetables; 250 tons of oat hay; 150 tons of timothy and wild hay. Improvements on the Indian farms included 30 "large" barns. Among the farming implements owned by tribal members were 95 wagons, one reaper, and one reaper and binder.[272]

Simms' successor Sidney Waters was as impressed as his predecessor by the Coeur d'Alenes' agricultural efforts. Visiting the tribe with O'Neill in late 1883, he found the tribe had "cultivated quite extensively and that by their own exertions they were very well supplied with farming implements and I will say that I think these Indians far advanced over their white neighbors; they all have excellent fences and very comfortable frame or log houses with the exception of four or five families who live in lodges." Waters reported the following year that the tribe produced 45,000 bushels of wheat; 35,000 bushels of oats; 10,000 bushels of potatoes; 6,000 horses; and 2,500 cattle and 4,900 swine.[273]

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[270] Commissioner E. A. Hayt to Agent John A. Simms, January 10, 1880. ff. Letters Rec'd CIA 1880-82 re CdA Indians, Box 18a, Letters Received, Commissioner re Coeur d'Alene, Lake and Wenatchi Indians, 1892, 1901-08 and re Coeur d'Alenes 1866-89, BIA – Coleville, RG 75, NARA S; and James O'Neill, Farmer-in-Charge, Coeur d'Alene Reservation, to Hon. John A. Simms, United States Indian Agent, Colville Agency, August 6, 1880, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior, for the Year 1880* (Washington: General Printing Office, 1880), 154-155.

[271] John A. Simms, U.S. Ind. Agent, to Hon. R.E. Trowbridge, Commissioner Ind. Affairs, August 18, 1880. ff. Letters Sent, CIA, 1880-81, Box 35a, Letters Sent, Commissioner 1874-1886, BIA Colville, RG 75, NARA S.

[272] James O'Neill, Resident Farmer, Coeur d'Alene to Hon. John A. Simms, United States Indian Agent, Colville Agency, Wash., August 16, 1881, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior, for the Year 1881* (Washington: General Printing Office, 1881), 161.

[273] Sidney D. Waters, Colville Indian Agent, to the Commissioner of Indian Affairs, November 10, 1883. 1883-21283, Box 163, 1883 20740 to 21299, Entry 91 Letters Received, 1881-1907, RG 75, NARA DC; Sidney D. Waters, Indian Agent, to the Commissioner of Indian Affairs, August 12, 1884, in *Annual Reports of the Department of Interior, Report of the Commissioner of Indian Affairs for 1884* (Washington: General Printing Office, 1884), 159; and James O'Neill, Coeur d'Alene Resident Farmer to Sidney D. Waters, Colville Indian Agent, July 26, 1884, in *Annual Reports of the Department of Interior, Report of the Commissioner of Indian Affairs* (Washington: General Printing Office, 1884), 161-162.

O'Neil's 1885 annual report once again noted an increase in cultivation, but it was modest as the farmers relied upon rainfall to mature their crops and prolonged drought had affected crop yield. Nevertheless, the farmers pursued other improvements, building barns and dwellings, fencing, and purchasing needed farming equipment including mowers, reapers, and drills. The Coeur d'Alene reportedly "seek for the newest and latest improved styles and in the number and variety of their implements they are not behind their white neighbors around them." The resident farmer wrote approvingly of the tribe's stock of horses and cattle, and remarked that "they know they have a fine country for timber, agriculture and grazing."[274] For his 1885 report to the Commissioner, Waters claimed that "the farms of the Coeur de Alenes [were] equal if they do not exceed the best farms of their white neighbors."[275]

O'Neill resigned as the Coeur d'Alene resident farmer in 1886, but details as to the Coeur d'Alenes' agricultural progress can be found in reports of US Indian Inspectors. U.S. Indian Inspector Robert A. Gardner – whose 1887 report was cited and discussed in Atkins's report on the 1887 agreement – was less effusive in his praise of the Coeur d'Alene than O'Neill, Waters, and Simms had been, yet he too could not deny the strides made by the tribe as farmers. As discussed above, Gardner found that the Coeur d'Alene "reserve of 598,500 acres" had "not more than 50,000 or 60,000 acres susceptible to cultivation." Nevertheless, the tribe of 487 was "very industrious, and good practical farmers," with little need for the service of the resident farmer. The Coeur d'Alene farmers, wrote Gardner, lived in "comfortable frame Houses, and are fairly supplied with Barns, Stables and other out buildings." Two years later, in 1889, U.S. Indian Inspector James A. Saunders found that the tribe had 6,000 acres in cultivation "(an increase of nearly 200 over the preceding year)," and had raised 40,000 bushels of wheat; 70,000 bushels of oats; 2,000 bushels of potatoes; and 1,000 bushels of barley and rye.[276]

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[274] The Coeur d'Alene were busy replacing their stock of scrubby "cayuse" or Indian ponies, which were good for traveling long distances at a rapid pace, for imported American stallions from eastern states which were superior work animals – more fit for farming and freighting. Wild horses remained a problem on the reservation into the 1890s. They were generally located west of Lake Coeur d'Alene between Rockford Landing and Lake Chatcolet, and east of DeSmet. They destroyed and consumed feed that otherwise would be used by tribal cattle or work horses; "many gentle horses," moreover, were lost into the wild horse bands. In early 1898, the tribe agreed to sell the horses to Stephen Liberty, a white man adopted into the tribe and a confidante of Seltice, with the proceeds devoted to "repairing roads and other needful purpose" on the reservation. O'Neill to Waters, Annual Report, August 10, 1885. ff. Misc. Letters Rec'd Coeur d'Alene 1884-85, Box 32, Letters Received, Miscellaneous, Coeur d'Alene Reservation 1880-90; Agreement between Andrew Seltice, Chief of Coeur d'Alenes and S.E. Liberty, witness: Geo. F. Steel, Carpenter for Coeur d'Alene Reservation, January 3rd, 1898; and S.E. Liberty to Major A.M. Anderson, U.S. Indian Agent, Colville Agency, Jan. 14, 1898. ff. Misc. Letters Rec'd Coeur d'Alene 1897-99, Box 34, Letters Received, Miscellaneous Coeur d'Alene Reservation 1897-1904, BIA Colville, RG 75, NARA S.

[275] Sidney Waters to John Atkins, June 13th, 1885. Commissioners Letters, Letterbook 3, June 26, 1884 to Feb. 10, 1886, 259-261, Box 35a, Letters Sent, Commissioner, 1874-1886, BIA Colville, RG 75, NARA S.

[276] John Mullan to Mr. Lusk, [May 1886?]. Frames 296-297, Idaho Territory, Colville Agency, Coeur d'Alene Reservation, De Smet Mission, 1886, Roll 14, District of Columbia – Wisconsin, Milwaukee, 1886, BCIM MU; US Indian Inspector Robert S. Gardner, "Inspection of Colville Agency," September 19, 1887, 4-7, 11. 1887-26706, Colville Agency, Sept. 19, 1887 (5035); and US Indian Inspector James A. Saunders, "Inspection report on Colville Agency, W.T.," January 17, 1889, 3. 1889-3058, Colville Agency, January 17, 1889 (464), Roll 7, M1070 Reports of Inspection of the Field Jurisdictions of the Office of Indian Affairs, 1873-1900, NARA-DC.

In the early 1890s, the Coeur d'Alene began investing their annuity payments (from the 1887 and 1889 agreements) in farm machinery, employing hired hands, building new homes and barns, and raising those crops that had thus far proved most marketable: wheat and oats. The Colville Agent Hal J. Cole noted in his report for 1893 that "a very great majority" of the Coeur d'Alene were actively engaged in farming or stock-raising. Of all the tribes of the inland Northwest, the Coeur d'Alene were in Cole's estimation "far in the lead in farming and agricultural pursuits" having "large tracts of excellent land, fenced and under a high state of cultivation."[277] The recent partial payments received for sale of land to the federal government was invested judiciously in horses, wagons, and farm machinery to break new land. Tribal members also deposited, according to the agent, "a great deal of money . . . [in] the banks of Farmington, Tekoa, and Rockford, Washington." By May 1894 the saw and grist mill promised in the 1887 agreement had also been completed, enabling the Coeur d'Alene to cut their own timber and grind their wheat into flour. All of this was achieved in spite of an apparent poor harvest in 1893, which when coupled with the hard economic times that followed the Panic of 1893 would have left the tribe in a diminished financial situation.[278]

In fact, many tribal members sensed their weakened financial condition. Anxious for an immediate infusion of cash, Seltice, Wildshoe, Moc-tel-me, Regis, and the rest of the tribal leadership appealed to the Indian Office for relief first in May and then in June 1894. Acting Commissioner Frank C. Armstrong stressed that if the Coeur d'Alene were indeed "no longer in need of articles for their progress, comfort, improvement, education and civilization, and that the money will be judiciously expended if paid in cash," and if their agent – in this instance, acting Colville Indian Agent Capt. John C. Bubb – recommended it, he would be inclined to authorize the direct payment of the remaining monies from the 1887 agreement. Assuring the commissioner that they were "well supplied with <u>all</u> [original emphasis] farming utensils and all necessaries to run and operate well-regulated farms" and thus in accordance with the 1887 agreement entitled to those monies reserved for their care, they asked "a great favor . . . to pay this money due us as the pro-rata to each individual will assist us all in paying off little indebtedness and paying hired help."[279]

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[277] "The Coeur d'Alene Indians," *Coeur D'Alene Press*, January 6, 1894.

[278] Both the Coeur d'Alene tribal leaders in their correspondence with the Commissioner of Indian Affairs in June 1894, and reservation carpenter George Steele in his separate confidential June 1894 letter to the Bureau of Catholic Indian Missions assert that the Coeur d'Alene crop of the previous year (1893) had failed. However, this is at odds with the statistics compiled by the Interior Department for 1893, reproduced as **Table 1**. The Interior Department statistics may be incorrect, or the Coeur d'Alene and Steele may be exaggerating the circumstances of that year. Certainly the Panic of 1893 had a deleterious effect on the agricultural markets for several years.

[279] Hal J. Cole, United States Indian Agent, to the Commissioner of Indian Affairs, July 31, 1893, in *Annual Reports of the Department of Interior, Report of the Commissioner of Indian Affairs for 1893* (Washington: General Printing Office, 1893), 321; Frank C. Armstrong, Acting Commissioner to Andrew Seltice and others, Chiefs of the Coeur d'Alenes, Through Acting Indian Agent, May 26, 1894. ff. Letters Rec'd CIA re Coeur d'Alene Indians 1894, Box 19a, Letters Received Commissioner re Coeur d'Alene Indians 1890-1901, BIA - Colville, RG 75, NARA S; Andrew Seltice, Head Chief, and others to Hon. Commissioner of Indian Affairs, c/o John W. Bubb, U.S.A, Acting U.S. Indian Agent, June 11, 1894. Inclos. No. 1, 1894-23464, Box 1098 1894 23283 to 23835, Entry 91 Letters Received, 1881-1907, RG 75, NARA DC; and George F. Steele to Father J. A. Stephan, Washington DC, June 13, 1894. Frames 1142-1144, Roll 24, Idaho, Colville Agency, Coeur d'Alene Reservation, De Smet Mission, 1894, BCIM MU.

Bubb ostensibly supported the Coeur d'Alene's request, although according to the Coeur d'Alene resident carpenter George Steele, Bubb was reluctant to do so "unless they entirely submitted to his will."[280] This sentiment was not expressed in Bubb's June 14 letter to the Commissioner which also forwarded the Coeur d'Alenes' letter. He wrote:

> The Coeur d'Alene Indians, so far as my observations go, have provided themselves very liberally with all kinds of farming implements and the necessary stock for operating their farms. This includes pretty much all the modern machinery now used on well-regulated farms. Their lands are, as a rule, well fenced and many of these Indians have large and extensive farms, good substantial houses and personal comforts.
>
> I recommend that the unexpended balance of $8,000.00 for the year 1894 be paid to them in money, believing the same will be judiciously expended by them.

On June 22, Commissioner of Indian Affairs D.M. Browning recommended per capita payments from the unexpended balance of 1893 and 1894 annual payments, in the sum of $16,000 be distributed to the Coeur d'Alene; the Secretary of the Interior approved.[281]

By August 1894, the tribe had begun to bounce back. That month U.S. Indian Inspector C. C. Duncan reported to the Interior Secretary: "This is a very rich agricultural reservation and these Indians have made decided progress in the cultivation of the soil and improvements of their farms . . . ." Many of the 500 Indians living on the reservation had used the recent $1,100 per capita payment received for ceding land to the U.S. to build substantial frame dwellings and barns, farming machinery and good livestock. According to Duncan's estimate, they possessed over 2,000 horses, 1,000 head of cattle, and a considerable number of hogs. They also planted large quantities of wheat, oats, and other crops and used the newly-erected flour and saw mill to great benefit in supplying farms with lumber and for grinding grain. According to a separate report by Special Indian Agent John Lane (the same who negotiated with the Coeur d'Alene for the Harrison cession), during the summer of 1894, the Coeur d'Alene cut "208.783 [board?] feet of lumber" at the saw mill, and at the flour mill, "six thousand nine hundred and eighteen bushels of wheat [were ground], making 245,822 pounds of flour or nearly 1254 barrels."[282]

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[280] Steele to Stephan, June 13, 1894. Frames 1142-1144, Roll 24, Idaho, Colville Agency, Coeur d'Alene Reservation, De Smet Mission, 1894, BCIM MU. Steele indicated in his letter that considerable tension, even animus, existed between the Coeur d'Alene and Bubb with the latter frequently "say[ing] sharp things to them [the Coeur d'Alene]." Steele also felt that Bubb's demand for submission was "very strange," and he hoped that Bureau of Catholic Indian Missions could intercede on the Coeur d'Alenes behalf. What actions the Bureau took are unknown; Bubb continued to oversee the Coeur d'Alene until 1896 when George Newman replaced him as the Colville Agent.

[281] Jno. W. Bubb, Capt. U.S.A., Acting U.S. Indian Agent, to Hon. Commissioner of Indian Affairs, June 14, 1894. 1894-23464, Box 1098 1894 23283 to 23835, Entry 91 Letters Received, 1881-1907, RG 75, NARA DC; and D.M. Browning to Secretary of the Interior, June 22, 1894. 1894-4509, Box No. 186 1894 4403-4892, Entry 653 Letters Received, 1881-1907, Indian Division, RG 48, NARA CP.

[282] C.C. Duncan, U.S. Indian Inspector, to the Hon. The Secretary of the Interior, August 6, 1894. 1894-5718, Colville Agency, Aug. 28, 1890 (5708), Roll 7, M1070 Reports of Inspection of the Field Jurisdictions of the Office of Indian Affairs, 1873-1900, RG 48; and John Lane, Special Indian Agent, to the Commissioner of Indian Affairs, January 30, 1895. 1895-5835, Box 1164 1895 5644 to 6073, Entry 91 Letters Received 1881-1907, RG 75, NARA DC.

In 1895, the Coeur d'Alene more than doubled the acres they had cultivated in 1894 and in 1897 they cultivated a peak of 36,000 acres.[283] For one quarter in 1895, the reservation flour mill ground 660 bu. of wheat, producing more than 25,000 lbs. of flour.[284] "An extended drought" in the spring and summer of 1896, according Bubb's replacement George Newman, "cut short all crops"; nevertheless, "a good average crop was raised, --comparing favorable with the white settlers in the same neighborhood." Most of the Coeur d'Alene were engaged in either farming or stockraising (the Coeur d'Alene "as a rule are well supplied with cattle and good American horses") by Newman's observation, and there "was very little other employment for them." "Some few engage in freighting," he added "while others fish, hunt, and pick hops."[285] The following year, Newman reported that despite the 1896 drought, the Coeur d'Alene were "in much better shape [than the other Indians of the Colville Agency], having been in better condition financially to meet a crop failure." That year the tribe produced 100,000 bushels of wheat; 90,200 bushels of oats and barley; 1,060 bushels of vegetables; and 5,000 tons of hay.[286]

Into the early 1900s, the Coeur d'Alene reportedly did not cultivate as many acres as they did in 1897 yet they continued to be praised for their agricultural efforts. As shown in **Table 1** above, in the eight-year period between 1897 and 1904, the tribe averaged slightly less than 30,000 cultivated acres. In 1898, tribal members invested in new threshing machines and the following year in new fencing which attracted the attention of the new Colville Agent, Albert M. Anderson. Anderson lauded the Coeur d'Alene in both years as being "further advanced in civilization, in better condition financially, and better farmers than any other tribe connected with this agency." As **Table 1** also indicates, despite a reduction in the overall number of acres cultivated from 1897 to 1904, the tribe maintained a high output of wheat and oats.[287]

The agricultural progress demonstrated by Coeur d'Alene farmers notwithstanding, the tribe faced several challenges by the turn of the century. During his 1894 inspection, C.C. Duncan took special notice of what he perceived as an unequal distribution of land that left some tribal farmers holding large quantities of the finest agricultural land while others were "forced upon smaller quantities of inferior land." Since

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[283] See **Table 1** above.

[284] George A. Sheldon, Sawyer and Miller, Report of Coeur d'Alene Reservation Mills for Quarter ending Sept 30, 1895. ff. Misc. Letters Rec'd Coeur d'Alene 1895-96, Box 33, Letters Received, Miscellaneous, Coeur d'Alene Reservation 1891-96, BIA Colville, RG 75, NARA S.

[285] George H. Newman, US Indian Agent, to Commissioner of Indian Affairs, August 22, 1896. Letterbook No. 12, Commissioner Indian Affairs Letters, From July 27, 1895 to April 20, 1897, 297, Box 38, Letters Sent, Commissioner, April, 1894-Sept., 1898, Vols. 11-14, BIA Colville, RG 75, NARA S. See also George H. Newman, United States Indian Agent, to the Commissioner of Indian Affairs, August 22, 1896, in *Annual Reports of the Department of Interior, Report of the Commissioner of Indian Affairs for 1896* (Washington: General Printing Office, 1895), 311. In his comments as to other avenues of employment, Newman was also speaking of the Colville and Spokane Indians.

[286] George H. Newman, United States Indian Agent, to the Commissioner of Indian Affairs, August 15, 1897, in *Annual Reports of the Department of Interior, Report of the Commissioner of Indian Affairs for 1897* (Washington: General Printing Office, 1897), 289; US Department of Interior, *Annual Reports of the Department of Interior, Report of the Commissioner of Indian Affairs* (Washington: General Printing Office, 1897), 508.

[287] See **Table 1** above, and Albert M. Anderson, United States Indian Agent, to the Commissioner of Indian Affairs, August 20, 1898, in *Annual Reports of the Department of Interior, Report of the Commissioner of Indian Affairs for 1898* (Washington: General Printing Office, 1898), 297; and Albert M. Anderson, United States Indian Agent, to the Commissioner of Indian Affairs, August 25, 1899, in *Annual Reports of the Department of Interior, Report of the Commissioner of Indian Affairs for 1899* (Washington: General Printing Office, 1899), 355.

before the passage of the 1887 General Allotment Act (also known as the Dawes Severalty Act, or Dawes Act, after its sponsor Senator Henry Laurens Dawes of Massachusetts), many observers began arguing that the Coeur d'Alene as one of the most civilized and progressive tribes in the country were well-equipped to receive their lands in severalty – that is, for each individual tribal member to be granted fee title to a tract of reservation land. Duncan believed that severalty could result in a more equitable distribution of land on the reservation. He conceded that most of the farmers were opposed to allotment; nevertheless, he felt that some individuals were "inclined to settle upon their own lands" and if "the necessity of taking their lands in severalty" was made clear to tribal leaders they would acquiesce to allotment. He advised the Interior Secretary to survey the interior section lines of the reservation and to authorize the allotment of reservation lands into agricultural tracts "at the earliest practicable opportunity."[288]

Perhaps faced with too much land, some tribal members looked to lease their holdings to non-Coeur d'Alene farmers. Julia Camille, "widow of the late Indian Camille" and P.J. Wickard, for instance, sought to lease the "Camille Ranch" on the reservation in late 1894 – a move that then-acting Colville Agent John Bubb supported. Commissioner of Indian Affairs, D.M. Browning, however, denied the request noting "that the lands on the Coeur d'Alene Reservation have never been allotted to the Coeur d'Alene Indians in severalty. Until this is done, and until the allotments have been approved by the Secretary of the Interior, they cannot enter into lawful leases covering lands they occupy." If the problem was that "Mrs. Camille is rightfully occupying more land than she can farm," Browning advised "that she should make application . . . for the employment of white labor to assist her in her farm work."[289]

Camille was not an isolated case, and some members of the tribe apparently went ahead with leasing their lands in defiance of federal law in the 1890s. In 1898, Anderson reported to the Commissioner of Indian Affairs that this practice had been occurring "for a number of years," and "that many . . . have farms aggregating from two hundred to five hundred acres, and are personally unable to properly cultivate and care for the land." W. A. Jones, the Commissioner of Indian Affairs, reiterated Browning's earlier stance: "If these Indians have larger farms than they can personally cultivate, instead of leasing their lands they should secure authority for the employment of white labor to assist them in their farm work."[290]

The trend toward leasing would gain more ground after the allotment of the Coeur d'Alene Reservation in 1909. Allotment, which promised to further the assimilation of Native Americans into the mainstream of American life by turning them into individual property holders and thus yeoman farmers, had deleterious effect on the Coeur d'Alene. Agriculture production suffered as the vast holdings noted by Anderson and others were sharply reduced in size, ultimately prompting many tribal members to lease

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[288] C.C. Duncan, U.S. Indian Inspector, to the Hon. The Secretary of the Interior, August 6, 1894. 1894-5718, Colville Agency, Aug. 28, 1890 (5708), Roll 7, M1070 Reports of Inspection of the Field Jurisdictions of the Office of Indian Affairs, 1873-1900, RG48, NARA DC.

[289] D.M. Browing, Commissioner, to Capt. John Bubb, U.S.A., Acting Indian Agent, December 12, 1894. ff. Letters Rec'd CIA re Coeur d'Alene Indians 1894, Box 19a Letters Received Commissioner re Coeur d'Alene Indians 1890-1901, BIA-Colville, RG 75, NARA S.

[290] Commissioner of Indian Affairs to Albert A. Anderson, June 14, 1898. ff. 1898, Box 19a, Letters Received, Commissioner re Coeur d'Alene Indians 1890-1901, BIA – Colville, RG 75, NARA S.

their lands to non-Indian farmers and live off the rent, or more commonly for a one-third share of the crop. By the 1920s, the heyday of Coeur d'Alene agriculture had passed.

Allotment, Alienation, and Non-Indian Settlement on the Coeur d'Alene Reservation, 1906-1932

Allotment of the Coeur d'Alene reservation in the early 20th century not only alienated the tribe from lands formerly guaranteed to it by treaty and physically disassociated the tribe from several aboriginal waterways, but also prompted extensive non-Indian settlement on those former tribal lands – with significant consequences. As noted above, private citizens, elected officeholders, and federal officials had advocated since the late 1880s for the allotment of the Coeur d'Alene reservation, citing the tribe's demonstrated agricultural and material success. The Coeur d'Alene, however, neither approved of nor desired allotment and in fact the tribe believed that it would retain the reservation it secured in the 1887, 1889, and 1894 agreements forever. Congressional authorization of the reservation's allotment in 1906 nevertheless brought the Coeur d'Alene into conformity with a federal Indian policy that had emerged in the late nineteenth century, a policy that stressed assimilation through private landownership.

Accompanying the allotment of lands in severalty to tribal members was the opening of the reservation to non-Indian homesteaders. In this, the Coeur d'Alene were not alone. Several large Indian reservations were opened to public settlement during the early 1900s, often under protest by the Indian tribes against breaking up of their reservations – just as those tribes had protested against the earlier invasion of their aboriginal lands. The total acres of reservation land opened for settlement by the Interior Department through Congressional authorizations between 1907 and 1909 amounted to over 7,500,000 acres. By presidential proclamation in May 1909, President Taft opened to entry approximately 700,000 acres of land in the "Inland Empire" of the Pacific Northwest: on the Flathead Reservation in western Montana, about 440,000 acres; on the Spokane Reservation in eastern Washington, between 50,000 and 100,000 acres; and on the Coeur d' Alene Reservation in the panhandle of Idaho, more than 200,000 acres. The *Idaho Statesman,* a daily newspaper published at the state capitol, reported:

> At this time there is a great deal of interest all over the country in the opening of . . . the Coeur d' Alene Indian reservation in the state of Idaho. . . . The Coeur d' Alene contains some valuable timber. There are some quarter sections which are reputed to be worth as much as $20,000. There is also some agricultural land upon this reservation which are very valuable, being located in the rich wheat belt of the north.[291]

News of how to apply for these "surplus" Indian lands was spread far and wide. Applications for registration as a potential claimant were required to be delivered through the U.S. mail to James W. Witten, an officer of the General Land Office, who oversaw the land distribution program. In his proclamation, President William H. Taft declared "all non-mineral, unreserved lands classified as agricultural lands, grazing lands and timbered lands in the Coeur d' Alene Reservation" were to be disposed of as provided by the homestead laws of the United States and the Act of Congress approved June 21, 1906. It was provided therein that none of the land open to entry under the proclamation would

[291] *Idaho Statesman*, June 15, 1909.

become subject to settlement or entry prior to September 1, 1910, except by the registration process described in the proclamation. The lands which were not entered under the proclamation on September 1, 1910 were subject to settlement and entry under the general provisions of the homestead laws. Prospective homesteaders on the reservation were to pay for their land according to the value of the land chosen, as appraised by government survey. Assessed value for agricultural land ranged from $1.25 to $7.00 per acre which meant a 160-acre homestead might cost anywhere from only $200 up to $1120, payable on the installment plan. Following Taft's proclamation, thousands of would-be settlers descended upon the Coeur d'Alene Reservation, seeking to develop and profit from its agricultural, timber, and mining lands.[292]

Arrival of non-Indians settlers was intended to be a benefit to the tribe as much as individual private landownership. Allotment aimed at bringing Indians into the mainstream of American life, simultaneously uplifting Native Americans socially, culturally, and economically, and ending their isolation and segregation. In the end, however, much of the land the Coeur d'Alene had sought to retain in the 19th century passed into non-tribal ownership, and the tribe's apparent economic and material gains, previously praised by non-Indian observers, were seemingly diminished.

Allotment of the Coeur d'Alene Reservation

The Coeur d'Alene Reservation was allotted between 1908 and 1909, under the provisions of the 1887 Dawes Act. Briefly discussed in preceding sections, the Dawes Act (also known as the Dawes Severalty Act or the General Allotment Act) aimed to dissolve Indian reservations by granting individual tracts of land to tribal members and thereby accelerating the assimilation of Native Americans into the dominant American culture. Each member was to be granted 40 to 160 acres, with title to the land held in trust by the federal government for 25 years. At the end of the trust period, the land could be sold or taxed but not before. This was to prevent Indians from immediately selling their land; the intent of Indian landownership was to teach self-sufficiency and Euro-American social and cultural values. Remaining reservation lands, those lands not allotted to a tribal member, were to be sold to prospective non-Indian settlers or opened to timber or mineral locations. Proceeds from these land sales were to be used by the Interior Secretary on education programs for the new Indian farmers as well as to assist them materially. Additionally, it was thought that Indians could profit from the example of their new white neighbors, learning how to farm and adopting more elements of Euro-American culture. Laudable as this goal may have seemed at the time, historians have come to recognize that in practice, "the law came to be used primarily as an instrument for the aggrandizement of [non-Indian] territorial holdings." In the case of the Coeur d'Alene, according to historians Ross Cotroneo and Jack Dozier, "its results were disruptively

[292] Act of June 21, 1906 (34 Stat. 335); Proclamation by the President of the United States of America, May 22, 1909, in Charles J. Kappler, ed., *Indian Affairs: Laws and Treaties*, Vol. 3, Laws (Compiled to December 1, 1913) (GPO, 1913), 655-657. Oklahoma State University, Digital Library, available online at http://digital.library.okstate.edu/kappler/, last accessed February 24, 2016.

profound, causing the irrevocable loss of approximately 84 percent of the tribal holdings, a total economic and political destruction of the tribal entity, and an almost complete loss of individual initiative."[293]

None of this was foreseen by Dawes, other members of Congress, or federal Indian officials nearly all of whom believed in severalty in the late-19th century. For Commissioner of Indian Affairs John D. C. Atkins, for instance, agriculture and private-property ownership were the cornerstones of the policy of assimilation. As Atkins noted in his first annual report as commissioner, embracing agrarian values was key to Native American progress for "civilization as naturally follows the improved arts of agriculture as vegetation follows the genial sunshine and the shower." Atkins led Indian reformers in establishing a nation-wide program under the auspices of the Dawes Act to allot agricultural land in severalty to individuals on Indian reservations.[294] With particular regard to the Coeur d'Alene, Atkins requested in early 1887 that the Colville Agent provide the Indian Office with "certain information" regarding "allotment of lands in severalty to the Indians upon the Coeur d'Alene Reservation." The commissioner noted that "a majority" of the Coeur d'Alene were "fully prepared and qualified to take allotments, and it is the desire of this Office that they should do so."[295]

Severalty was nevertheless not made a condition of the three agreements negotiated with the Coeur d'Alene in the late-19th century, and the tribe appears to have had little inkling at that time that their lands would be allotted. Negotiations between the federal Indian officials and the tribe for the cession of Coeur d'Alene aboriginal lands left aside the question of allotment, despite the fact these talks took place just as severalty became the centerpiece of U.S. Indian policy. The federal government, moreover, satisfied its financial obligations to the tribe under the 1887, 1889, and 1894 agreements in accordance with the provisions guaranteeing the Coeur d'Alene the inviolability of their reservation, and expended additional funds to provide the tribe with a doctor and medicines, a carpenter, blacksmith/engineer, and to assist the Coeur d'Alene in the construction of schools and mills on their reservation. Individual Coeur d'Alene, in turn, invested their per-capita share of the monies paid to the tribe in seed, stock, farming implements, and housing improvements with little regard to the possibility that the lands they occupied within their reservation might be diminished or lost to them.[296]

In the early 20th century, however, the federal government began moving toward allotting the Coeur d'Alene Reservation. In late 1903, Representative Burton L. French of Idaho requested the Office of Indian Affairs consider the idea. Observing that "at present each adult Indian has about seven hundred acres of

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[293] *An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians and for other purposes,* February 8, 1887, chap. 119, 24 Stat. 388; and Cotroneo and Dozier, "A Time of Disintegration," 405.

[294] United States, Office of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs, for the year 1885* (GPO, 1885), III. The History Collection, University of Wisconsin-Madison Libraries, Digital Collections, available at http://digital.library.wisc.edu/1711.dl/History, last accessed February 25, 2016; and Prucha, *The Great Father*, 721-722.

[295] J.D.C. Atkins to Rickard D. Gwydir, Esq., June 4, 1887. ff. Letters Rec'd CIA re Coeur d'Alenes – 1886-87, Box 18a, Letters Received, Commissioner re Coeur d'Alene, Lake and Wenatchi Indians 1892, 1901-08 and re Coeur d'Alenes 1886-89, Colville Agency, RG 75, NARA-Seattle.

[296] See sections above as well as Cotroneo and Dozier, "A Time of Disintegration," 407-408.

land from which to draw his support, or each family has approximately thirty-five hundred acres of land," French was of the opinion

> that the Coeur d'Alene are fully as capable as any tribe to which land has been granted in severalty, and that their own good would be advanced by a policy similar to that which has been employed upon other reservations.[297]

The Dawes Act provided for the United States to negotiate with the Indians for the lands remaining within the reservation after the allotment process was completed:

> . . . . such proportions of its reservation not allotted as such tribe shall, from time to time, consent to sell, on such terms and conditions as shall be considered just and equitable between the United States and such tribe of Indians.[298]

These agreements had been negotiated with the tribes and approved by Congress until 1903 when the Supreme Court in *Lone Wolf v. Hitchock* ruled that Congress had the power to dispose of "surplus" Indian lands on allotted reservations without Indian consent. The precedent establishing the model for future disposal of these surplus lands was established in 1904 on the Rosebud Reservation in South Dakota. Instead of securing a congressional appropriation for an outright purchase of these surplus lands, Congress provided for the proceeds from the sale of these lands to actual settlers be paid directly to the tribe. The Indian Rights Association and other Indian advocates opposed the proposed Rosebud bill, but Congress passed the measure and the president refused to exercise his veto power. The bill became law on April 23, 1904. Thereafter, the allotment of Indian lands on reservations in the American West moved forward rapidly, as did the alienation of the tribal landed estate through the survey and sale of surplus reservation lands.[299]

The actual and perceived success of the Coeur d' Alene tribe as self-supporting and self-reliant Euro-American-style agriculturalists – which Seltice and the rest of the tribal leadership along with their Jesuit allies had successfully deployed to secure the Coeur d'Alene a reservation of their own, free of white interference – began to work against the tribe's long-term interests. In 1905, Congress appropriated monies for a survey of the reservation with an eye not only toward allotting individual tracts to tribal members, but also to sell the surplus land. Federal surveyors arrived in the summer of 1905 conducting preliminary surveys in preparation for subdividing the reservation into its aliquot and fractional parts. The local press in Coeur d'Alene and Lewiston, Idaho highlighted the reservation's valuable untapped timber resources and its productive agricultural land. The acreage to be restored to the public domain was described as among the best farm land in northern Idaho and highly suitable for the settlement of hundreds of white farmers once the Coeur d'Alene were provided their land in severalty. The Coeur

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[297] French comments were related in W.A. Jones to A.M. Anderson, United States Indian Agency, Dec. 5, 1903. ff. Corres. Pertaining to Coeur d' Alene 1903-1904, Box 18a, Letters Received, Commissioner re Coeur d'Alene, Lake and Wenatchi Indians 1892, 1901-08 and re Coeur d'Alenes 1866-89, BIA – Colville, RG 75, NARA S.

[298] *An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians and for other purposes,* February 8, 1887, chap. 119, 24 Stat. 388.

[299] Prucha, *The Great Father*, 775-776 and 867-868.

d'Alene were estimated to number some 400 to 500 persons and if given as much as 160 acres each, the newspapers calculated that 250,000 acres or more could be thrown open for non-Indian settlement.[300]

On June 21, 1906, Congress passed an act that directed the Coeur d'Alene Reservation be allotted. Each person "belonging to or having tribal relations" was to be granted 160 acres, and upon completion of the allotment process the remaining unallotted land on the reservation was to be opened for settlement by non-Indians. The act established rules and regulations governing the General Land Office's classification and sale of unallotted land within the reservation, i.e., lands not set aside in trust for the Indians as allotments or reserved for agency, school, religious, or other tribal purposes. The residue of unallotted or surplus lands, an estimated 250,000 acres to 310,000 acres, were to be classified as agricultural, grazing, or timber lands, appraised by the General Land Office, and opened to settlement and entry at not less than their appraised value under rules and regulations prescribed by the Secretary of the Interior. The terms of sale included one-fifth of the purchase price to be paid in cash at the time of entry, and the remainder to be paid in five equal annual installments. Upon failure to make any annual installment when due, forfeiture and cancellation of the entry would result, with the lands being reoffered for sale and entry. Lands remaining undisposed at the expiration of five years from the opening of the reservation would be offered for sale to the highest bidder. The general mining laws were extended to mineral locations, but no such entries were permitted on lands allotted in severalty to the Indians. Sections 16 and 36 were excluded from the provisions of the act and granted to the State of Idaho as school lands, with the United States paying $1.25 per acre to the tribe. The Secretary of the Interior was also authorized to reserve from other disposition certain tracts for townsite purposes, as may be required for the public interest, and such reservations were to be surveyed into blocks and lots, appraised and disposed of under such regulations as the Secretary might prescribe. Proceeds from the sale, after deducting expenses of allotment, appraisal, survey and sales, were to be deposited in the U.S. Treasury to the credit of the Coeur d'Alene tribe to be expended for their benefit under the direction of the Secretary of the Interior.[301]

In 1906 the first federal surveys of the interior lines of townships within the reservation began – much to the delight of the local non-Indian community centered around the town of Coeur d'Alene. Many of the townsfolk had long believed that the Coeur d'Alene had no need for such a large reservation of agriculturally-rich lands. The federal surveyors were instructed to run subdivision (section) lines, township lines, and standard meridian and meander lines throughout the reservation, as well as keep accurate notes of the character of the land over which these lines were run so as to facilitate classification of the land as mineral, timber or agricultural. In June 1906, Congress appropriated the last of the payments due the Coeur d'Alene under the 1889 agreement, and authorized the Interior Secretary to begin granting the tribe lands in severalty.[302]

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[300] "Coeur d'Alene Indians Will Open Reservation," *Coeur d'Alene Press*, June 24, 1905; "Another Rich Reservation," *Lewiston Inter-State News*, July 11, 1905.
[301] 34 U.S. Stat. 335, June 21, 1906
[302] Cotroneo and Dozier, "A Time of Disintegration," 409.

As "prepared" and "capable" as the Coeur d'Alene may be in the eyes of Atkins, French, Congress, and other non-Indians by the early 1900s, the announcement that their reservation was to be allotted caught the Coeur d'Alene by surprise. Tribal member Basil Peone recalled in 1938 that

> Chief Moctelme and his people could hardly believe this [announcement]. "Our Reservation is permanent. According to our treaty with the White People, our Reservation is forever as long as there are Coeur d'Alene living," said the Chief and his Court. "We will get together and have a big talk. We will send some of our leading men to visit the Big Chiefs in Washington, DC, and see all about his allotment affairs."[303]

Moctelme, who had been present at the negotiations for the 1887, 1889, and 1894 agreements, had become head chief in 1907 after Seltice's immediate successor Pierre Wildshoe passed away (Seltice himself had died in 1902).[304] Moctelme reportedly stressed at that meeting the Coeur d'Alene commitment to their reservation and the concession that the tribe had already made by ceding its aboriginal lands:

> It has not been so very long ago that the President of the United States and his Law-makers promised, after they had bought the district of Coeur d'Alene mines, that this present Reservation was to be ours for all time to come. And when our late Chief Seltice made his treaty the Government, the White Man, promised that no White man . . . would ever set a foot on our land, that we were to have and control our own laws, that the Reservation was never even to be surveyed, or sold without our consent. They broke their promises and bought the northern part of our Reservation when valuable and rich gold mines were discovered there, and this against our will. The Indian did not want to sell. They were forced to sell, and now at the present time, today, the Whites have decided to allot our Reservation. They have already started surveying it without consulting us, without even asking our consent, without any offer of compensation. What are we to do about this? My dear people, I want you to speak up and say what you think is best to be done.[305]

The tribe committed to sending Moctelme along with a contingent of other tribal leaders "to go [to Washington, D.C.] and turn down the Allotment act on their Reservation." The delegation, despite reportedly meeting with the Commissioner of Indian Affairs and Senators William Borah and Weldon Heyburn of Idaho in early 1908, was unsuccessful. As Moctelme informed the tribe upon his return,

> We were informed that we were too late. Laws had been made by the Law-makers and could not be changed; that we Coeur d'Alenes were very fortunate to be allotted 160 acres each, man, woman, and child; other reservation were allotted only 80 acres apiece, and still others got less, some as low as two acres, to each Indian, and very poor rocky land at that, so we Coeur d'Alene were lucky to get 160 acres of good fertile land. And, furthermore, they figured out, that after our allotments are made and the surplus land opened for settlement to homesteaders, this land would be sold to homesteaders and the proceeds would to go to the Indians. Estimates come to three thousand dollars to each

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[303] "An Indian Herodotus, Chief Peter Moctelme (from the Memoirs of Basil Peone)," in Su Harms, ed., *The Coeur d'Alene Teepee, Volumes I-III, 1937-40*, Sacred Heart Mission, Coeur d'Alene Indian Reservation, DeSmet, Idaho, Volume 1, Number 7, 134.

[304] Peter J. Seltice to Maj. Albert M. Anderson, U.S. Indian Agent, April 22, 1902. ff. Misc. Letters Rec'd Coeur d'Alene 1901, Box 34, Letters Received, Miscellaneous, Coeur d'Alene Reservation, 1894-1904, BIA Colville, RG 75, NARA S.

[305] "An Indian Herodotus, Chief Peter Moctelme (from the Memoirs of Basil Peone)," in Su Harms, ed., *The Coeur d'Alene Teepee, Volumes I-III, 1937-40*, Sacred Heart Mission, Coeur d'Alene Indian Reservation, DeSmet, Idaho, Volume 1, Number 7, 151 and 134.

> member of the Coeur d'Alene Reservation. So what else could I do but give my consent. I thought three thousand dollars each was a lot of money. Besides, the laws say that all Reservations in the United States will be allotted.[306]

"Some were satisfied" by this, according to Peone, while "others were still doubtful." Moctelme, for one, had far more land under his control than was permitted under the Dawes Act and resolved to obstruct the allotment process.[307]

Allotment of the reservation was carried out by Special Allotting Agent William B. Sams, formerly private secretary to United States Senator from Idaho W. B. Heyburn, the senator responsible for the establishment of Heyburn State Park at the southern end of Lake Coeur d' Alene. Sams quickly found Moctelme to be – as he later reported to the Commissioner of Indian Affairs Francis E. Leupp – "a disturber by nature." In March and April 1908, Sams complained to Leupp that Moctelme and others were threatening to "resist allotment by force," and that Sams along with Coeur d'Alene superintendent Charles O. Worley "[a]nticipate[d] trouble." Leupp was sympathetic, but believed that all that was necessary for Sams to do was to "show the Indians that it will be for their best interests to select their allotments peaceably and at as early a date as possible." He subsequently advised the agent that "[a]llotments may be made to Indians without their consent, superintendent and yourself making selections." He nevertheless urged Sams to meet with the Coeur d'Alene to "explain to them it will be to their advantage to make selections in person," and to make "[e]very effort . . . to secure and hold their confidence." As for Moctelme, "if absolutely necessary," he could "be removed from [the] reservation," but Leupp encouraged Sams to try to find a place for the chief on the "allotting crew."[308]

Moctelme did not take an active role in the allotment of the reservation, and while he toned down his opposition, he apparently encouraged younger members of the tribe to resist allotment. According to Sams, the chief "advised and counseled the Indians to absent themselves when I [Sams] came to allot them, in the hope of defeating the plan [of allotment]." Moctelme employed the same tactic for himself and his allotment, and by September 1908, Sams was frustrated:

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[306] "An Indian Herodotus, Chief Peter Moctelme (from the Memoirs of Basil Peone)," in Su Harms, ed., *The Coeur d'Alene Teepee, Volumes I-III, 1937-40*, Sacred Heart Mission, Coeur d'Alene Indian Reservation, DeSmet, Idaho, Volume 1, Number 7, 134.

[307] "An Indian Herodotus, Chief Peter Moctelme (from the Memoirs of Basil Peone)," in Su Harms, ed., *The Coeur d'Alene Teepee, Volumes I-III, 1937-40*, Sacred Heart Mission, Coeur d'Alene Indian Reservation, DeSmet, Idaho, Volume 1, Number 7, 135; Cox, "Tribal Leadership in Transition," 9.

[308] W.B. Sams, Sp'l Allotting Agent, to the Commissioner of Indian Affairs, Sept. 13th, 1908. File No. 313 58767-1908 Coeur d'Alene, Box No. 56 Coeur d'Alene 56387-1908-313 to 23634-1909-313, Entry 121 Central Classified Files, 1907-39, RG 75, NARA DC; C.O. Worley, Supt., and W.B. Sams, Allotting Agent, to The Commissioner of Indian Affairs, April 2nd, 1908. Letterbook Off. 10/7/05 to 10/7/08, 365-366, Box No. 0001, Letters Sent to Commissioner of Indian Affairs, 1905-1911, Coeur d'Alene Agency, Northern Idaho Agency, RG 75, NARA S; Acting Commissioner to Worley, Supt and Sams, Special Alloting Agent, April 3, 1908. ff. Coeur d'Alene 17109-1908-313, Box No. 55 Coeur d'Alene 81885-1907-313 to 45028-1908-313, Entry 121 Central Classified Files, 1907-39, RG 75, NARA DC; and Cox, "Tribal Leadership in Transition," 9.

> He has . . . absented himself at each and every time that I went to his place either to allott [*sic*] him or show his corners, except on one occasion, when he was shown his corners, and it is my intent when in his vicinity again and [*sic*] try and make him familiar with them.

Despite Moctelme's opposition, Sams reported to Leupp that he had thus far divided the lands in his view in "the most equitable and just manner, and with the exception of one complaint, none of the Indians are dissatisfied but on the contrary are well pleased and so express themselves."[309]

Whatever success Sams had was likely due to his persistence, the flexibility that he and the Indian Office showed the Coeur d'Alene in allotting their lands, and when that failed, the intercession of the Coeur d'Alene Indian Superintendent Charles Worley. Early in the process, when Moctelme's opposition was at its greatest, Sams focused on ensuring that Coeur d'Alene sub-chief Peter Jarper was satisfied with his allotment "'so that the apprehension felt by some of the others [would] be in a measure allayed.'" Sams, as he indicated in his September 1908 letter to Leupp, met with the Coeur d'Alene individually to have them select the lands they wanted. Heads of household generally chose their own allotment along with the allotments for their wives and children, and although hampered by the 160-acre limitation Sams endeavored to award to tribal members the land they currently occupied where possible. These allotments, in keeping with the requirements of the Dawes Act, were to be for agricultural and grazing lands. Timberland was not included, but after Sams relayed tribal member concerns that their 160-acre allotments had insufficient timberland for fencing, firewood, and other building materials, the Indian Office suggested that selections of such land could be made by individual family members provided that land once cleared could be made agricultural. The Indian Office even tentatively permitted Moctelme to take half of his allotted 160 acres at Lake Chacolet, near the village site where Moctelme was born and "where he has a small shack, a ferry across the St. Joe River, and a number of small row boats which he rents to summer visitors."[310]

Complaints nevertheless emerged as the allotment process moved forward, and Worley was among the first to hear these. By Worley's account, he "used all the influence in [his] power to reconcile these people [the Coeur d'Alene] and teach them that this had to be done." One instance where he could not do that was with the Indians Peter Barza, Peter Ho-coso, and Louie Ta-cum-tah, all of whom sought allotments

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[309] W.B. Sams, Sp'l Allotting Agent, to the Commissioner of Indian Affairs, Sept. 13th, 1908. File No. 313 58767-1908 Coeur d'Alene, Box No. 56 Coeur d'Alene 56387-1908-313 to 23634-1909-313, Entry 121 Central Classified Files, 1907-39, RG 75, NARA DC; and Cox, "Tribal Leadership in Transition," 9.

[310] Cox, "Tribal Leadership in Transition," 9; Acting Commissioner to W.B. Sams, Special Allotting Agent, March 16, 1908. ff. Coeur d'Alene 17109-1908-313, Box 55 Coeur d'Alene 81885-1907-313 to 45028-1908-313 ; and Chief Clerk to W.B. Sams, Special Allotting Agent, January 30, 1909. ff. 1719-09 Coeur d'Alene 307.2, Box No. 37 Coeur d'Alene 3089-1909-304.3 to 96148-1916-307.4, Entry 121 Central Classified Files, 1907-39, RG 75, NARA DC; Cotroneo and Dozier, "A Time of Disintegration," 411; and Acting Commissioner to W.B. Sams, Esq. Special Allotting Agent, April 23, 1908. ff. Coeur d'Alene 17109-1908-313, Box No. 55 Coeur d'Alene 81885-1907-313 to 45028-1908-313, Entry 121 Central Classified Files, 1907-39, RG 75; R.A. Ballinger, Secretary, to Hon. W.B. Heyburn, United States Senate, Jan. 23, 1911. ff. Coeur d'Alene Indian Reservation No. I, Sales 1915-1917, Box 15 Coeur d'Alene, Entry 27 Div. K, Indian Reserves 1907-1955, RG 49, NARA DC. On the allotment process on the reservation, see also Woodworth-Ney, *Mapping Identity*, 168. As is discussed below, Moctelme was later forced to relinquish this tract because of federal acquisition of the area for a park.

along the St. Joe River in the eastern part of the reservation. Worley acknowledged "that in many cases it was hard for Mr. Sams to do other than he did, likewise there were many cases where he could have given better satisfaction," and with regard to the prospective St. Joe River allottees, the superintendent could not understand why they had not been given the land they requested.[311]

Sams defended his decisions, particularly with regard to the land along the St. Joe, as in keeping with Indian Office directives aimed at achieving the purposes of the Dawes Act. Responding to news of the complaints forwarded by Worley, Sams cited in an April 1909 letter to the commissioner the "general instructions" he had previously received "to use [his] influence to prevent the indians [*sic*] from taking allotments on the St. Joe and to urge them to take their allotments on the West side in the wheat belt." The lands on St. Joe River, according to Sams, "are covered with water the greater portion of the year and are of little value." Moreover, the area was unpoliced and Sams reported that "whiskey" was easily obtained there. The eastern part of the reservation, according to a non-Indian resident of St. Maries, was often subjected to trespass by non-Indians who had settled near St. Maries or on the upper St. Joe River and ran livestock and cut hay along the river bottomlands within the reservation boundaries.[312] Sams consequently only made three allotments – one to an Adolph Boutelier, another to a Clarence Boutelier, and the third to a Ben Nixon. The allotting agents justified these as being "the best of the river lands" and noted that the Bouteliers "had held and worked their lands for years, and no one else laid any claim thereto."[313]

Large individual holdings were dissolved (as noted by Worley), but some families were able to obtain contiguous allotments and thus retain control as a family over their previous holdings.[314] **Figure 22** is a copy of a 1910 plat of Township 44 North, Range 5 West, Boise Meridian that plots allotments made in upper Hangman Valley in the vicinity of DeSmet. According to this map, the Sam family – Louis Sam (I.A. #276), David Sam (I.A. #232), Agnes Sam (I.A. #274), Mary Ann Sam (I.A. #322) – took up allotments in the S ½ of Sec. 17 and the N ½ of Sec. 20. Nearby the Luke family – Clotitda Luke (I.A. #272), Teresa Luke (I.A. #273), Josephine Luke (I.A. #277), and Agnes Luke (I.A. #275) – acquired 160-acre allotments in the W ½ of Sec. 21 and the S ½ of Sec 20. The plat also indicates the character of the surrounding unalloted surplus

[311] Charles O. Worley, Superintendent, to The Honorable Commissioner of Indian Affairs, Subject: Complaint of Thomas Prosper and others, March 18th, 1909. File No. 36715-09, Reservation: Coeur d'Alene 313, Coeur d'Alene 313-1909 – 313-1913, Box 3594, CCF 1907-1939, RG 75, NARA DC.

[312] See Edward Gugisberg to the Hon. Commissioner on Indian Affairs, Dec. 30, 1903. ff. Corres. Pertaining to Coeur d' Alene 1903-1904, Box 18a, Letters Received, Commissioner re Coeur d'Alene, Lake and Wenatchi Indians 1892, 1901-08 and re Coeur d'Alenes 1866-89, BIA – Colville, NARA S.

[313] W. B. Sams, Special Allotting Agent, to the Commissioner of Indian Affairs, Subject: Allottments on the St. Joe, and No. 239, April 1909. File No. 36715-09, Reservation: Coeur d'Alene 313, Coeur d'Alene 313-1909 – 313-1913, Box 3594, CCF 1907-1939, RG 75, NARA DC.

[314] Charles O. Worley, Superintendent, to The Honorable Commissioner of Indian Affairs, Subject: Complaint of Thomas Prosper and others, March 18th, 1909. File No. 36715-09, Reservation: Coeur d'Alene 313, Coeur d'Alene 313-1909 – 313-1913, Box 3594, CCF 1907-1939, RG 75, NARA DC.

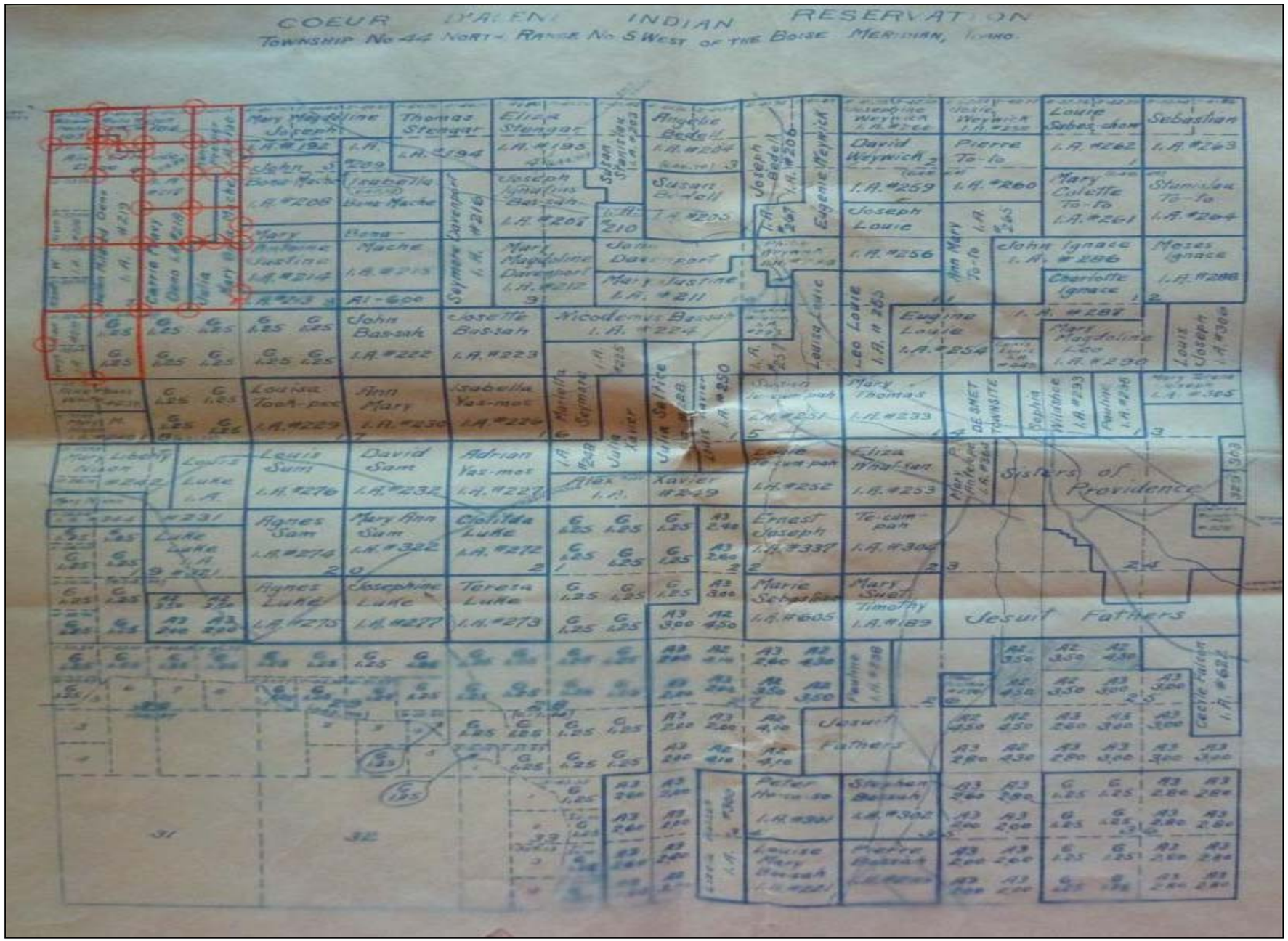

Figure 22. 1910 Plat of Coeur d'Alene Indian Reservation, Township No. 44 North Range No. 5 West of the Boise Meridian, Idaho, depicting allotments and indicating land character.

land: “G” denotes lands suitable for grazing, for instance, while “A2” is used to identify second-class agricultural land.[315]

The process took much of 1908 and the first half of 1909 to complete. On July 13, 1909, all allotments reportedly had been made. When allotment was completed, a quarter-section of land had been awarded to 541 Coeur d’Alene and 97 Spokane Indians, making for a little more than 104,076 acres – or about one-fourth the size of the reservation following the 1894 agreement. In addition to the allotment in severalty, the Coeur d’Alene tribe had lost lands in 1908, after the Chicago, St. Paul, and Milwaukee railroad secured a tract of land near Plummer upon which to build a junction and a depot and after the Interior Secretary was directed to purchase 8,000 acres in the vicinity of Lake Chatcolet and Benewah Lake for the purposes of establishing a national park. This latter land was subsequently developed into Heyburn State Park. Still more land would pass out of tribal hands in the wake of severalty as a result of the President’s proclamation of May 22, 1909, opening to entry the surplus lands on the Coeur d’ Alene, as well as those on the Spokane and Flathead Indian reservations.[316]

Figure 23 below is a copy of a 1911 Indian Office map depicting the lands allotted to the Coeur d’Alene in blue. Handwritten notations indicate that by 1911, the tribe’s population was 617, that nearly 45,000 acres were leased, and that “no irrigation ditches” had been constructed by the Coeur d’Alene or IndianService irrigation engineers for Indian use on the Coeur d’ Alene Reservation.[317]

Non-Indian Settlement on the Former Coeur d’Alene Reservation Lands

Non-Indian settlement on the former reservation lands followed in the wake of allotment. Euro-American farmers had first moved into the Palouse country back in the mid-1860s. They chose lands immediately to the west and south of the reservation, principally in present-day Washington State. Their initial settlements mirrored the Coeur d’Alene farms in the Hangman Creek Valley. They too favored flat, lowland locations along waterways where they raised hay and fenced in small crops of garden vegetables, oats, and wheat for on-farm consumption. They devoted most of their effort to caring for livestock, which

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[315] Township plat attached to M.F. Nourse, Chairman of Appraising Commission, to Honorable, The Commissioner of Indian Affairs, June 16, 1910. ff. Coeur D’Alene 50440-1910-304, Box No. 36 Coeur D’Alene 31618-1910-304 to 10027-1907-304.3, Entry 121 Central Classified Files, 1907-39, RG 75, NARA CP.

[316] Cotroneo and Dozier, "A Time of Disintegration,” 412; and Woodworth-Ney, *Mapping Identity*, 168.

[317] Department of the Interior, Office of Indian Affairs, Hon. R. G. Valentine, Commmissioner, “Map of Coeur d’Alene Indian Reservation, Idaho.” (1911). Map No. 8871, Tube 290, Idaho-Coeur d'Alene, Entry 110, Central Map Files, Cartographic Records of the Bureau of Indian Affairs, RG 75, NARA CP. Research at the National Archives in RG 75, Records of the Bureau of Indian Affairs, did not reveal any plans for proposed reclamation or irrigation projects by the Bureau of Indian Affairs or the Reclamation Service for the Coeur d’ Alene Reservation. Likewise, no such plans were discussed in the *Annual Reports of the Commissioner of Indian Affairs,* even though the chief engineer of the Indian Service and the Reclamation Service (later the U. S. Bureau of Reclamation) did make special efforts to appropriate water and construct irrigation works for the use and benefit of the Indian occupants of other reservations at various locations throughout the American West. These localities tended to be in arid or semi-arid climates where irrigation works were generally required to raise crops and where the Commissioner of Indian Affairs determined that allotment of lands, treaty obligations, or the character of the land and its location required construction of such works.

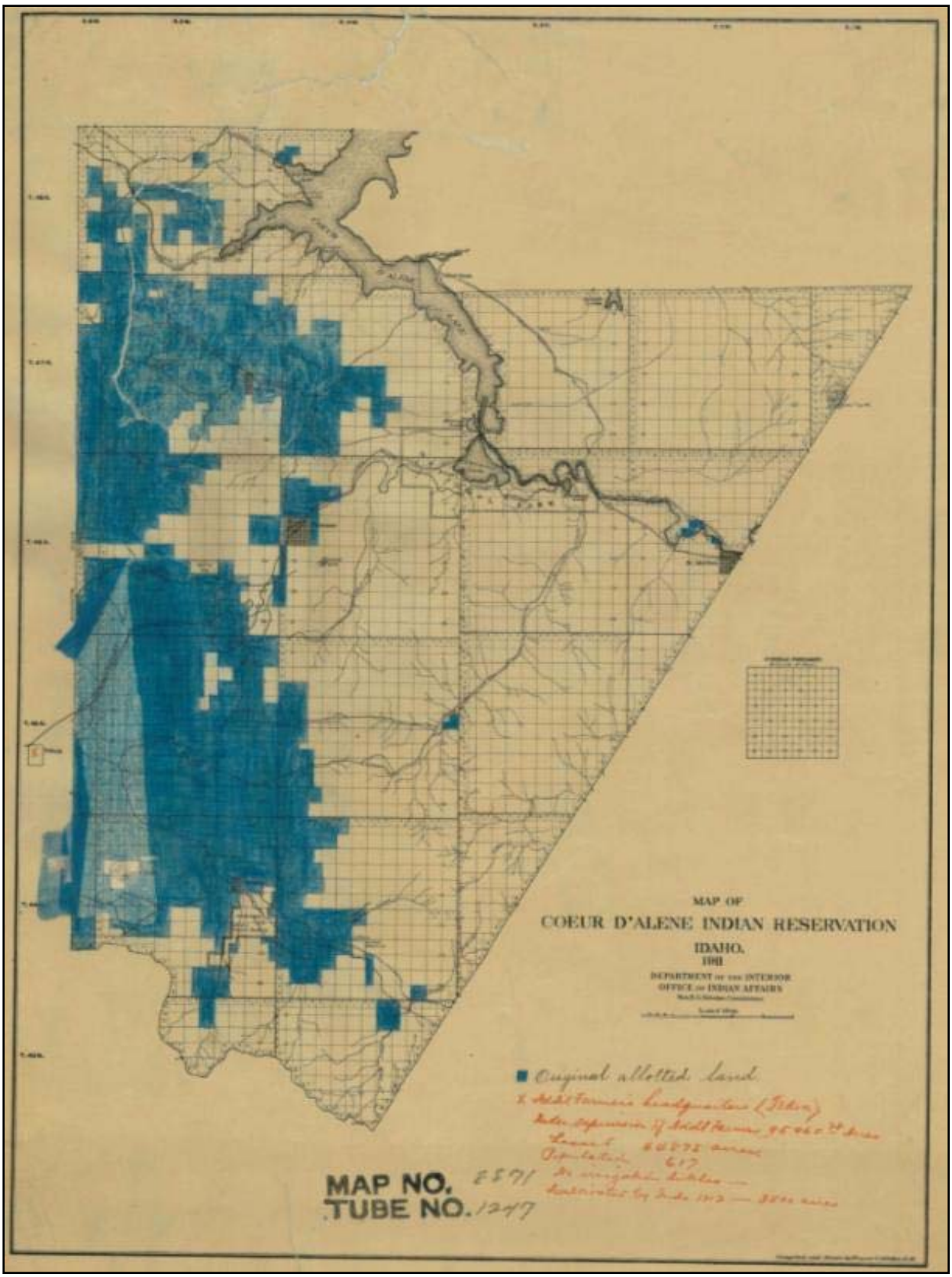

Figure 23. Map of the Coeur d'Alene Indian Reservation, Idaho, 1911, showing lands allotted to tribal members.

they pastured on native bunchgrasses, and initially failed to recognize the agricultural potential of the arid hillsides and ridgelines. After losing several early wheat crops to frosts caused by cold air draining into the valleys, however, they began to experiment in the early 1870s with planting on the uplands and relying upon natural precipitation. To their surprise, these harvests not only matched but also frequently exceeded those of the river lands. Farmers soon embraced dry wheat farming and began seeding as much of the rolling hillsides as their plows and reapers could work.[318]

This shift in land use coincided with the advent of so-called "bonanza farming" in the American West. In the mid-1870s, the application of emerging industrial and commercial economic innovations, such as economies of scale, corporate organization, professional management, mechanization, and specialized production, together, and new agricultural technologies such as steam-powered threshing machines and twine self-binders, led to large-scale wheat production. The wide-spread publicity that these out-sized farms generated helped spread enthusiasm for mono-cropping wheat in the Palouse beyond just those large, flat valley areas that could initially be worked by the heaviest machinery.[319]

Thus at nearly the same moment that the Coeur d'Alene were establishing their farms in the Hangman Creek area and orienting their agricultural activities toward local market production, white Palouse wheat farmers began turning their attention to raising wheat for a national and even global market. As with most wheat grown in the Pacific states, grain from Palouse farms shipped primarily to English mills 18,000 miles away. In 1877, the year after the first small wheat export, river shipping carried in ten threshers, fifteen gang plows, ninety-five sulkies, forty-one reapers, and ninety-five wagons. Palouse agricultural historian Andrew Duffin observes of these years that "typical Palouse farmers wasted no time in acquiring the land and equipment necessary for a headfirst plunge into global agricultural markets." [320]

Such investments in land and technology paid dividends. In 1909, the year that the Coeur d'Alene reservation was allotted, Whitman County, Washington, recorded the highest per-capita income of any county in the United States. Ritzville, Washington, a milling and shipping town in adjoining Adams County, held the distinction that year of being the largest primary receiver of wheat in the entire world.[321]

Palouse wheat farming consolidated and became thoroughly modern at the very moment that federal Indian policy brought deep disruptions to Coeur d'Alene farms by privatizing land holdings. With allotment, the methods and technologies of Palouse wheat production swept across the Coeur d'Alene lands, but it was Euro-American farmers, leasing or buying the land, who raised the crops. The white lessees for the most part had been invited into the reservation and onto the rich wheat lands of the Hangman Valley by the Indian allottees themselves. Counter to government intent, allotment ironically

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[318] Andrew Duffin, *Plowed Under: Agriculture & Environment in the Palouse* (Seattle: University of Washington Press, 2007), 38-41; Williams, "Hills of Gold," 6–32.
[319] Gilbert C. Fite, *The Farmers' Frontier: 1865-1900* (New York: Holt, Reinhart and Winston, 1966), 75-93.
[320] Frank Andrews, *Marketing Grain and Livestock in the Pacific Coast Region*, USDA, Bureau of Statistics, Bulletin 89 (Washington, 1911), 11; and *Illustrated History of Whitman County*, 105; and Duffin, *Plowed Under*, 44.
[321] Duffin, *Plowed Under,* 46; and Brumfield, *That was Wheat Farming*, 43.

would transform the Coeur d'Alene from active farmers into increasingly passive landlords, even as the region around them became one of the nation's leading agricultural districts.

With completion of the allotment process, the United States invited white citizens to come within the former reservation to purchase unallotted surplus land. This was accomplished through the survey, subdivision, classification, and public sale of former tribal land under the auspices of a federal land auction. The opening of the Coeur d'Alene unreserved lands set off a rush of applicants who saw in the reservation one of the final remaining corners of the Palouse yet to be fully committed to wheat. As nearly as 1907, the *East Oregonian* was reporting that the prospective non-Indian settlers were eagerly awaiting the opening of the reservation, "to secure a foothold on the small remainder of the public domain of the northwest," lands that included some of "the very choicest of wheat lands."[322] Closer to the reservation, *The Coeur d'Alene Press* declared that the reservation had "The Best Soil on Earth for Settlers," and it endorsed the reservation's opening.[323]

On the eve of opening the reservation for settlement in 1909, the *Coeur d'Alene Evening Press* issued a widely circulated special sixteen-page "Coeur d'Alene Indian Reservation Edition." Four times the size of its regular newspaper, it was "profusely illustrated" with articles extolling the agricultural virtues of the largely unallotted St. Joe Valley; the valuable pine, cedar and fir forests of the lakes region; the reservation's streams abounding in trout and bass; summer resorts and picturesque homes bordering Lake Coeur d'Alene; and the region's fine waterway and railway transportation network. The *Press* in a pair of headline articles on page one entitled the "Passing Of [A] Historic Tribe" and "Rules Governing Opening Settlement And Entry at Coeur d'Alene Land Office" painted a picture of a region on the cusp of a major economic and demographic transformation.[324] The *Evening Press* later proclaimed:

> The passing of the reserve from the hands of the historic tribe to white settlers marks an epoch in the annals of the northwest; its settlement next April means homes for from 7,000 to 10,000 persons, probably many of them from crowded cities in the east, and the development of the lands will add several millions of dollars annually to the wealth production of the Inland Empire.325

Newspapers throughout the Pacific Northwest chronicled the reservation's portending opening, dispensing detailed information on how to register for the upcoming land "lottery" and where to obtain the best information from reliable land agents and General Land Office records on what land to select. Similar articles appeared in the press of major urban areas in the west such as Los Angeles, San Francisco and Salt Lake City and circulated in newspapers as far away as Ohio, Iowa, and Minnesota. Even the Honolulu *Sunday Advertiser* reported on the opening of the Coeur d' Alene Reservation.[326]

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[322] "More Land Hunger," *East Oregonian* (Pendleton, Oregon), March 4, 1907.
[323] "Open Rich Reserve Lands," *The Coeur d'Alene Press*, August 19, 1907; "Worth More than Tons of Pamphlets," Coeur d'Alene Evening Press, May 24, 1909.
[324] *Coeur d'Alene Evening Press – Coeur d'Alene Indian Reservation Edition*, April 27, 1909
[325] "Coeur D' Alene Indian Reservation," *Coeur d'Alene Evening Press, June 25, 1909.*
[326] "Reservation Opening: Congressman Jones Tells How it Will Be Done," *Colfax* [Washington] *Gazette*, February 22, 1907; "The Coeur d' Alene Reservation: The Government Act Under Which It Will Open," *Camas Prairie Chronicle* (Cottonwood, Idaho), April 5, 1907; "How Coeur d' Alene Reservation Will Be Opened to Settlers," *The Evening*

In May 1909, before the allotment process was complete, President William H. Taft ordered that all unreserved and non-mineral land be opened to homestead entry – a proclamation that was reported widely in the region. A land office was opened in the town of Coeur d'Alene, where prospective settlers registered between July and August 1909 for a lottery that would determine the order of land selection. On July 15th, the first day applications were received 4,684 arrived and two days later that number had soared to 12,687 applications. In May 1910, those eligible made formal application to the federal land agent at Coeur d'Alene for the tract desired, and in September, the settlers began moving onto their lands with no reported conflicts with the Coeur d'Alene. The recent construction of two railroads through the reservation meant that new farms would be well connected to the global markets. A total of 104,416 people registered for the lottery that would distribute 1,350 homesteads. The lucky few who received prime agricultural lands free of timber quickly began to cultivate wheat.[327]

Figure 24 is a copy of a plat similar to **Figure 22** above. **Figure 24** is a 1910 plat of Township 47 North, Range 7 West, Boise Meridian, and like **Figure 22** it plots Indian allotments (denoted by "IA," a number, and a member of the tribe) as well as the character of the surrounding unalloted surplus land. In this instance "T" is a notation for timber lands, and "A3" is used to denote third-class agricultural lands. Lands such as these shown in **Figures 22** and **24** were among those available to prospective white entrymen for settlement following Taft's proclamation, and while not first-class agricultural land (the prime lands were allotted to the Coeur d'Alene), these tracts nevertheless represented some of the best available land within the "Inland Empire."[328]

Allotted Coeur d'Alene land, moreover, also became legally eligible for leasing. As discussed above, in spite of being illegal, leasing had first become popular in the 1890s among those tribal members with the largest holdings. With allotment, increasing numbers of Coeur d'Alene began leasing their lands with Interior Department approval. Even before the allotment was completed, Coeur d'Alene began hiring non-Indian farmers to open the newly-assigned lands by plowing under the wild oats in preparation for

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Statesman (Walla Walla, WA), February 27, 1907; "Will Draw for Land," *The Western News* {Stevensville, MT), February 27, 1907; "How to Register For Lands On Indian Reservations To Be Opened," *The Montana Plaindealer*, June 18, 1909; "Plan of Opening and Registration Points," *The Evening Times* (Grand Forks, ND), August 27, 1909; "Vast Area Thrown Open for Settlers, *Los Angeles Herald*, May 23, 1909; "Dividing the Indian Lands," *Sunday Advertiser* (Honolulu), June 7, 1908.

[327] Charles O. Worley, Supt. to Commissioner of Indian Affairs, May 23, 1908. ff. Letterbox OFF 10/7/05-10/7-08, Box No. 0001, Letters Sent to Commissioner of Indian Affairs 1905-1911, Coeur d'Alene Agency, Northern Idaho Agency, RG 75, NARA S; "Indian Land Opened to Settlement Now," *The Evening Statesman* (Walla Walla, Washington), May 22, 1909; "Opening the Reservation," *Coeur d'Alene Evening Press*, May 26, 1909; "Taft Issues Proclamation," *Yellowstone Monitor*, May 27, 1909; "The Coeur d'Alene Indian Reservation, Rules Governing Opening," *Coeur d'Alene Evening Press – Coeur d'Alene Indian Reservation Edition*, April 27, 1909; "Opening of Coeur d'Alene Reserve," *Coeur d'Alene Evening Press*, June 19, 1909; *The Coleville Examiner*, June 19, 1909; "Land Lottery Draws Crowd," *Coeur d'Alene Evening Press*, July 17, 1909; Cotroneo and Dozier, "A Time of Disintegration," 412-414; and Woodworth-Ney, *Mapping Identity*, 168.

[328] Township plat attached to M.F. Nourse, Chairman of Appraising Commission, to Honorable, The Commissioner of Indian Affairs, June 16, 1910. ff. Coeur D'Alene 50440-1910-304, Box No. 36 Coeur D'Alene 31618-1910-304 to 10027-1907-304.3, Entry 121 Central Classified Files, 1907-39, RG 75, NARA CP.

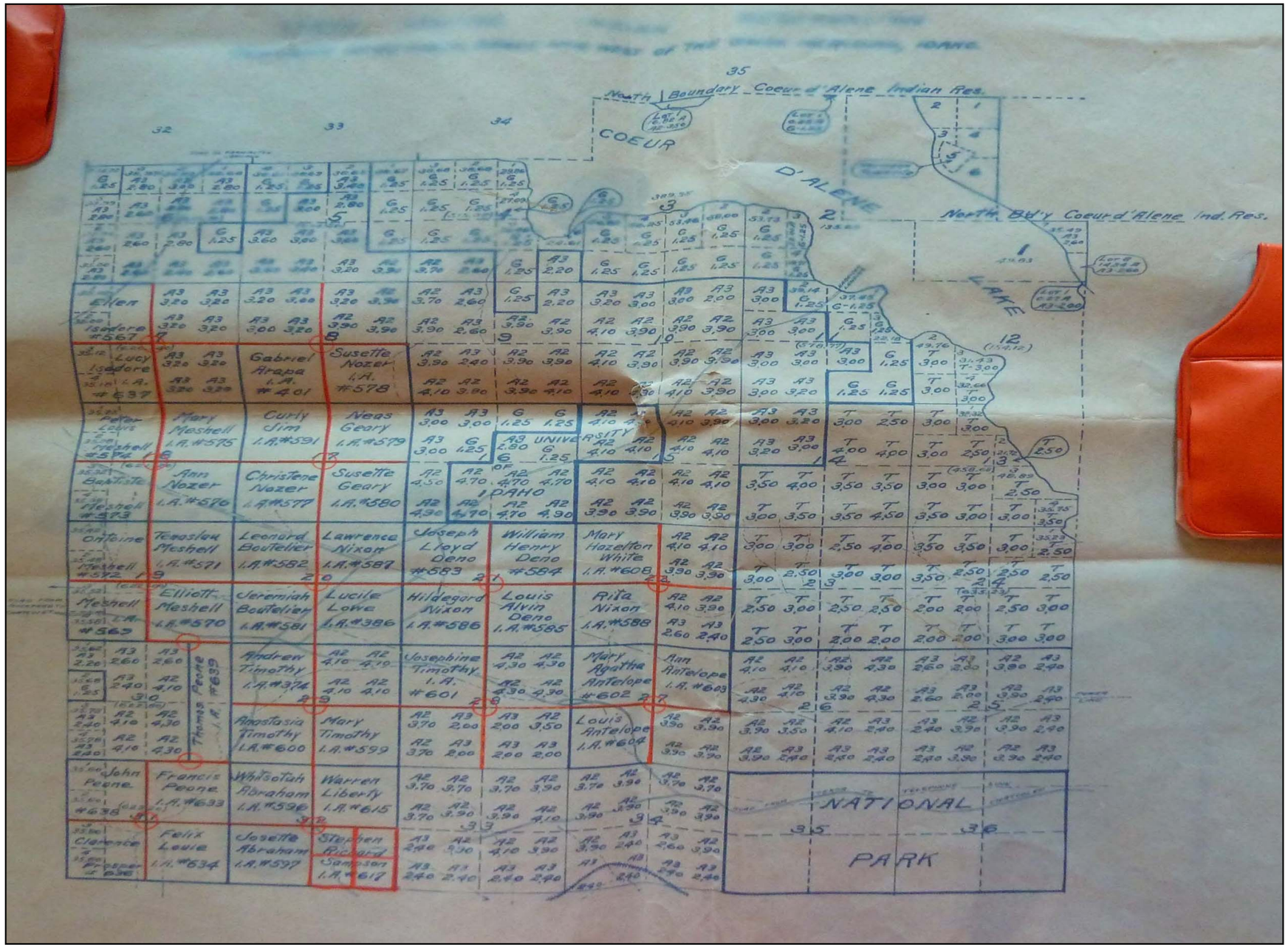

Figure 24. 1910 Plat of Coeur d'Alene Indian Reservation, Township No. 44 North Range No. 5 West of the Boise Meridian, Idaho, depicting allotments and land character.

summer fallow. The landowners compensated the farmers with a share of the crop, effectively if informally, leasing the lands. Less than four months after the reservation allotment had been completed, the first of several Coeur d'Alene leases appeared. Coeur d'Alene Indian Superintendent Russell Ratliff believed that these agreements were "practicable" and even advantageous to the Coeur d'Alene lessors who derived a "grain rent" rather than cash.[329]

Agency staff originally intended for leasing to be a short-term measure to create farms on the newly-assigned allotments. In 1909, Ratliff's predecessor Charles Worley wrote that he expected leases to be utilized only by those Coeur d'Alene "wholly unable to farm their allotments on account of physical and financial disability." A crop failure in 1908 left many Coeur d'Alene in debt, so they found themselves with little means of clearing their new allotments to start farms. Leasing the land for a year to a non-Indian farmer was a way of getting the fields plowed and put into production. Leases also generally specified particular improvements to be made to the property, from constructing buildings to clearing a specified acreage of forest land. The assumption remained that the Coeur d'Alene landowners would cease leasing the land once the farm was established and their debts had been sufficiently cleared to purchase agricultural equipment.[330]

The Coeur d'Alene initially handled most of the leasing of their lands. They selected the farmers they wanted on their property, arranged the terms of the contracts, and collected their share of the grain at the end of the harvest. Agency staff involved themselves only in cases of disputes or with allotments that belonged to minors.[331] The administrative burden of leasing, however, quickly shifted to agency staff as federal Indian officials in Washington, D.C. demanded more information and control, particularly as a result of the increased indebtedness of Coeur d'Alene farmers.[332] Staff began to advertise the availability

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[329] An amendment to the Dawes Act in 1891 permitted allottees to lease their lands, subject to Interior Department approval. See *An act to amend and further extend the benefits of the act approved February eighth, eighteen hundred and eighty-seven, entitled "An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States over the Indians, and for other purposes,"* February 28, 1891, chap. 383, 27 Stat. 794, 795; Charles O. Worley, Supt. to Commissioner of Indian Affairs, May 23, 1908. ff. Letterbox OFF 10/7/05-10/7-08, Box No. 0001, Letters Sent to Commissioner of Indian Affairs 1905-1911; and Russell Ratliff, Superintendent, to Honorable Commissioner of Indian Affairs, November 9, 1909. Misc. 9/1/09 to 5/31/10, 92-94, Box No. 0003, Miscellaneous Letter Sent 1909-11, Coeur d'Alene Agency, Northern Idaho Agency, RG 75, NARA S.

[330] Charles O. Worley to Commissioner of Indian Affairs, May 23, 1908; Charles O. Worley, Supt. to Commissioner of Indian Affairs, August 3, 1909. ff. Letterbook OFF. 10/7/05 to 10/7/08, Box 001, Letters Sent to Commission of Indian Affairs, 1905-1911, Coeur d'Alene Agency, Northern Idaho Agency; and Morton Colgrove, Supt. to Commissioner of Indian Affairs, September 16, 1911. ff. Official Jan 1911, 1/13/11 to 12/9, Box No. 0002, Letters Sent to Commissioner of Indian Affairs 1911-1914, Coeur d'Alene Agency, Northern Idaho Agency, RG 75, NARA S.

[331] Russell Ratliff, Supt. to Honorable Commissioner of Indian Affairs, November 18, 1909. ff. Letterbook Letters 1908-1910, Box No. 0001, Letters Sent to Commissioner of Indian Affairs 1905-1911, Coeur d'Alene Agency, Northern Idaho Agency, RG 75, NARA S.

[332] There are many letters back-and-forth on these matters between the Coeur d'Alene superintendent and the Commissioner of Indian Affairs. See, for example, Russell Ratliff, Supt. to Commissioner of Indian Affairs, February 18, 1910, April 20, 1910, April 28, 1910, June 31, 1910, and July 28, 1910. ff. Letterbox OFF 1/14/10-1/17/11, No. 0001, Letters Sent to Commissioner of Indian Affairs 1905-1911, Coeur d'Alene Agency, Northern Idaho Agency, RG 75, NARA S.

of leasable lands, interview perspective lessees, and arrange the terms of contracts. At the end of the season, they supervised the weighing of the harvested crop and calculating the Coeur d'Alene's share of the sale. The Coeur d'Alene thus came to realize a solid return during the boom years of Palouse wheat production prior to the First World War with little direct effort.[333]

Within a few years, the leasing of land had become a fully established system and it expanded rapidly. The number of Coeur d'Alene directly farming their lands dwindled, even as the acreage being planted to grain increased. In 1912, Superintendent Morton Colgrove reported that nearly all the arable land of the reservation was being worked by non-Indian lessees on three to five year terms, farming almost exclusively large fields of monoculture wheat. By the beginning of the 1920s, more than 33,000 acres were being leased at more than $9.50 an acre – for a total of $309,297 a year. By the end of the decade, according to the Fiscal Year 1930 annual report of the Coeur d'Alene Agency, "[p]ractically all of the land on the reservation is leased to the white farmers," and "[v]ery few of the Indians are making any attempt at farming their own allotments." This arrangement was profitable to the Coeur d'Alene, particularly in the short-run, but as discussed below it had deleterious effects on tribal agriculture, land use, and social life into the 1920s and beyond.[334]

Establishment of Heyburn State Park

As noted above, the Coeur d'Alene not only lost land through the allotment process but also under direct pressure from non-Indian interests, such as the Chicago, Milwaukee, and St. Paul Railroad. The grant of land to the Chicago railroad, however, was little different than previous right-of-way and land grants that the tribe had made in the late-19th century to such entities as the Washington & Idaho Railroad Company and the Oregon Railroad and Navigation Company. The Coeur d'Alene treated these as necessary concessions to sustain and support their agricultural efforts by providing them with access to distant markets. Attempts to acquire the lands surrounding Lake Chatcolet, Benewah Lake, and Hidden Lakes by the federal government in 1908 for a national park, and subsequently by Idaho as a state park, were initially viewed pragmatically by the tribe. The Coeur d'Alene supported the alienation of this land for two primary reasons: first, it would prevent its acquisition and exploitation by private timber interests; second, establishment of a park would preserve for them access to fishing sites despite allotment of the reservation.[335]

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[333] United States Department of the Interior, Office of Indian Affairs, Monthly Report of Extension Workers, Coeur d'Alene Agency, Nez Perce Reservation, August 1933, 1. ff. Coeur d'Alene Reservation, Monthly Reports of Extension Workers, 1933, Box 208, Records of Extension Program, 1924-1949, Northern Idaho Agency, RG 75, NARA S.

[334] Morton D. Colgrove, Supt. & S.D.A. to The Honorable, Commissioner of Indian Affairs, December 14, 1913. ff. Commissioner's Correspondence 1913-1914, Box No. 0002, Letters Sent to Commissioner of Indian Affairs 1911-1914, Coeur d'Alene Agency, Northern Idaho Agency, RG 75, NARA S; and Cotroneo and Dozier, "A Time of Disintegration," 418. See also United States Congress, *Survey of Conditions of the Indians in the United States: Hearings before a Subcommittee of the Committee on Indian Affairs,* United States Senate, 72d Cong., 1st sess., Part 32: Idaho and Washington (GPO, 1934), 16950.

[335] Cotroneo and Dozier, "A Time of Disintegration," 407.

Three water bodies dominate the land at the southernmost end of Lake Coeur d'Alene near the mouth of St. Joe River – Lake Chatcolet, Benewah Lake, and Hidden Lake – and these were ultimately encompassed in Heyburn State Park, established in 1911 (see **Figure 23** below). As discussed above and noted on **Figure 2**, the Coeur d'Alene in the pre-contact era had semi-permanent village sites in the vicinity of these lakes. Members of the tribe may have continued to return to these sites to fish and hunt even after much of the tribe had migrated to the Hangman Valley and the smaller valleys north of Hangman Creek and west of Lake Coeur d'Alene to develop farms beginning in the late 1860s. Construction of the Washington & Idaho Railroad Company's line across the St. Joe River and through these lands in 1889 facilitated camping and attracted the attention of nature excursionists. The lake region quickly became a popular place for residents of the Spokane and Palouse areas to picnic, fish, and hunt during the summer time. Excursion steamers plying the waters of Lake Coeur d'Alene between the town of Coeur d'Alene and St. Marie frequently stopped at Lake Chatcolet. Members of the Coeur d'Alene tribe, most notably Moctelme, saw this as a business opportunity and began charging visitors for the privilege of camping on the lakes; Moctelme went so far as to establish a resort facility at Lake Chatcolet that included a dance pavilion and rowboats for rent.[336]

Announcement of the allotment of the Coeur d'Alene Reservation in 1906 prompted concerns that the lakes and surrounding lands would pass into private ownership. As Superintendent Charles O. Worley and Alloting Agent W. B. Simms of the Coeur d'Alene Reservation noted in their 1909 report to the Commissioner of Indian Affairs, the citizens of Idaho and Washington supported the reservation of the area as a park as "large numbers . . . go to this spot annually for their outing. The Coeur d'Alene, moreover, were also "anxious to have this park established that it will preserve to them, the right to camp and fish at this resort."[337]

Idaho's Senator Weldon Heyburn shared the concerns of both whites and the Coeur d'Alene. Heyburn was very familiar with the Lake Chatcolet area. He was a resident of the town of Wallace, Idaho; had been the attorney for the Washington & Idaho Railroad Company that had constructed the rail line through the area; and his former private secretary William B. Sams was in charge of allotting the Coeur d'Alene Reservation lands. In February 1907, Heyburn introduced legislation (S. 8316) to create a public park centered on Lake Chatcolet, encompassing the other lakes and immediate surrounding lands, within the Coeur d'Alene Reservation boundaries.[338]

Heyburn's attempt to establish a national park for the area, however, was stymied in Congress amid questions regarding the compensation due to the Coeur d'Alene for the acquisition of the lands as well as

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[336] "Statement by Professor Thomas H. Cox Regarding Heyburn State Park," typescript, June 20, 1978, 22. CSRBA-Indian Claims, CDA v State of Idaho Disc; and Woodworth-Ney, *Mapping Identity*, 145-148. With regard to Moctelme, see footnote 312 above.

[337] Charles S. Worley, Superintendent and W.B. Sams, Special Allotting Agent to The Honorable Commissioner of Indian Affairs, Jany 11, 1909. ff. 1719-09 Coeur d'Alene 307.2, Box No. 37 Coeur d'Alene 3089-1909-304.3 to 96148-1916-307.4, Entry 121 Central Classified Files, 1907-39, RG 75, NARA DC.

[338] "Statement by Professor Thomas H. Cox Regarding Heyburn State Park," typescript, June 20, 1978, 30. CSRBA-Indian Claims, CDA v State of Idaho Disc.

the impending allotment process of the reservation itself. A bill (H.R. 15219) finally passed Congress in April 1908, after it was amended while Heyburn was out of town to permit the State of Idaho to purchase the lands from the federal government for use as a state park. Heyburn initially opposed the amendment upon his return, doubting that Idaho would in fact purchase the tract. He eventually withdrew his objection, hoping that by allowing the measure to move forward he might at a later date maneuver to obtain national park status for the park reserve.[339]

Contrary to Heyburn's expectations, the State of Idaho authorized $12,000 for the purchase of the park, and in June 1911, the United States issued a patent to the State. **Figure 25** is a close-up view of a portion of **Figure 23** above, depicting what would become known as Heyburn State Park.[340] The park was subsequently placed under the control of the Idaho Department of Fish and Game and was given a board of control comprised of the governor, state game warden, and an appointed member – effectively alienated the lands from the Coeur d'Alene.[341] While members of the tribe could enjoy the park along with other visitors, they possessed no special rights and were subject to the same state laws as other visitors. Moctelme, for one, lost what might have proven to be a lucrative enterprise, taking tourists, hunters, and fisherman onto Lake Chatcolet and through these lands. Indeed, the Coeur d'Alene chief was upset that establishment of the park he had supported denied him the very lands he sought for his allotment. He was permitted to select another tract, and after making protests to the Interior Department, he was ultimately compensated for the loss of the 80-acre site.[342] Moctelme's enterprise notwithstanding, the main focus of the Coeur d'Alene's economic activity lay with agriculture – dry-farming and stock-raising.

Consequences of Allotment and Alienation

Although the money from leases and the sale of the unallotted lands and the lands within Heyburn State Park ostensibly benefitted the Coeur d'Alene, the tribe did not derive the socio-cultural benefits promised by Dawes and fellow supporters of Indian land allotment in severalty. Historians Ross Cotroneo and Jack Dozier argue, "the first half of the twentieth century was to become a period of profound regression" for

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[339] "Statement by Professor Thomas H. Cox Regarding Heyburn State Park," typescript, June 20, 1978, 22-27. CSRBA-Indian Claims, CDA v State of Idaho Disc.

[340] Charles O Worley, W. B. Sams and W. L. Wallace to CIA, January 16, 1909. ff. 1719-09 Coeur d'Alene 307.2, Box No. 37 Coeur d'Alene 3089-1909-304.3 to 96148-1916-307.4, Entry 121 Central Classified Files, 1907-39, RG 75, NARA DC; and "Statement by Professor Thomas H. Cox Regarding Heyburn State Park," typescript, June 20, 1978, 27-28. CSRBA-Indian Claims, CDA v State of Idaho Disc. Shortly after completion of the appraisal report, as noted above, Sams was instructed to inform Moctelme that all of the lands reserved for state park purposes under the Act of April 30, 1908 were not available for allotment and that Moctelme would need to make another selection.

[341] It continued in this status until 1919, when it was transferred to the Department of Public Works. "Statement by Professor Thomas H. Cox Regarding Heyburn State Park," typescript, June 20, 1978, 43. CSRBA-Indian Claims, CDA v State of Idaho Disc. Cox noted that there were few records for the park during the period in which it was administered by the Department of Fish and Game.

[342] R.A. Ballinger, Secretary, to Hon. W.B. Heyburn, United States Senate, Jan. 23, 1911. ff. Coeur d'Alene Indian Reservation No. I, Sales 1915-1917, Box 15 Coeur d'Alene, Entry 27 Div. K, Indian Reserves 1907-1955, RG 49, NARA DC; and Cox, "Tribal Leadership in Transition," 9.

Figure 25. Close-up View of 1911 Coeur d'Alene Allotment Map, depicting the future Heyburn State Park.

the Coeur d'Alene.[343] Yet, for all of the problems that allotment created, the consequences of allotment may have been more varied and complex than Cotroneo and Dozier recognize.

Tribal devotion to agriculture, first inculcated by the Jesuit missionaries and later promoted by Andrew Seltice and the rest of the Coeur d'Alene leadership, was transformed in the wake of allotment. Many Coeur d'Alene came to realize leasing a portion of their lands rather than work all of their land themselves (as the Dawes Act intended) was more lucrative. Land leasing flew in the face of the aims of allotment, which was intended to transform the Coeur d'Alene and other Indians into independent farmers. Colgrove, for one, blamed Indian character and what he perceived as the overly-generous acreage of the allotments. "Under these conditions," the superintendent wrote in one report to the Commissioner of Indian Affairs in late 1913, "it is extremely hard to induce the indolent to labor in any way." Most of the tribe, in Colgrove's estimation, were not "disposed to till the soil in the way of small grain raising," but rather were "interested in stock." He therefore proposed revisions in leases to encourage individual tribal

[343] Cotroneo and Dozier, "A Time of Disintegration," 414.

members to cultivate their allotments.[344] Colgrove also recommended the establishment of "an agency orchard" under the supervision of a "nursery-man" so as to generate "interest in fruit-raising" which was more lucrative than grain farming. The following year the agency reported having two farmers to assist the Indians, one for the orchard, and another for general farming and stock.[345]

While members of the tribe did establish some orchards and develop small truck and market gardens, grain farming and stock raising nevertheless remained the focus of Coeur d'Alene agricultural activity – where practiced – into the 1920s. For the fiscal year ending June 30, 1913, the tribe reportedly raised 8,000 bushels of wheat and 70,000 bushels of oats, and used nearly 43,000 acres for grazing.[346] Many Coeur d'Alene continued to prefer raising stock to crop farming, as by 1916 400 were reportedly "engaged" in the former while only 95 were devoted to the latter.[347] By the 1920s, typically Coeur d'Alene allottees would lease out as much as half of their allotments to non-Indian grain farmers while retaining the remainder for a mix of subsistence and market farming and grazing.[348]

The documentary record of Coeur d'Alene agricultural activity for the 20th century is fragmentary and at times inconsistent between years. **Table 2** below nevertheless summarizes some of the agricultural activity of the Coeur d'Alene in the years following allotment. This table was compiled from information gleaned from various official reports, correspondence, and other textual federal records specific to the Coeur d'Alene Indian Agency and reservation.[349]

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[344] Morton D. Colgrove, Supt. & S.D.A. to The Honorable, Commissioner of Indian Affairs, December 14, 1913. ff. Commissioner's Correspondence 1913-1914, Box No. 0002, Letters Sent to Commissioner of Indian Affairs 1911-1914, Coeur d'Alene Agency, Northern Idaho Agency, RG 75, NARA S.

[345] Colgrove to Commissioner, September 15, 1913. Letterbook OFF 10/12/12 to 11/29/13, 436-437; and Colgrove to Commissioner, May 15, 1914. ff. Commissioner's Correspondence 1913-1914, Box No. 0002, Letters Sent to Commissioner of Indian Affairs 1911-1914, Northern Idaho Agency, Coeur d'Alene Agency, RG 75, NARA S.

[346] US Department of Interior, *Reports of the Department of the Interior, Volume II: Indian Affairs Territories* (Washington: Government Printing Office, 1914), 118, 122.

[347] US Department of Interior, *Reports of the Department of the Interior for the Fiscal Year Ended June 30, 1916, Volume II: Indian Affairs Territories* (Washington: Government Printing Office, 1917), 113 and 118.

[348] See Byron A. Sharp, Superintendent, Industrial Survey, Coeur d'Alene Indian Agency, 1929, Vol. II. ff. Industrial Survey, Coeur d'Alene Indian Agency 1929, Byron A. Sharp, Superintendent, Vol. II, Box 207, Records of Extension Program, 1924-49, Northern Idaho Agency, RG 75, NARA S. JRP only found a fragment of Sharp's survey at the National Archives at Seattle. Volume I of the survey was missing. Volume II appears to be a draft or perhaps a working copy of a larger, more finished report. This copy has no introduction, summary, or other front matter; it is incorrectly paginated (i.e., page numbers repeat); and in several instances photographs are missing.

[349] Charles O. Worley, Superintendent and SDA, [to The Commission of Indian Affairs], Tekoa Wash, August 5th 1908. Department of the Interior, Item 202, Off. 10/7/05 to 10/7/08 [Letterpress Book], p. 447-449, Box No. 0001, Letters sent to the Commissioner of Indian Affairs, 1905-1911, Coeur d'Alene Agency, Northern Idaho Agency, RG 75, NARA S; [Russell Ratliff], Department of the Interior, United States Indian Service, Annual Report, Coeur d'Alene Reservation, Tekoa, Wash., July 25, 1910, 1, 12 and 18; Annual Report 1920, Statistical Section, 25-26, 30, and 33-A; Annual Report 1921, Statistical, 25-26, 30, and 33-A; Coeur d'Alene Indian Agency, Annual Report, Year 1924, H.D. Lawshe, Superintendent, and Special Disbursing Agent, Coeur d'Alene Indian Agency, Annual Report for 1925, Statistical Section, 18-19, 22; A.G. Wilson, Superintendent, 1931 Annual Statistical Report, Reservation: Coeur d'Alene, 5, 9-11; United States Department of the Interior, Office of Indian Affairs, Division of Extension and Industry, Annual Report of Extension Workers, Report of Coeur d'Alene, From December 1, 1931 to November 30, 1932, Approved: December 5, 1932, 6, 12-14. ff. Coeur d'Alene Agency, Annual Extension Report 1932; Annual Report of

Dry farming continued to prevail among the tribe, with no indication that individual members practiced irrigation. In 1908, Superintendent Charles O. Worley reported to the Commissioner of Indian Affairs that 16,000 acres of Indian lands were under cultivation of "Wheat, Oats, Barley, Potatoes, Timothy, and Clover," and that the lands "do not require irrigation, as the rain fall is sufficient to grow a good crop."[350] Worley's successor Russell Ratliff similarly noted in his 1910 annual report that the "Reservation is a part of what is known as the Palouse Country where the small grains are raised without irrigation," and the

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Extension Workers, Report of Coeur d'Alene, From December 1, 1932 to November 30, 1933, Date: December 1, 1933, 4, 8-9, and 12. ff. Coeur d'Alene Agency, Annual Extension Report 1933; Annual Report of Extension Workers, Report of Coeur d'Alene, From December 1, 1933 to November 1, 1934, Date: October 25, 1934, 4, 8-9, and 12. ff. Coeur d'Alene Agency, Annual Extension Report 1934; Annual Report of Extension Workers, Coeur d'Alene Agency, Moscow, Idaho, Coeur d'Alene Reservation, 1935, From January 1st 1935 to December 31, 1935, Submitted by: M.A. Powell, Agricultural Extension Agent, Annual Report of Extension Workers, Report of Coeur d'Alene Agency (Coeur d'Alene Reservation), From January 1st 1935 to December 30, 1935, Date 12-31-35, Approved: Jan 6, 1936, 4, 8-9, and 12. ff. Coeur d'Alene Agency, Annual Extension Report 1935, Box 1424, Records of the Salt Lake Extension and Credit Office, 1931-1946, PAO 50 Portland Area Office; Annual Report of Extension Workers, Report of Coeur d'Alene, Coeur d'Alene Indian Agency, From January 1, 1936 to December 31, 1936, 2, 4, 6, and 7-8. ff. Coeur d'Alene Agency, Annual Extension Report 1936; Annual Report of Extension Workers, Report of Coeur d'Alene, Coeur d'Alene Indian Agency, From January 1, 1937 to December 31, 1937, 2, and 4-8. ff. Northern Idaho Agency, Annual Extension Report 1937, Box 1460, Records of the Salt Lake Extension and Credit Office, 1931-1946, PAO 50 Portland Area Office; U.S. Department of Agriculture, Soil Conservation Service, Technical Cooperation – Bureau of Indian Affairs, Reconnaissance Survey of the Coeur d'Alene Indian Reservation, Idaho, Denver, Colorado, February, 1938, 8. ff. TC-BIA Social and Economic Survey (1938), Box 1340, Decimal Subject Files, 1953-62, 344.22-344.3-, Branch of Land Operations, Portland Area Office; Annual Report of Extension Workers, Statistical Section, Northern Idaho Agency, Coeur d'Alene Reservation, 1940, 4-9. ff. Annual Reports 1940, Box 209, Records of Extension Program, 1924-49, Northern Idaho Agency; United States, Department of the Interior, Office of Indian Affairs, Division of Extension and Industry, Annual Report of Extension Work, Report of Northern Idaho Agency, Coeur d'Alene, Idaho, From January 1, 1942, to December 31, 1942, 1-4. ff. NI 900.1 No. Idaho, Annual Extension Report 1942; Annual Report of Extension Work, Report of Northern Idaho Agency, Coeur d'Alene, Idaho, From January 1, 1943, to December 31, 1943, 1-3. ff. Northern Idaho, Annual Extension Report 1943; Annual Report of Extension Work, Report of Northern Idaho Agency, Coeur d'Alene, Idaho, From January 1, 1944, to December 31, 1944, 1-3. ff. Northern Idaho, Annual Extension Report 1944; Annual Report of Extension Work, Report of Northern Idaho Agency, Coeur d'Alene, Idaho, From January 1, 1945, to December 31, 1945, 1-4. ff. Northern Idaho, Annual Extension Report 1945, Box 1460, Records of the Salt Lake Extension and Credit Office, 1931-1946, Portland Area Office; United States Department of the Interior, Bureau of Indian Affairs, Division of Extension and Industry, Northern Idaho Agency, Coeur d'Alene Reservation, 1949, Annual Report, Statistical Section, Annual Report of Extension Work, Report of Northern Idaho Agency, Coeur d'Alene, Idaho, From January 1, 1949 to December 31, 1949, 2-4. ff. 1949 Annual Extension Reports, Box 209, Records of Extension Program, 1924-49, Northern Idaho Agency; Coeur d'Alene Tribe, as of June 30, 1952, 3, 11. ff. Northern Idaho – Withdrawal Program, Coeur d'Alene Reservation, Box No. 7 - 130 Klamath, N. Idaho, Tacoma Hospital, Umatilla, Wapata, Warm Springs, W. Washington, General Subject Files, 1951-57, Area Director; Coeur d'Alene Lands, and Office Memorandum, To: Wm. E. Ensor, Jr., Superintendent, Northern Idaho Agency, Lapwai, Idaho, From: Enos A. Anderson, Agency Land Operations Officer, Subject: Survey of human and physical resources of Coeur d'Alene reservation, Date: January 27, 1960, 2, in Coeur d'Alene Reservation Report, Submitted February 3, 1960, Northern Idaho Agency, Lapwai, Idaho. ff. Coeur d'Alene Reservation Report, Feb. 3, 1960, Box 1525, Coeur d'Alene-Tribal Affairs, General Subject Files, 1953-67, Tribal Operations Branch, Portland Area Office, RG 75, NARA S.

[350] Charles O. Worley, Superintendent, to The Commission of Indian Affairs, Subject: Cultivation, and irrigation of Indian lands, Tekoa Wash, May 27th 1908. Department of the Interior, Item 202, Off. 10/7/05 to 10/7/08 [Letterpress Book], p. 406, Box No. 0001, Letters sent to the Commissioner of Indian Affairs, 1905-1911, Coeur d'Alene Agency, Northern Idaho Agency, RG 75, NARA S.

"land is too hilly for general irrigation." Those grains included wheat, oats, and hay.[351] Three years later, the Indian Irrigation Service – a branch of the Bureau of Indian Affairs responsible for Native American irrigation projects – in its own survey of Coeur d'Alene lands concurred in the superintendents' assessments. The lands were not "susceptible to irrigation," according to the Service, owing to the area's "physical conditions," "topography," and the existing "water supply"; the Service therefore developed no projects for the tribe.[352] In continuing the dry farming of grains the Coeur d'Alene were no different from non-Indian farmers in the Palouse, who likewise refrained from irrigation and almost exclusively cultivated wheat and oats with some stock raising for much of the 20th century.[353]

Leasing, in the end, made the most economic sense for the Coeur d'Alene; it enabled tribal landowners to maximize the value of their land by putting them into profitable dry-farmed wheat. An investigation by the Institute for Government Research, published in 1928 as *The Problem of Indian Administration* – better known as the "Meriam Report" after the study's technical director Lewis Meriam – in fact found the tribe to be among the wealthiest in the nation. Of the 65 tribes that Meriam's survey team visited, the Coeur d'Alene ranked second highest in the per-capita value of their individual property at $7,690. Their annual per-capita income of $276 ranked 12th highest, putting them just shy of the top 10%.[354] By the early 1930s even federal Indian agents acknowledged that the returns the Coeur d'Alene had on their leases provided enough money, in the words to Superintendent Arthur G. Wilson, "to supply their actual needs and sometimes more."[355]

Coeur d'Alene who continued to practice the traditional livestock-oriented agriculture did so at a cost. Indian agents, for example, praised John Jackson for working his own land with a six-horse team, plow, mower, and other basic agricultural implements to produce a small garden and 40 acres of timothy hay. Yet Jackson's average income in the mid-1920s was a mere $35 a year, or 87.5 cents per acre, at a time

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[351] [Russell Ratliff], Department of the Interior, United States Indian Service, Annual Report, Coeur d'Alene Reservation, Tekoa, Wash., July 25, 1910, 1.

[352] US Department of Interior, *Reports of the Department of the Interior, Volume II: Indian Affairs Territories* (Washington: Government Printing Office, 1914), 255, 260, 264; and Annual Report on Indian Irrigation, To the Commissioner, From the Chief Engineer 1914, 68. Box 1 1908 to 1914, Annual Reports of the Chief Engineer, 1908-24, 1932, Records of the Irrigation Division; and H. M. Creel, Inspection Report, Coeur d'Alene Agency, Sept. 30, 1922, Section 8, Coeur d'Alene Agency Irrigation, 30. ff. Coeur D'Alene 79535-1922-341, Box No. 90 Coeur d'Alene 35781-1932-339 to 30896-1928-343, Entry 121 Central Classified Files 1907-39, RG 75, NARA DC.

[353] Duffin, "Fill the Earth and Subdue It," 49-97. Sprinkler irrigation utilizing groundwater pumping did not come to the region until the mid-20th century.

[354] Institute for Government Research, *The Problem of Indian Administration* (Baltimore: John Hopkins Press, 1928), 446, 450.

[355] United States Congress, *Survey of Conditions of the Indians in the United States: Hearings before a Subcommittee of the Committee on Indian Affairs,* United States Senate, 72d Cong., 1st sess., Part 32: Idaho and Washington (GPO, 1934), 16971; and A.G. Wilson, Superintendent, Annual Report of Coeur d'Alene Indian Agency for Fiscal Year 1930, Coeur d'Alene Indian Reservation, 6 and 7. ff. 9.15.1 Coeur d'Alene Agency – Superintendent 1930-32, Box 1423, Records of the Salt Lake Extension and Credit Office, 1931-1946, PAO 50 Portland Area Office, RG 75, NARA S.

Table 2. Agriculture and Stock Raising on Coeur d'Alene Lands, 1908, 1910, 1920-1921, 1934, 1931-1938, 1940-1945, 1949, 1952, 1960

YEAR	Coeur d'Alene Farming Families / Individuals	ACRES CULTIVATED / HARVESTED		CROPS (produced by Coeur d'Alene farmers, unless otherwise noted; in bushels, unless otherwise noted)					LIVESTOCK (owned by Coeur d'Alene)					NOTES
		Coeur d'Alene	*Non-Coeur d'Alene*	**WHEAT**	**OATS AND OTHER GRAINS**	**HAY AND OTHER FORAGE CROPS**	**PEAS**	**GARDEN CROPS / HORTICULTURE**	*Cattle (Beef / Dairy)*	*Swine*	*Chickens, Turkeys, and Water Fowl*	*Sheep and Goats*	*Horses and Mules*	
1908		13,000												
1910	50 / --	1,200	46,400											
1920	81 / --	9,250	37,109	40,000	30,000	500 tons		6,000 potatoes	576	84	2,910	150	779	Potatoes were the only non-grain or peas reported for 1920, 1921, and 1925.
1921	89 / --	10,050	37,106	50,000	40,000	1,600 tons		8,000 potatoes	667	116	3,500	200	854	
1925	-- / 102	11,750	34,000	36,000	25,000	1,800 tons		6,000 potatoes	707	165	4,250	100	710	
1931	-- / 21	42,090.05		524,476	59,954	824 tons	38,751		125 (75 / 50)	150	1400		650	For this year, acres cultivated included Coeur d'Alene and non-Coeur d'Alene and crop yields similarly were for Coeur d'Alene and non-Coeur d'Alene lands.
1932	38	1,010		18,200	5,800	75	38,751	210,200 lbs						The types of garden crops grown between 1932 and 1937 included potatoes, onions squash and pumpkins, carrots, rutabagas and turnips, red beets, and dry beans.
1933		2,500	35,925					296,250 lbs	340 (250/90)	750	1,380	35		The 1934 annual extension report indicated that 305,750 lbs of garden crops were raised in 1933.
1934		2,850	35,415	800	335			367,000 lbs	460 (350 / 110)	800	1,650	65	400	
1935	18 / --	2,310	35,955	33,000	11,500	350		212,000 lbs	410 (300 /110)	200	1,232	50	400	
1936		2,120	41,300	25,000	6,521	444	2,780	251,010 lbs / 560 bu	346 (300 / 46)	275	1,366	50	350	In 1936, 560 bushels of apples, pears, and plums and prunes were harvested.

YEAR	Coeur d'Alene Farming Families / Individuals	ACRES CULTIVATED / HARVESTED		CROPS (produced by Coeur d'Alene farmers, unless otherwise noted; in bushels, unless otherwise noted)					LIVESTOCK (owned by Coeur d'Alene)					NOTES
		Coeur d'Alene	*Non-Coeur d'Alene*	**WHEAT**	**OATS AND OTHER GRAINS**	**HAY AND OTHER FORAGE CROPS**	**PEAS**	**GARDEN CROPS / HORTICULTURE**	*Cattle (Beef / Dairy)*	*Swine*	*Chickens, Turkeys, and Water Fowl*	*Sheep and Goats*	*Horses and Mules*	
1937		1,675	42,500	11,167	888	410	1,200	216,760 lbs / 1,275 bu, 350 g	352 (27 / 325)	325	1,255	365	325	In 1937, 1,275 bushels of apples, pears, and plums and prunes were harvested along with 300 gallons of raspberries and 50 gallons of currants.
1938		1,060	50,220											
1940	58 / --	1,454		15,223	11,658	218 tons	4,953	193,095 lbs / 473 bu, 2,375 qts	321 (215 / 106)	262	4,469	48	239	The types of garden crops reportedly grown in 1940 included not only the same crops grown between 1932 and 1937 but also melons, cucumbers, radish, cabbage, and lettuce. In 1940, 400 bushels of apples, 25 bushels of pears, and 48 bushels of plums and prunes were also harvested along with 450 quarts of raspberries, 200 quarts of strawberries, and 1,725 quarts of "wildberries."

YEAR	Coeur d'Alene Farming Families / Individuals	ACRES CULTIVATED / HARVESTED		CROPS (produced by Coeur d'Alene farmers, unless otherwise noted; in bushels, unless otherwise noted)					LIVESTOCK (owned by Coeur d'Alene)					NOTES
		Coeur d'Alene	*Non-Coeur d'Alene*	**WHEAT**	**OATS AND OTHER GRAINS**	**HAY AND OTHER FORAGE CROPS**	**PEAS**	**GARDEN CROPS / HORTICULTURE**	*Cattle (Beef / Dairy)*	*Swine*	*Chickens, Turkeys, and Water Fowl*	*Sheep and Goats*	*Horses and Mules*	
1942	57 / --	2,806	30,870	25,550	13,000	350 tons	5,550 100# sacks	3,050 lbs / 300 bu of "Tree fruits," 200 qts of "Berries."	312 (225 / 87)	264	4,457	45	233	The types of garden crops reportedly grown in 1942 included potatoes, "Tomatoes, citrus fruits," "Leafy, green, yellow vegetables," and "other vegetables and fruits." It is not clear if these fruits overlapped with the "Tree fruits" and "Berries" also harvested this year.
1943	51 / --	2,258		24,000	15,800	590 tons	6,000 100# sacks	400 100# sacks of potatoes / 250 bu of "Tree fruits," 250 qts of "Berries"	342 (248 / 94)	214	5,567	46	222	
1944	47 / --	2,190		25,000	18,400	1,000 tons	4,400 sacks	600 sacks of potatoes / 200 bu of "Tree fruits," 300 qts of "Berries"	341 (257 / 84)	130	5,907	3	217	
1945	45 / --	1,970		24,000	13,200	640 tons	5,000 sacks	600 sacks of potatoes / 200 bu of "Tree fruits"	313 (248 / 65)	58	5,555		192	
1949	30 / --	865		6,667	6,042	205		-- / 200 bu of "Tree fruits," 300 qts of "Berries"	43 (28 / 15)	19	1,261		126	
1952	8 / --	1,115	33,627											
1960	3 / --	1,070	44,461											

when the leasers of wheat land were averaging around $3.75 per acre.[356] Even growing wheat on a small-scale became more challenging as market production displaced prior patterns of local consumption. The reservation's small grist mill ceased functioning in the early years of the new century.[357] Reaching the nearest mill then required traveling across the state line to Tekoa, Washington, a twelve-mile haul over poor roads.[358]

Tribal members who attempted to grow wheat commercially on their own also felt particularly harassed by middle-man merchants. Across the West, in general, wheat farmers feared their vulnerability to market manipulations in the cost of wheat sacks, binding twine, freight rates, and other necessities. For at least some Coeur d'Alene these pressures offered good reason to leave the problems to lease holders. Asked by a US Senate subcommittee that visited the former reservation in 1933 why he had ceased directly farming, Maurice Antelope said that at "one time, I raise lots of grain and then white people raise everything and charge me more, for sacks, and so forth. When I go buy a sack, they raise up the price, and twine more price; everything more price. That is why I quit. If he treats me like the other people, then I keep farming right now."[359]

Coeur d'Alene material and social conditions overall deteriorated in the 1920s as a consequence of these changes. The First World War temporarily brought record farm profits to the tribe and other Palouse farmers, but in the 1920s, the tribe reportedly had "difficulty in reducing expenses to meet their curtailed incomes."[360] A detailed "industrial survey" of the Coeur d'Alene in 1929, undertaken by then-superintendent Byron A. Sharp, indicated that most members of the tribe that farmed dry farmed in wheat, oats, and peas. A few had small apple orchards – perhaps the legacy of Colgrove's initiative in the early 1910s – and some sold the timber from their lands as a supplemental income. Sharp noted the number and size of homes and outbuildings, the quality of construction and the materials used, as well as farm tools and animal stock. Wells and springs furnished many homes and farm buildings with a domestic water supply, according to the superintendent, but his survey offered no evidence of crop irrigation on

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[356] Byron A. Sharp, Superintendent, Industrial Survey, Coeur d'Alene Indian Agency, 1929, Vol. II, 72. ff. Industrial Survey, Coeur d'Alene Indian Agency 1929, Byron A. Sharp, Superintendent, Vol. II, Box 207, Records of Extension Program, 1924-49, Northern Idaho Agency, RG 75, NARA S.

[357] United States Congress, *Survey of Conditions of the Indians in the United States: Hearings before a Subcommittee of the Committee on Indian Affairs,* United States Senate, 72d Cong., 1st sess., Part 32: Idaho and Washington (GPO, 1934), 16997-16998.

[358] United States Congress, *Survey of Conditions of the Indians in the United States: Hearings before a Subcommittee of the Committee on Indian Affairs,* United States Senate, 72d Cong., 1st sess., Part 32: Idaho and Washington (GPO, 1934), 16978.

[359] United States Congress, *Survey of Conditions of the Indians in the United States: Hearings before a Subcommittee of the Committee on Indian Affairs,* United States Senate, 72d Cong., 1st sess., Part 32: Idaho and Washington (GPO, 1934), 16993-16994.

[360] Hugh L. Scott, Member, Board of Indian Commissioners, to Hon. George Vaux, Jr., Chairman, Board of Indian Commissioners, August 10, 1922, 3. Trial Exhibit 2390, *United States of America and Coeur d'Alene Tribe v. State of Idaho*, Case No. CIV-94-0328-N-EJL; and Duffin, "Fill the Earth and Subdue It," 70-77.

any scale by the Coeur d'Alene. Many of the tribal members discussed in the report were in substantial debt, and several allottees were described as "heavy user[s] of intoxicants."[361]

At the time of Sharp's industrial survey of the tribe, Peter Moctelme, "the so called Chief of the Coeur d'Alene," was 77 years old and lived with his wife, Agnes Moctelme, on their 160-acre allotments with their two adult sons (who were also allotted) and their families. Peter and Agnus Moctelme's allotments (Nos. 7 and 8) were located about eight or nine miles east of the town of Tekoa, Washington on Moctelme Creek near where it intersects with modern day Highway 95. **Figure 26** contains a photograph of the Moctelme's home and shows its location on the General Land Office plat map. The one story, wood-frame residence measured 30' x 42' and had four rooms. Outbuildings on the farm included two barns, a machine shed, wood shed, and a dirt cellar. Water was supplied to the house by means of a well and pump house. Although Moctelme owned six work horses, plows, sleds, a mower wagon and scraper, the 160 acres under cultivation on his ranch were all worked by Frank Carothers, a white lessee who also leased the nearby allotment of Bartholomew Moctelme, who was partially paralyzed and lived with his father. Like most of the other lessees, Carothers farmed the Moctelmes' land on a share basis giving one-third of the wheat or oat crop raised to the landowners. Carothers lived in a rundown three-room wood-frame residence on Bartholomew Moctelme's allotment, which also had a barn and machine and wood sheds.

As was the case for nearly all of the ranches cataloged in Sharp's industrial survey, the water supply for Carothers' farm complex also came from a well dug or drilled near the house. Most commonly these wells drew water by use of a hand pump, but some lifted water with an old fashion bucket and pulley. In some cases, there was no water supply and any water needed had to be hauled in barrels from distant springs or other farms nearby. A few of the more prosperous farmers and ranchers pumped water by use of gas engines by which "an adequate supply of water is furnished," and one – John Peone, whose house is shown in a picture reproduced as **Figure 27** below – reported a well using a pump house and windmill to raise water. Far fewer rural residents appear to have obtained their water supply from natural springs, and none were reported in the industrial survey as diverting water from streams in ditches or canals. In fact, Sharp frequently comments that low-lying lands adjacent to creeks and other water bodies were considered of poor-quality because they were subject to frost damage. It was also not uncommon for the Coeur d'Alene allottees to maintain a small orchard and gardens near their homes, canning fruit and drying corn or beans putting them up in a cellar for winter home consumption.[362]

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[361] Byron A. Sharp, Superintendent, Industrial Survey, Coeur d'Alene Indian Agency, 1929, Vol. II. ff. Industrial Survey, Coeur d'Alene Indian Agency 1929, Byron A. Sharp, Superintendent, Vol. II, Box 207, Records of Extension Program, 1924-49, Northern Idaho Agency, RG 75, NARA S.

[362] Byron A. Sharp, Superintendent, Industrial Survey, Coeur d'Alene Indian Agency, 1929, Vol. II, 84-91, 96, 100 and 112. ff. Industrial Survey, Coeur d'Alene Indian Agency 1929, Byron A. Sharp, Superintendent, Vol. II, Box 207, Records of Extension Program, 1924-49, Northern Idaho Agency, RG 75, NARA S.

Figure 26. 1929 Photograph of the home of Peter Moctelme, Indian Allotment No. 7 (inset), located in SE1/4 of SW1/4 of Sec. 14, T 45 N, R 5 W, Boise Meridian.

Figure 27. 1929 Photograph of the home of John Peone, Indian Allotment No. 638, whose water supply came from a well pumped with wind power.

The Industrial Survey also pointed to the degree to which leasing had transformed not only the agricultural activity on the lands of the former reservation, but also the character of those lands. By the 1920s, white farmers commonly not only worked the land but also fully occupied the allotment, moving into Coeur d'Alene-built farm houses. Of the 85 homes that were photographed for the Industrial Survey of the reservation, nearly a third of them (27) were occupied by a lessee.[363] The tidy homes, diverse outbuildings, and well-maintained fences that had previously been the pride of the Coeur d'Alene fell into disrepair. Coeur d'Alene farmer Sam Friedlander noted this in his comments before the same Senate subcommittee that Maurice Antelope testified before in 1933. "They have some good buildings," he said of his fellow Indian farmers, "but the buildings, we rent them out, and these people have so much land and they don't take care of the houses."[364]

The quality of the fields also deteriorated as weeds, particularly Canadian thistle, invaded the overworked and under-tended leased properties. While this was a broader problem in the Palouse region, lessees

[363] Byron A. Sharp, Superintendent, Industrial Survey, Coeur d'Alene Indian Agency, 1929, Vol. II. ff. Industrial Survey, Coeur d'Alene Indian Agency 1929, Byron A. Sharp, Superintendent, Vol. II, Box 207, Records of Extension Program, 1924-49, Northern Idaho Agency, RG 75, NARA S.

[364] United States Congress, *Survey of Conditions of the Indians in the United States: Hearings before a Subcommittee of the Committee on Indian Affairs,* United States Senate, 72d Cong., 1st sess., Part 32: Idaho and Washington (GPO, 1934), 16976.

collectively evidenced little regard for maintaining fields beyond their own needs. By the end of the decade, the reservation superintendent declared flatly that the weeds had become a "decided menace" to the continued productivity of the fields.[365]

In their pursuit of maximum wheat production, renters abandoned many elements of the Coeur d'Alene farms that had contributed to their diversity. Chicken houses, hog sheds, and barns fell into disuse.[366] Little had ever been done with water storage on Coeur d'Alene homesteads, but even what few small projects there were, ceased functioning during this time. A pump house and elevated storage tank on the lessee-occupied allotment of Louie Victor was "out of commission" in 1929 and the windmill on Felicity Paul's allotment was listed as "not in working condition."[367]

Wheat monoculture also contributed to localized environmental degradation. Heavy erosion plagued the entire Palouse, including those lands leased on the reservation, into the 1930s and the soil that ran off the summer-fallowed fields flowed downhill to smother low-lying grasslands.[368] Erosion also steepened the gradient of streams, lowering the water table and speeding the removal of runoff, so that pastures received less consistent moisture. Such run-off further exacerbated the silting of Hangman Creek, a process that had begun soon after the Coeur d'Alene moved to the valley.[369]

Furthermore, for all of the economic sense of leasing land for wheat production, members of the tribe over time came to see the leasing of their lands as something forced upon them. Antelope and Ignatius Peone both testified before the US Senate subcommittee in 1933 that prior superintendents had pressured or compelled Indians to lease their lands. Mary Rickman stated that when she desired to put her land into a relatively short 3-year lease, the Superintendent leaned on her to accept a longer 5-year term. All three expressed resentment over their lack of control in selecting who would work their land.[370]

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[365] A. G. Wilson, Superintendent, Annual Report of Coeur d'Alene Indian Agency for Fiscal Year 1930, 10. ff. Coeur d'Alene Agency—Superintendent 1930 & 32, Box 1423, Records of the Salt Lake Extension and Credit Office, 1931-1946, Portland Area Office, RG 75, NARA S.

[366] The conditions of the properties are listed throughout the report. Byron A. Sharp, Superintendent, Industrial Survey, Coeur d'Alene Indian Agency, 1929, Vol. II. ff. Industrial Survey, Coeur d'Alene Indian Agency 1929, Byron A. Sharp, Superintendent, Vol. II, Box 207, Records of Extension Program, 1924-49, Northern Idaho Agency, RG 75, NARA S.

[367] Byron A. Sharp, Superintendent, Industrial Survey, Coeur d'Alene Indian Agency, 1929, Vol. II, 100 and 118. ff. Industrial Survey, Coeur d'Alene Indian Agency 1929, Byron A. Sharp, Superintendent, Vol. II, Box 207, Records of Extension Program, 1924-49, Northern Idaho Agency, RG 75, NARA S.

[368] The first attempt to quantify erosion rates in the late 1930s and 1940s found an average per year loss of 8.8 million tons of soil per acre in Whitman County, Washington, a premier agricultural area within the larger Palouse region. See Verle G. Kaiser, "Historical Land use and Erosion in the Palouse--A Reappraisal," *Northwest Science* 35, no. 4 (1961), 145.

[369] Earl Victor, "Some Effects of Cultivation Upon Stream History and Upon the Topography of the Palouse Region," *Northwest Science* 9, no.3 (1935), 18-19; and Coeur d'Alene Tribe, *Water Resources Inventory – Phase II*, Contract No. 14-20-0500-4775, Coeur d'Alene Reservation, December 1977, 39. Idaho/Inland Northwest, Jerome Day Manuscript Collection, Special Collections, University of Idaho, Moscow [hereafter UI Spec Coll].

[370] United States Congress, *Survey of Conditions of the Indians in the United States: Hearings before a Subcommittee of the Committee on Indian Affairs,* United States Senate, 72d Cong., 1st sess., Part 32: Idaho and Washington (GPO, 1934), 16972-16974, 16992-16995, and 16998-16999.

Lease proceeds notwithstanding, many members of the tribe experienced continued financial difficulties into the 1930s. Among the Coeur d'Alene, a practice developed during the 1920s by which landowners regularly received permission from the reservation superintendent to borrow against their next year's income to make purchases from local merchants. Through the 1920s, those debts got passed on from year-to-year and increased in size, until by 1930, the total indebtedness amounted to between $100,000 and $120,000. With the decline in commodity prices and thus lower returns on their land leases in the 1930s, the Coeur d'Alene were able to pay back what superintendent Wilson described as "but a very small amount" of the debt. This debt load hindered the ability of the Coeur d'Alene to borrow further, complicating any effort by them to return to active farming.[371]

Such debts also contributed to declining Coeur d'Alene land ownership. In 1906, Congress enacted legislation that provided for "competent" Indians to obtain a patent for their allotment prior to the end of the 25-year trust period. The first Coeur d'Alene patents, 31 in total, amounting to more than 5,000 acres of land, were issued in 1913. That land rapidly passed out of Coeur d'Alene hands either through outright sale or through bank seizure to satisfy debts. Federal Indian officials recognized the problem, and attempted to forestall sales and encourage the Coeur d'Alene to avoid incurring debts that threatened their landholdings. Tribal members nevertheless continued to sell off their lands into the 1920s. By 1933, Coeur d'Alene holdings were roughly 60 percent of that which had been allotted to the tribe nearly 25 years prior.[372]

The impact of allotment upon the economic, social, cultural, and political life of the Coeur d'Alene is undeniable. Agriculture remained the principal economic activity on the former reservation lands in the wake of allotment; however, non-Indian lessees increasingly undertook much of that farming in the decades following allotment. Although some members of the tribe were content with this arrangement, those who were opposed to the leasing program were not in a sufficiently strong financial position to alter it. The allotment process, moreover, greatly diminished the reservation for which Seltice and the rest of the late-19th century tribal leadership along with their Jesuit allies had fought so hard. The awarding of lands in severalty to the Coeur d'Alene physically dissociated the tribe from access to many of their aboriginal waterbodies, watercourses, and hunting, fishing, and gathering grounds. Tribal devotion to Euro-American agriculture had been the linchpin of the Coeur d'Alene argument for a reservation, and many Coeur d'Alene had already transformed themselves into agriculturalists, abandoning aboriginal ways, decades before allotment. Paradoxically this collective tribal choice became the justification in the early-20th century for the dissolution of that reservation and instead of flourishing, as supporters of Indian severalty had predicted, Coeur d'Alene agriculture stagnated.

Coeur d'Alene Land and Water Use, From the 1930s into the 1970s

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[371] United States Congress, *Survey of Conditions of the Indians in the United States: Hearings before a Subcommittee of the Committee on Indian Affairs*, United States Senate, 72d Cong., 1st sess., Part 32: Idaho and Washington (GPO, 1934).

[372] Cotroneo and Dozier, "A Time of Disintegration," 408, and 416-417.

The "Indian New Deal" and the Revival of Coeur d'Alene Farming, 1932-1945

Federal efforts aimed at bolstering the socio-economic position of farmers and Indians in the United States in the 1930s materially improved conditions among the Coeur d'Alene for a time. Measures such as the 1932 Agricultural Adjustment Act and the 1934 Indian Reorganization Act (or IRA, also known as the Wheeler-Howard Act after its sponsors) sought to enhance Native American economic life, restore a measure of Indian autonomy through the creation of tribal governments, and return lands lost to tribes in the allotment process.[373] For the Coeur d'Alene, this "Indian New Deal" meant greater federal financial and instructional support for agricultural activities, and restoration of some tribal lands lost through the allotment process.

As indicated above, the relatively prosperous wheat years of the 1920s ended abruptly with the October 1929 stock market collapse. In the days before the crash, wheat sold for an average price of $1.50 a bushel, but then quickly lost a quarter of its value, ending the year at $1.13. The slide continued for the next two years. By August of 1930, the price was at 83 cents, and then 70 cents the following November. The bottom finally came in 1932 at a ruinous 38 cents a bushel. Nationally, the production of wheat went up sharply from 1929 to 1932 as farmers desperately tried to compensate for the lower prices with larger crops. In the Palouse, however, where farmers already grew wheat on most every plausible acre, production remained nearly stable before the election of Franklin D. Roosevelt as president.[374]

A month after taking office, Roosevelt signed the Agricultural Adjustment Act (AAA) into law in an effort to reverse the collapse of commodity prices. Targeting overproduction, the act encouraged farmers to sign three-year contracts with the Department of Agriculture to reduce their acreage in wheat by up to 20%. Participating farmers received an extra 29 cents per bushel on the remainder of their crop. The program was immediately popular in the Palouse. In Whitman County, 94% of wheat farmers enrolled their lands, taking more than 400,000 acres out of production and receiving $1.4 million in compensation.[375] On the Coeur d'Alene reservation, the federal farm agent found "nearly all" the allotment holders willing to enroll in the program, and by September 1933, most had signed contracts without any direct assistance from the agency.[376] Additional support came from other New Deal programs such as the North Pacific Emergency Export Association, which subsidized the shipment of 15 million bushels of wheat to the Far East, and the Federal Surplus Commodity Corporation, which purchased surplus wheat for overseas export.[377]

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[373] Prucha, *The Great Father,* 940-951; and *An Act to conserve and develop Indian lands and resources; to extend to Indians the right to form businesses and other organizations; to establish a credit system for Indians; to grant certain rights of home rule to Indians; to provide for vocational education for Indians; and for other purposes*, 48 Stat. 984.
[374] Duffin, *Plowed Under,* 76-80.
[375] Duffin, *Plowed Under,* 80-81.
[376] United States Department of the Interior, Office of Indian Affairs, Monthly Report of Extension Workers, Coeur d'Alene Agency, Lapwai, Idaho, July 1933, 1; United States Department of the Interior, Office of Indian Affairs, Monthly Report of Extension Workers, Coeur d'Alene Agency, Nez Perce Reservation, August 1933, 1. ff. Coeur d'Alene Reservation, Monthly Reports of Extension Workers, 1933, Box 208, Records of Extension Program, 1924-1949, Northern Idaho Agency, RG 75, NARA S.
[377] Richard Lowitt, *The New Deal and the West* (Bloomington: Indiana University Press, 1984), 140-141.

The AAA worked to halt the slide in prices, but conditions remained desperate for farmers throughout the decade. Lessees of Coeur d'Alene lands found themselves without the means to stay current on their debts. Most leases were for a share of the crop, which should have been more secure. A number of lessees, however, had borrowed to purchase agricultural equipment during the 1920s and when they fell behind on payments, the implement companies exercised a priority claim to the crop. Coeur d'Alene landowners were consequently deprived of their expected income. A 1935 examination by the BIA's Division of Investigations found that some of "the lessees have been very indifferent toward taking care of their obligations." The staff of the Coeur d'Alene agency, overwhelmed by other demands, also appeared to be failing to exercise due diligence in securing the landowners' claims. By November of 1934 the total delinquency in lease payments was $23,000, of which about half, or $11,771.84, was seriously late and showed little sign of being soon recovered.[378]

New agency staff in the 1930s nevertheless saw an opportunity for the Coeur d'Alene. A. G. Wilson, a twenty-year veteran of the BIA, who assumed the position of Coeur d'Alene Indian superintendent in July 1931 was at first appalled by the degree of indebtedness that he found among the Coeur d'Alene.[379] By the end of the year, Wilson had come to understand it as the greatest asset working in his favor. He wrote to the Commissioner of Indian Affairs in December that the "absolute necessity which now confronts many of them, in my judgment, makes this an opportune time to institute an active industrial campaign." Leasing their lands had produced relative prosperity for the Coeur d'Alene through the 1920s, but Wilson saw the system as detrimental to the tribe's interests. The leasing program, he believed, needed to be replaced rather than repaired.[380]

Like previous Indian agents, Wilson diagnosed the Coeur d'Alene's troubles as arising principally from moral failings – these brought on by the too-easy prosperity of the prior decade. "So long as the prices of farm commodities, particularly wheat, as this is primarily a wheat-producing country, were high," Wilson wrote to the commissioner, "the Indians, whose lands were leased, were assured a bountiful income." This led, in his view, to predictable troubles: "Extravagant habits were developed and a life of idleness with all of its attendant evils naturally followed."[381]

The solution to the Coeur d'Alene's problems – what Wilson termed "their rehabilitation" – depended upon getting them back to work farming their own lands. Characterizing the findings of the 1929 industrial

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[378] William Zimmerman Jr., Assistant Commissioner, to A.G. Wilson, Supt., Coeur d'Alene Agency, March 29, 1935. ff. 915.1 Couer d'Alene Agency -Superintendent 1934-35, Box No. 1423, Records of the Salt Lake Extension and Credit Office, 1931-1946, Coeur d'Alene, Portland Area Office, RG 75, NARA S.

[379] United States Congress, *Survey of Conditions of the Indians in the United States: Hearings before a Subcommittee of the Committee on Indian Affairs, United States Senate*, 72d Cong., 1st sess., Part 32: Idaho and Washington (GPO, 1934), 16947.

[380] A.G. Wilson, Superintendent, to Commissioner of Indian Affairs, Dec. 8, 1931, 3. ff. 915.1 Couer d'Alene Agency - Superintendent 1930 & 32, Box No. 1423, Records of the Salt Lake Extension and Credit Office, 1931-1946, Coeur d'Alene, Portland Area Office, RG 75, NARA S.

[381] A.G. Wilson, Superintendent, to Commissioner of Indian Affairs, Dec. 8, 1931, 1. ff. 915.1 Couer d'Alene Agency - Superintendent 1930 & 32, Box No. 1423, Records of the Salt Lake Extension and Credit Office, 1931-1946, Coeur d'Alene, Portland Area Office, RG 75, NARA S.

survey as “none too good,” Wilson and Farm Extension Agent A.E. Stover developed a plan for “constant personal contact and the building up of an Indian public sentiment for advancement” through cultivation of the soil. They reportedly found success in working with “the more determined” members of the tribe as well as “experts” and “Indian Organizations” to establish reasonable goals for cultivating domestic gardens, farming commodities, and acquiring and managing livestock.[382]

In outlining the agricultural extension program among the Coeur d’Alene, Wilson and Stover found much potential. They described the Coeur d’Alene as formerly “followers of the chase,” who became successful farmers “under the guidance of missionaries and under earlier government supervision,” until they began leasing their lands to white farmers and falling into “idleness.” The conditions of the lands the Coeur d’Alene occupied and leased out nevertheless remained favorable to agriculture. Wheat was, as it had been since the late-19th century, the principal crop cultivated on these lands not only by those Coeur d’Alene that continued to farm but also by white lessees. Oats and barley were also “grown to some extent,” but while fruit and vegetables did “very well” they were not widely cultivated. Peas were the principal summer crop, intended to return nutrients to the soil lost to grains, and Wilson and Stover promoted alfalfa for a similar reason. By working closely with the Coeur d’Alene, the superintendent and farm agent believed that they could revive “interest . . . in farm activities and industry and get them to engage in useful pursuits instead of leading a life of idleness.”[383]

The agricultural policy pursued by the reservation agency staff was thus strongly directed towards getting the Coeur d’Alene to take at least some of their land out of leases in order to establish (or, re-establish) their own farms. Forty-one leases expired in November of 1932 and Wilson used that moment to call to his office “every ablebodied Indian” involved in leasing the lands in order to have “definite arrangements made to reserve all the land that he can utilize, and only the surplus [will be] advertised and leased.” “The ultimate aim,” he wrote, “will be to lease no land that the Indian owner can be induced to farm.”[384] Wilson estimated that 75% of the farm agent’s time was then being absorbed in administering the leases, so he also pushed regularly to curtail agency involvement with leasing in order to free up resources for teaching direct farming methods. The intent was eventually to handoff all responsibility for the leases. As a 1935

[382] United States Department of the Interior, Office of Indian Affairs, Division of Extension and Industry, Annual Report of Extension Workers, Report of Coeur d’Alene, From December 1, 1931 to November 30, 1932, Approved: December 5, 1932, 5-7. ff. Coeur d’Alene Agency, Annual Extension Report 1932, Box 1424, Records of the Salt Lake Extension and Credit Office, 1931-1946, PAO 50 Portland Area Office, RG 75, NARA S.

[383] United States Department of the Interior, Office of Indian Affairs, Division of Extension and Industry, Couer [*sic*] d’Alene Indian Reservation, 2/17/32, 1. ff. 9.15-8 Coeur d’Alene [Includes Kalispel, Kootenai, Nez Perce] Projects, 1932-34, Box 1424, Records of the Salt Lake Extension and Credit Office, 1931-1946, PAO 50 Portland Area Office, RG 75, NARA S.

[384] A.G. Wilson, Superintendent, to Commissioner of Indian Affairs, Dec. 8, 1931, 3. ff. 915.1 Couer d'Alene Agency - Superintendent 1930 & 32, Box No. 1423, Records of the Salt Lake Extension and Credit Office, 1931-1946, Coeur d'Alene, Portland Area Office, RG 75, NARA S.

agricultural extension report put it, "[i]t has become a fixed policy goal to urge the Indians to assume all responsibility for their property, its management and business transactions connected therewith."[385]

To replace the leased fields of wheat, Wilson envisioned a revival of the subsistence farms that existed among the Coeur d'Alene in the late-19th century – a vision that did not include extensive irrigation. A list of ten goals that he wrote out in 1931 began with every Indian household having "a garden that will furnish sufficient vegetables, including potatoes, for the family needs." The plan then included chickens and "sufficient milk cows . . . to furnish them with plenty of milk and butter," followed by larger livestock, forage crops, and 4-H clubs, with only a brief stop to mention seeding "ten to forty acres" with a cash crop. Non-Indian farmers who leased the lands had thoroughly rejected this diversified model since the First World War, but the collapse of commodity prices offered some hope for reviving it. Throughout the 1930s then, extension agents devoted the bulk of their attention to small-scale projects promoting diverse farming – family gardens and county fairs – rather than trying to improve the profitability of the leased lands.[386]

In the first year of the program, they had a goal of having 60 families establish vegetable gardens; nearly twice that number planted gardens. A few gardens suffered from animal and rodent depredations and weather, but the majority thrived. Enough was produced for the summer and winter, relying upon natural precipitation, that some successful growers gave away vegetables to those that did not have gardens.[387]

Wilson and Stover had more limited success in encouraging tribal members to cultivate alfalfa. Only 30 acres of the crop were planted, in contrast to 800 acres of grain. "Indians and white alike," they subsequently observed, "are not alfalfa minded this being a grain country." Nevertheless, Wilson and Stover described the alfalfa grown as "an excellent stand," a promising start "to diversified farming which is much needed in this vicinity both among Indian and white farmers."[388]

That same year, Wilson and Stover aimed to purchase a work team for every family committed to farming as well as a dairy cow for every Coeur d'Alene family that did not yet have one. Many Coeur d'Alene

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[385] M.A. Lowell, Agricultural Extension Agent, Annual Report of Extension Workers, Coeur d'Alene Agency, Moscow, Idaho, Coeur d'Alene Reservation, 1935, 3. ff. Coeur d'Alene Reservation, Annual Extension Report 1935, Box No. 1424, Records of the Salt Lake Extension and Credit Office, 1931-1946, Portland Area Office, RG 75, NORA S.

[386] A.G. Wilson, Superintendent, to Commissioner of Indian Affairs, Dec. 8, 1931, 3-4. ff. 915.1 Couer d'Alene Agency -Superintendent 1930 & 32, Box No. 1423, Records of the Salt Lake Extension and Credit Office, 1931-1946, Coeur d'Alene, Portland Area Office, RG 75, NARA S.

[387] United States Department of the Interior, Office of Indian Affairs, Division of Extension and Industry, Annual Report of Extension Workers, Report of Coeur d'Alene, From December 1, 1931 to November 30, 1932, Approved: December 5, 1932, 5. ff. Coeur d'Alene Agency, Annual Extension Report 1932, Box 1424, Records of the Salt Lake Extension and Credit Office, 1931-1946, PAO 50 Portland Area Office, RG 75, NARA S.

[388] United States Department of the Interior, Office of Indian Affairs, Division of Extension and Industry, Annual Report of Extension Workers, Report of Coeur d'Alene, From December 1, 1931 to November 30, 1932, Approved: December 5, 1932, 6-7. ff. Coeur d'Alene Agency, Annual Extension Report 1932, Box 1424, Records of the Salt Lake Extension and Credit Office, 1931-1946, PAO 50 Portland Area Office, RG 75, NARA S.

owned horses, but few reportedly had other livestock. Stover assisted individual tribal members in the purchase of nine dairy cows, two calves, eight brood sows, and seven work horses.[389]

Under the auspices of the extension program, two farm chapter organizations – one in DeSmet led by Joseph Seltice (the DeSmet Farm Chapter), and one in Worley led by Mitch Michell (the Rose Creek Farm Chapter) – and boys' and girls' 4-H clubs were established, and an "Indian Fair and Short Course" was inaugurated in Plummer to display 4-H Club projects and offer instructional programs focused on raising gardens, animal husbandry, and cultivating healthy living habits. The fair and short course, held at the Coeur d'Alene Indian Mission School, "was very much worthwhile" as Wilson later reported to the Commissioner of Indian Affairs. The superintendent and Stover subsequently followed-up on the short course, circulating a letter among the Coeur d'Alene urging them to plant family gardens, and encouraging attendees to pass along what they learned to their neighbors who did not.[390]

Despite the emphasis that Wilson and Stover placed upon a diversified agricultural base that included water-intensive crops, neither one apparently advocated for diverting surface flow or pumping groundwater. Indeed, there is little evidence that tribal members built their own irrigation works independent of federal authorities; natural precipitation and the existing water supply on the former reservation were evidently sufficient.[391] Although the superintendent urged the replacement of the existing well system for the agency facility in his 1932 report, he said nothing about the need for additional water for crops. Instead, Wilson asserted that the "rather short" summers promoted "plant growth" and thus "garden vegetables can be grown in abundance"[392] No acreage cultivated by either the Coeur d'Alene or whites on the former reservation lands were reported as irrigated in any of the extension reports filed

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[389] United States Department of the Interior, Office of Indian Affairs, Division of Extension and Industry, Annual Report of Extension Workers, Report of Coeur d'Alene, From December 1, 1931 to November 30, 1932, Approved: December 5, 1932, 6. ff. Coeur d'Alene Agency, Annual Extension Report 1932, Box 1424; and A.G. Wilson, Superintendent, to Commissioner of Indian Affairs, Feb. 9, 1932. ff. 9.15.1 Coeur d'Alene Agency – Superintendent 1930-36, Box 1423, Records of the Salt Lake Extension and Credit Office, 1931-1946, PAO 50 Portland Area Office, RG 75, NARA S.

[390] United States Department of the Interior, Office of Indian Affairs, Division of Extension and Industry, Annual Report of Extension Workers, Report of Coeur d'Alene, From December 1, 1931 to November 30, 1932, Approved: December 5, 1932, 2. ff. Coeur d'Alene Agency, Annual Extension Report 1932, Box 1424; A.G. Wilson, Superintendent, to Commissioner of Indian Affairs, Jan. 11, 1932; Wilson to Commissioner, Feb. 9, 1932; A.G. Wilson, Superintendent, and Arthur E. Stover, Farm Agent, Circular, Short Course Follow-Up, March 21, 1932. ff. 9.15.1 Coeur d'Alene Agency – Superintendent 1930-36; and Wilson to Commissioner, March 24, 1932. ff. 9.15.1 Coeur d'Alene Agency, Superintendent 1932-34, Box 1423, Records of the Salt Lake Extension and Credit Office, 1931-1946, PAO 50 Portland Area Office, RG 75, NARA S.

[391] The agency facility, on the other hand, did require a more adequate water supply. In the early 1930s, the agency obtained its water through a six-inch well drilled to a depth of approximately 600 feet. This furnished a "sufficient supply for domestic purposes," in Wilson's estimation, but not for irrigation or fire suppression purposes. The existing equipment was "old and antiquated," and he requested a replacement. A.G. Wilson, Superintendent, Annual Report of Coeur d'Alene Indian Agency for Fiscal Year 1932, 3. ff. Coeur d'Alene Agency 1932 Annual Report, Box 1424, Records of the Salt Lake Extension and Credit Office, 1931-1946, PAO 50 Portland Area Office, RG 75, NARA S.

[392] A.G. Wilson, Superintendent, Annual Report of Coeur d'Alene Indian Agency for Fiscal Year 1932, 3. ff. Coeur d'Alene Agency 1932 Annual Report, Box 1424, Records of the Salt Lake Extension and Credit Office, 1931-1946, PAO 50 Portland Area Office, RG 75, NARA S.

with the Office of Indian Affairs from the early 1930s through the mid-1940s.[393] A 1938 reconnaissance survey of the reservation lands by the Technical Cooperation-Bureau of Indian Affairs unit [TC-BIA] supported the superintendent's contention, noting that the reservation lands were among the richest in the Palouse, located "in a rainbelt where the average annual precipitation is approximately twenty inches, making the growing of crops possible every year" – circumstances which would appear to make irrigation works unnecessary.[394]

The extension program pursued by Wilson and Stover succeeded in reviving Coeur d'Alene interest in agriculture, at least in the short term. In 1933, 65 Coeur d'Alene farmed only 350 acres out of a total of 38,425 "tillable" acres, while non-Indians farmed the remainder. That figure increased to 2,850 Indian-worked acres within a year.[395] By the mid-1930s, that acreage fell to a little over 2,000 acres; it hovered

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[393] The records of the Bureau of Indian Affairs at the National Archives in Seattle do not appear to include a complete set of these reports. Reports for 1938, 1939, 1940, and 1941 were not found in the course of JRP's research nor were any reports after the 1944. See United States Department of the Interior, Office of Indian Affairs, Division of Extension and Industry, Annual Report of Extension Workers, Report of Coeur d'Alene, From December 1, 1931 to November 30, 1932, Approved: December 5, 1932. ff. Coeur d'Alene Agency, Annual Extension Report 1932; Annual Report of Extension Workers, Report of Coeur d'Alene Reservation, From December 1, 1932 to November 30, 1933, Date: December 1, 1933. ff. Coeur d'Alene, Annual Extension Report 1933; Annual Report of Extension Workers, Report of Coeur d'Alene, From December 1, 1933 to November 1, 1934, Date October 25, 1934. ff. Coeur d'Alene, Annual Extension Report 1934; Annual Report of Extension Workers, Report of Coeur d'Alene Agency (Coeur d'Alene Reservation), From January 1st 1935 to December 30, 1935, Approved: Jan. 6, 1936. ff. Coeur d'Alene Reservation, Annual Extension Report 1935, Box 1424; Annual Report of Extension Workers, Report of Coeur d'Alene (Reservation), Coeur d'Alene Indian Agency (Jurisdiction), From January 1, 1936 to December 31, 1936, 1/7/37. ff. Coeur d'Alene Agency (Coeur d'Alene, Kalispel, Kootenai, Nez Perce), Annual Extension Report 1936; Annual Report of Extension Workers, Form "B," Report of Coeur d'Alene Reservation (Reservation), Northern Idaho Agency (Jurisdiction), From January 1, 1937 to December 31, 1937, 1/4/37. ff. Northern Idaho Agency, Annual Extension Report, 1937; Annual Report of Extension Work, Report of Northern Idaho Agency (Jurisdiction), Coeur d'Alene (Reservation), Idaho (State), From January 1, 1942, to December 31, 1942, December 22, 1942. ff. NI 900.1, No. Idaho, Annual Extension Report 1942; Annual Report of Extension Workers, Narrative Section, Northern Idaho Agency, 1943, Dec. 22, 1943. ff. Northern Idaho, Annual Extension Report 1943; Annual Report of Extension Work, Report of Northern Idaho Agency (Jurisdiction), Coeur d'Alene (Reservation), Idaho (State), From January 1, 1944, to December 31, 1944, Jan. 2, 1945. ff. Northern Idaho Agency, Annual Extension Report 1944; Annual Report of Extension Work, Report of Northern Idaho Agency (Jurisdiction), Coeur d'Alene (Reservation), Idaho (State), From January 1, 1945 to December 31, 1945, Jan. 5, 1946. ff. Northern Idaho Agency, Annual Extension Report 1945, Box 1460, Records of the Salt Lake Extension and Credit Office, 1931-1946, PAO 50 Portland Area Office, RG 75, NARA S.

[394] US Department of Agriculture, Soil Conservation Service, Technical Cooperation-Bureau of Indian Affairs, Reconnaissance Survey of the Coeur d'Alene Indian Reservation, Idaho, Denver, Colorado, February, 1938, 8. ff. Surveys & Reports – Idaho (Coeur d'Alene, Nez Perce) TC-BIA 1938, Box 1499, Tribal Operations Branch, General Subject Files, ca. 1934-51 (George P. LaVatta), PAO 56 Portland Area Office, RG 75, NARA S. TC-BIA was a planning group established by Collier to work with the US Department of Agriculture's Soil Conservation Service to foster conservation programs that, as Prucha explains, "would strengthen the traditional social and economic institutions of the tribes and foster Indian values." See Prucha, *The Great Father*, 942.

[395] Annual Report of Extension Workers, Report of Coeur d'Alene Reservation, From December 1, 1932 to November 30, 1933, Date: December 1, 1933, 4. ff. Coeur d'Alene, Annual Extension Report 1933; Annual Report of Extension Workers, Report of Couer [*sic*] d'Alene (Jurisdiction), From December 1, 1933 to November 1, 1934, Date October 25, 1934, 4. ff. Coeur d'Alene, Annual Extension Report 1934, Box 1424, Records of the Salt Lake Extension and Credit Office, 1931-1946, PAO 50 Portland Area Office, RG 75, NARA S.

around 2,000 acres for the remainder of the decade and into the war years.[396] Wheat and other grains continued to be the predominant crops, but limited numbers of apple, pear, peach, and cherry trees, grapes and prunes, and raspberries, strawberries, and blackberries were planted along with peas and alfalfa. Individual domestic gardens were maintained as well, with substantial yields of potatoes, pumpkins and other squash, carrots, rutabegas, and turnips. The Coeur d'Alene further invested in livestock – particularly in horses, cattle (both beef and dairy), and poultry.[397] **Table 2** above offers figures on crop yields and numbers of livestock during the years of the extension program.

Coeur d'Alene Self-government and the Interior Secretary's September 1934 Order

Where it came to the creation of a tribal government and restoration of relinquished lands – the other component of the "Indian New Deal" – however, the Coeur d'Alene were apparently less enthusiastic. In February 1934, a month before passage of the IRA, the tribe voted against accepting "the plan of Indian Self Government."[398] In fact, another 13 years would pass before a tribal government was organized in 1947.[399]

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[396] Coeur d'Alene cultivated acreage in 1937 was 1,675 acres; in 1942, 2,014 acres; in 1943, 2,258 acres; in 1944, 2,190 acres; and in 1945, 1,970 acres.

[397] Annual Report of Extension Workers, Report of Coeur d'Alene, From December 1, 1933 to November 1, 1934, Date October 25, 1934, 4, and 8-10. ff. Coeur d'Alene, Annual Extension Report 1934; Annual Report of Extension Workers, Report of Coeur d'Alene Agency (Coeur d'Alene Reservation), From January 1st 1935 to December 30, 1935, Approved: Jan. 6, 1936, 4, 8-10, and 12. ff. Coeur d'Alene Reservation, Annual Extension Report 1935, Box 1424; Annual Report of Extension Workers, Report of Coeur d'Alene (Reservation), Coeur d'Alene Indian Agency (Jurisdiction), From January 1, 1936 to December 31, 1936, 1/7/37, 2-8. ff. Coeur d'Alene Agency (Coeur d'Alene, Kalispel, Kootenai, Nez Perce), Annual Extension Report 1936; Annual Report of Extension Workers, Form "B," Report of Coeur d'Alene Reservation (Reservation), Northern Idaho Agency (Jurisdiction), From January 1, 1937 to December 31, 1937, 1/4/37, 2-8. ff. Northern Idaho Agency, Annual Extension Report, 1937; Annual Report of Extension Work, Report of Northern Idaho Agency (Jurisdiction), Coeur d'Alene (Reservation), Idaho (State), From January 1, 1942, to December 31, 1942, December 22, 1942, 1-5. ff. NI 900.1, No. Idaho, Annual Extension Report 1942; Annual Report of Extension Work, Report of Northern Idaho Agency (Jurisdiction), Coeur d'Alene (Reservation), Idaho (State), From January 1, 1943, to December 31, 1943, Dec. 22, 1943, 1-5. ff. Northern Idaho, Annual Extension Report 1943; Annual Report of Extension Work, Report of Northern Idaho Agency (Jurisdiction), Coeur d'Alene (Reservation), Idaho (State), From January 1, 1944, to December 31, 1944, Jan. 2, 1945, 1-5. ff. Northern Idaho Agency, Annual Extension Report 1944; Annual Report of Extension Work, Report of Northern Idaho Agency (Jurisdiction), Coeur d'Alene (Reservation), Idaho (State), From January 1, 1945 to December 31, 1945, Jan. 5, 1946, 1-5. ff. Northern Idaho Agency, Annual Extension Report 1945, Box 1460, Records of the Salt Lake Extension and Credit Office, 1931-1946, PAO 50 Portland Area Office, RG 75, NARA S.

[398] Bazil Campbell, certifying votes of the Indians, on the question as to whether or not the Indians were to accept the plan of Indian Self Government, February 14, 1934. ff. 064 Coeur d'Alene Tribal Council 1940-1949, Box 11 054.1 Annual School Census, Nez Perce – 064 Tribal Council, Kalispel, Decimal Files, 1911-51, Northern Idaho Agency, RG 75, NARA S. According to Campbell, "sixty five (65) voted to rejected and no one voted to accept it."

[399] Archie Phinney, Superintendent, Northern Idaho Agency, to Mr. Earl S. Cleaver, Field Aid, June 19, 1947; Archie Phinney, Superintendent, to Mr. E. Morgan Pryse, District Director, U.S. Indian Service, June 24, 1947. ff. 064 Coeur d'Alene Tribal Council 1940-1949, Box 11 054.1 Annual School Census, Nez Perce – 064 Tribal Council, Kalispel, Decimal Files, 1911-51, Northern Idaho Agency, RG 75, NARA S; and Harold D. Stevens, "An Analysis of Coeur d'Alene Indian-White Interrelations" (MA thesis, Department of Sociology, University of Idaho, 1955), 82.

Passage of the IRA had opened the possibility for the Coeur d'Alene to reacquire some lands lost to the reservation through the allotment process, should the tribe organize an internal government. As discussed above, the allotment process resulted in thousands of acres of reservation land being opened to non-Indian settlement. While many thousands of acres were obtained by prospective settlers, many more hundreds remained surplus. The Interior Secretary, under Section 3 of the IRA, was authorized

> if he shall find it to be in the public interest . . . to restore to tribal ownership the remaining surplus lands of any Indian reservation heretofore opened, or authorized to be opened, to sale, or any other form of disposal by Presidential proclamation, or by any of the public land laws of the United States; Provided, however, that valid rights or claims of any persons to any land so withdrawn existing on the date of the withdrawal shall not be affected by this Act.[400]

In August 1934, citing sections 3, 16, and 18 of the IRA, Commissioner of Indian Affairs John Collier requested that Interior Secretary Harold Ickes temporarily withdraw from public entry those surplus lands formerly part of the reservations of 27 tribes in the American West – including the Coeur d'Alene. Collier, after briefly sketching the history of the reservation period and the more recent allotment process, acknowledged that

> it would not be to the interest of the public to restore to the Indians all undisposed of public lands that at one time were in Indian ownership but afterwards became the property of the United States by outright cessions from the Indians, because . . . such action would mean the withdrawal in many States of all lands now available for entry as public domain. Such action undoubtedly would raise strong opposition in the various localities affected and have an undesirable bearing on the new Indian legislation.

The commissioner further noted that Section 16 provided for the creation of "tribal organizations" that could re-acquire and manage tribal lands while Section 18 provided for Indians to exclude themselves from the act entirely (based on a majority vote). As it would "be some time before it is known definitely" which path the tribes would choose, he urged that "action should be promptly taken to prevent, for the present, the further disposition of any of such lands by public entry, sale, or otherwise" so as to preserve these lands for possible future restoration to tribal ownership. "A withdrawal of this kind," Collier stressed, "would be merely of a temporary nature."[401]

The Commissioner of the General Land Office, the agency charged with administering these surplus former-reservation lands as part of the public domain, concurred with Collier's recommendation. On September 19, 1934, Interior Secretary Harold Ickes approved and thus temporarily withdrawing from public entry several thousand acres of former reservation land.[402] The now-withdrawn surplus lands of the Coeur d'Alene Reservation, nearly 13,000 acres by Interior Department accounting, would remain closed to public entry by this order for nearly a quarter century. However, in the absence of a tribal

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[400] 48 Stat. 984.
[401] *Decisions of the Department of the Interior*, Volume 54, July 1, 1932-September 30, 1934 (GPO, 1935), 559-563.
[402] *Decisions of the Department of the Interior*, Volume 54, July 1, 1932-September 30, 1934 (GPO, 1935), 559-563.

government for the Coeur d'Alene – the organization of which the tribe rejected in early 1934 – these lands remained alienated from the tribe.[403]

The Second World War and the End of the "New Deal" for the Coeur d'Alene

World War II brought an end to the New Deal for the Coeur d'Alene as much as it did for the rest of the country. The shift in federal focus toward military engagement in Europe and the Pacific nevertheless had a salutary effect on the depressed US agricultural market. Following America's entry into the conflict, the price of wheat broke through the $1 a bushel mark – a figure not seen since 1929. Prices continued a steady climb through the war, reaching $1.45 by 1945. Yet, farmers approached the recovery cautiously. They feared overplanting and a return to a supply glut, so they did not make the same sort of efforts to expand their acreage as they had done in the 1910s. Consequently, in the Palouse there was only a modest 5% increase in wheat acreage through the war years. The higher prices, however, meant much larger returns on the comparably-sized crop. Farmers in the Palouse grossed $8 million in 1939 and more than doubled that to $19.3 million in 1944.[404]

The Coeur d'Alene benefitted not only from the rising price of wheat, but also from a surge in pea production. Peas had been grown on a small scale since the early 1900s as an alternative to the summer-fallow rotations. A 1938 Soil Conservation Service report of the reservation found that peas somewhat decreased wheat yields in comparison to the summer fallowing, but that they made up for this by protecting the soil from erosion and returning some of depleted nitrogen to the fields. Peas were also in demand as a high-protein livestock feed and could earn between $30 and $50 an acre even before the war.[405] The war dramatically increased the demand and sparked a mini-boom in Palouse pea production. In 1944, in fact, farmers made nearly as much growing peas ($18.5 million) as they did growing wheat ($19.3 million).[406]

The war did even more than boost commodity production in the Palouse and on the reservation. It ushered in a significant transformation in agriculture. Federal investment in university and corporate research during the war prompted a flurry of innovations in herbicides, insecticides, fertilizers, and hybrid seeds. These scientific breakthroughs helped to increase wheat yields 85% between 1949 and 1956.[407] Rising yields, in turn, accelerated a long-term trend toward farm consolidation. In the Palouse average farm sizes increased rapidly, growing nearly 20% a decade – from 610 acres in 1944, to 724 acres a decade later, and 862 acres in 1964.[408] Tractors became larger and faster; massive combines were produced that

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[403] See section below, and Hatfield Chilson, Under Secretary of the Interior, to Hon. Clair Engle, Chairman, Committee on Interior and Insular Affairs, House of Representatives, June 25, 1957.
[404] Duffin, *Plowed Under,* 102-109; and Duffin, "Fill the Earth and Subdue It: The Environmental Consequences of intensive Agriculture in the Palouse" (PhD diss., Washington State University, 2003), 136.
[405] USDA, Soil Conservation Service, Reconnaissance Survey of the Coeur d'Alene Indian Reservation, February 1938, 8. ff Reconnaissance Survey (1938) TC-BIA, Box 1340, Branch of Land Operations, Decimal Subject Files, 1952-62, 344.22-3443, Portland Area Office, RG 75, NARA S. See also, Otis W. Freeman, "The Pacific Northwest Pea Industry," *Economic Geography* 19:2 (April 1943).
[406] Duffin, "Fill the Earth," 137.
[407] McGregor, *Counting Sheep,* 303-320; Duffin, *Plowed Under,* 104-106; Williams, "Hills of Gold," 3-4.
[408] Duffin, *Plowed Under*, 108.

could work the steeper hills. By the start of the 1950s, work horses ceased playing any significant role in commercial agriculture and were relegated to county fairs and 4-H shows.[409] These trends went hand-in-hand with a continuing and escalating movement of the American population off farms and into the post-war cities and suburbs. In 1935, a quarter of the American population still resided and worked on farms, but by 1960 the figure was down to 8.7%.[410]

A similar demographic shift occurred among the Coeur d'Alene during and immediately after World War Two. Between 1935 and 1940, the Coeur d'Alene reservation population remained relatively stable, in the low 600s, but then the numbers dropped as young people left for military service or war industry jobs.[411] Over the next decade (1940-1949), the total number of families on former reservation lands declined from 122 to 95 – a 22% drop. Many of these families moved only a short distance away, settling in such nearby towns as Tekoa, Latah, or Rockford.[412] By 1960, there were more families (268) living away from the former reservation than living on it or in contiguous areas (144). That year, nearly a fifth of the tribe lived in the city of Spokane, Washington alone. The young men took jobs such as auto mechanics, carpenters, or seasonal agricultural laborers. Most continued to receive at least some support from leases on allotments they had inherited, though few had any interest in returning to farm the lands.[413] In fact, by 1954, only 27 of the 641 allotments (4%) were occupied by the owner. The Coeur d'Alene had become almost entirely absentee landowners by the mid-20th century.[414]

A declining resident population, coupled with increasing returns on the crop leases, eroded the small-scale gardening and farming programs that the extension agents had encouraged during the depression. Families abandoned or shrunk their gardens and largely stopped keeping livestock. Between 1940 and 1949, the number of families owning at least a single dairy cow fell from 62 to 12, while the number keeping swine dropped from 36 to 6. Only poultry, which 30 families kept, remained popular. Extension agents maintained their advocacy, but to little appreciable effect.[415] In 1951, one such agent appeared before the tribal council to present a program calling for ten new gardens, three new farmers, and four

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[409] Duffin, *Plowed Under*, 108; Brumfield, *This was Wheat Farming*, 157-162; Keith, *The Horse Interlude*, 167-169.
[410] Williams, "Hills of Gold," 244.
[411] General Accounting Office, "Report Re: Petition of the Coeur d'Alene Indians, Indian Claims Commission No. 81," (Washington: U.S. Government Printing Office, 1954), 35-36, 100-101, 124-125.
[412] Northern Idaho Agency, Coeur d'Alene Reservation, Annual Report of Extension Workers, Statistical Section, 1940, 4, and Division of Extension and Industry, Northern Idaho Agency, Coeur d'Alene Reservation, "Annual Report of Extension Workers, Statistical Section," 1949, 1. ff Annual Reports, 1940, Box 209, Records of Extension Program, 1924-49, Records of Court of Indian Offenses, 1927-28, Coeur d'Alene Employment Information & Records, 1938-45, Northern Idaho Agency, RG 75, NARA S.
[413] Northern Idaho Agency, Lapwai, Idaho, Coeur d'Alene Reservation Report, Submitted February 3, 1960, 1960, 1, 5-6. ff. Coeur d'Alene Reservation Report, Feb. 3, 1960, Box 1525, Coeur d'Alene – Tribal Affairs, General Subject Files, 1953-67, Portland Area office, Tribal Operations Branch, RG 75, NARA S.
[414] Harold D. Stevens, "An Analysis of Coeur d'Alene Indian-White Interrelations," (MA thesis, Department of Sociology, University of Idaho, 1955), 81.
[415] Northern Idaho Agency, Coeur d'Alene Reservation, Annual Report of Extension Workers, Statistical Section, 1940, 5, 9, and Division of Extension and Industry, Northern Idaho Agency, Coeur d'Alene Reservation, "Annual Report of Extension Workers, Statistical Section," 1949, 1-2, 4. ff Annual Reports, 1940, Box 209, Records of Extension Program, 1924-49, Records of Court of Indian Offenses, 1927-28, Coeur d'Alene Employment Information & Records, 1938-45, Northern Idaho Agency, RG 75, NARA S.

Coeur d'Alene to show their goods at county fairs. He framed his appeal not as a hedge against depression, as agents had done in the 1930s, but as a way "to prepare for the day when the government steps out of the picture."[416] Four years later, his role at least had ceased, as the Bureau of Indian Affairs transferred its responsibility for extension services to the University of Idaho's College of Agriculture. The university assigned a home demonstration agent to the Coeur d'Alene reservation but ended the farming and gardening programs.[417]

Rising wheat and pea prices during the Second World War generated higher returns for the Coeur d'Alene, but also provoked a series of clashes between landowners and agency staff that ultimately undermined the leasing program. Throughout the Palouse, increased wheat prices fostered greater competition for leases and drove up what landowners could charge. Since the beginning of the lease system, the customary fee for using the land had been one-third of the final wheat crop. During the war, the fee had slowly but steadily increased to two-fifths of the crop – a 20% rise. By 1944, the Coeur d'Alene superintendent was insisting upon the higher rate and turning away even long-term lessees who would not or could not pay the new fee.[418] Corporations, moreover, were increasingly applying for leases – not just individual farmers. The Inland Enterprise Pea Growers Association, Inc., for example, signed a number of lease agreements with the Coeur d'Alene between 1942 and 1946.[419]

The leasing system grew increasingly complex as the original allotment holders died and their lands were divided among multiple heirs. By 1954, of the 392 remaining individual allotments, 341 were in heirship status and most of those were owned by more than two persons. A quarter of the allotments had six or more owners, and a small number had as many as 50 separate owners. Many of these partial owners no longer lived on or near the reservation. This greatly complicated the administration of the allotments as the signature of every owner was required on the leasing paperwork. Disagreements between owners could hold up leasing agreements for periods of months or years. Subdivision of ownership also produced greater economic inequality within the tribe as the circumstances of inheritance concentrated land in the hands of a fortunate few while creating only fractional land rights for many others.[420]

Restoration of "Surplus Ceded" Lands, 1957-1958

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[416] Coeur d'Alene Indian Council, Minutes of the Meeting of the Coeur d'Alene Indian Council, held on March 17, 1951, 3. ff No. 064 – Coeur d'Alene Tribe of Indians To, Box 11, Decimal Files, 1911-51, 054.1 Annual School Census Nez Perce -, 064 Tribal Council Kalispel, Northern Idaho Agency, RG 75, NARA S.

[417] *Idaho State Journal*, December 23, 1955, 12.

[418] A. G. Wilson, Superintendent, to Commissioner of Indian Affairs, March 7, 1944. ff. No. 064, Coeur d'Alene Tribal Council, 1940-1949, Box No. 11, Decimal Files, 1911-51, 054.1 Annual School Census Nez Perce -, 064 Tribal Council Kalispel, Northern Idaho Agency, RG 75, NARA S.

[419] Archie Phinney, Superintendent, to W. B. Plympton, Farm Agent, Indian Sub-Agency, May 13, 1948. ff. No. 064, Coeur d'Alene Tribal Council, 1940-1949, Box No. 11, Decimal Files, 1911-51, 054.1 Annual School Census Nez Perce -, 064 Tribal Council Kalispel, Northern Idaho Agency, RG 75, NARA S.

[420] Stevens, "An Analysis of Coeur d'Alene Indian-White Interrelations," 81-82. Also, Coeur d'Alene Tribe, 4. ff. Northern Idaho – Withdrawal Program, Coeur d'Alene Reservation, Box No. 7 - 130 Klamath, N. Idaho, Tacoma Hospital, Umatilla, Wapata, Warm Springs, W. Washington, General Subject Files, 1951-57, Area Director, Portland Area Office, RG 75, NARA S.

Into the late 1950s, a significant portion of the tribe's former lands remained alienated from the Coeur d'Alene, and the tribal leadership was interested in re-acquiring that land. As discussed above, in September 1934 at the urging of Collier, Ickes issued an order that temporarily withdrew from public entry thousands of acres ceded by tribes to the United States during the allotment process. This temporary withdrawal included nearly 13,000 acres of former Coeur d'Alene lands. Over time, 25 tribes organized tribal governments in accordance with the Indian Reorganization Act and received their alienated yet un-entered lands back. As of 1957, however, the Coeur d'Alene remained among five tribes subject to the September 1934 order whose lands remained alienated.[421]

The Coeur d'Alene initially eschewed establishing a tribal government that was a necessary first step in having these "surplus ceded" lands restored to them, but soon after the tribe successfully organized a tribal government in 1947, its leadership evinced a strong desire not only to exercise greater autonomy over the tribal lands they possessed, but also to repossess lands once lost. The Coeur d'Alene Tribal Council began by pressing federal authorities for greater control over the leasing of their allotted lands. The council also fought administrative changes by the Bureau of Indians Affairs, and lobbied for the re-establishment of a Sub-Agency at the reservation proper. In late 1949, 107 members of the tribe petitioned the Bureau to stop "further alienation of lands on the Coeur d'Alene Reservation," and asked for money "to purchase the lands of individual Indians or heirship lands where the heirs desire to sell to the tribe." Despite the fact that funds did not exist for such a program, BIA Commissioner John Nichols agreed to "hold in abeyance the approval of applications for patents in fee for the present or until a satisfactory program is worked out for the benefit of the tribe. In 1951, the tribal council petitioned the BIA commissioner for special legislation to return "undisposed of townsite lots, including those in the village of Plummer, Idaho [that] were withdrawn from disposition by Department Order of September 19, 1934 . . . to tribal ownership."[422]

Restoration of these "vacant and undisposed of," or "surplus ceded," tribal lands was part and parcel of changing federal Indian policy during the 1950s; restoration was the other side of termination, at least for a few tribes. In early 1957, after agitation by national and regional Indian groups, such as the National

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[421] The others were the Klamath (California), the Crow (Montana), the Fort Peck (Montana), and the Colville and the Spokane (Washington). Congress passed special legislation for the Colville in 1956, restoring their lands. By the late 1950s, only the Fort Peck Indians had more "surplus ceded" land than the Coeur d'Alene.

[422] Archie Phinney, Superintendent, Northern Idaho Agency, to Mr. Earl S. Cleaver, Field Aid, June 19, 1947; Archie Phinney, Superintendent, to Mr. E. Morgan Pryse, District Director, U.S. Indian Service, June 24, 1947. ff. 064 Coeur d'Alene Tribal Council 1940-1949; John R. Nicols, Commissioner to Mr. E. Morgan Pryse, Regional Director, Portland Office, October 19, 1949; Minutes of Meeting of the Coeur d'Alene Tribal Council, Held at the Coeur d'Alene Sub-Agency, Plummer, Idaho, November 3, 1951, 3; and Paschal J. George, Chairman, Coeur d'Alene Tribal Council, and Lana Louie, Secretary, Coeur d'Alene Tribal Council, Resolution No. 51-6, adopted November 3, 1951, Approved: M.L. Robertson, Superintendent, Northern Idaho Indian Agency, Lapwai, Idaho. 064-Coeur d'Alene Tribe of Indians To, Box 11 054.1 Annual School Census, Nez Perce – 064 Tribal Council, Kalispel, Decimal Files, 1911-51, Northern Idaho Agency, RG 75, NARA S; Harold D. Stevens, "An Analysis of Coeur d'Alene Indian-White Interrelations" (MA thesis, Department of Sociology, University of Idaho, 1955), 82; and Hearing before the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs, HR 3490, HR 8544, A Bill to Provide for the Restoration to Tribal Ownership of All Vacant and Undisposed-of Ceded lands on Certain Indian Reservations, and For Other Purposes, Monday, January 13, 1958, 2-3, and 6-7.

Congress of American Indians and the Affiliated Tribes of the Northwest, US Representative Lee Metcalf (D-Montana) introduced legislation (HR 3490) that would restore "to tribal ownership surplus ceded lands . . . of tribes not becoming organized in accordance with the [Indian Reorganization] Act." The bill was brief. Section 1 identified the five tribes and the approximate acreage to be restored "subject to any existing valid rights," and excluding those "lands within any reclamation project heretofore authorized." Section 2 provided that the title to the restored lands was to be held by "the United States in trust for the respective tribes." The legislation was then referred to the House Committee on Interior and Insular Affairs for consideration.[423]

The committee, in turn, requested that the Interior Department prepare a report on the bill. In June 1957, Undersecretary of the Interior Hatfield Chilson wrote to committee chair Clair Engle. While he offered the department's overall support for the legislation, Chilson nevertheless proposed five amendments and forwarded an amended draft bill. After briefly surveying the legislative and administrative history of the September 1934 temporary withdrawal and the subsequent restoration of nearly 3 million acres of undisposed-of ceded lands to other tribes under the provisions of the Indian Reorganization Act and special legislation, the undersecretary noted

> The lands are for the most part scattered over wide areas, some inside and some outside the present boundaries of the reservations. A restoration of the lands to tribal ownership will terminate the right of the Federal Government to dispose of them under the cession statutes, and will assure the Indians of the continued use of the lands. This will permit the Indians to improve the lands so that they may be operated or leased to their highest and best use, and will facilitate administration of the areas.
>
> Any valid existing rights of bona fide entrymen will not be affected by the enactment of the bill, and lands that are not within reclamation projects heretofore authorized will be restored.

At the subcommittee hearing in January 1958, Metcalf explained the purpose of the proposed legislation. He described the background of the tribal land cessions, and noted that "the promise that they [the Indians] would be returned their surplus or ceded lands" was "one of the pieces of bait held out to the Indians to comply with the terms of the [Indian] Reorganization Act." Several tribes did comply and their surplus ceded lands were restored; for others, special legislation achieved the same result. Metcalf's legislation, according to the Montana representative,

> returns and restores the ceded unoccupied land which has been withdrawn since about 1935 and held in trust for the Indians, it restores the title to the Indian tribes and treats the five remaining tribes that are enumerated in the bill just as we [the federal government] treated the other 25 tribes under the Indian Reorganization Act and several other tribes in subsequent Acts.

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[423] Resolution No. 4, Resolutions Adopted by the Affiliated Tribes of Northwest Indians at Annual Convention Held at Missoula, Montana, August 13, 1955, 15; Helen L. Peterson, Executive Director, to Hon. Lee Metcalf, Interior and Insular Affairs Committee, House of Representatives, April 1, 1957; Affiliated Tribes of Northwest Indians, "Affiliated Tribes of Northwest Indians Convention, 22 Resolutions Adopted," *Bulletin* (August-December, 1957), Resolution No. 22, 4; and HR 3490, *A Bill To provide for equality of treatment in the restoration to tribal ownerhip of surplus lands, and for other purposes*, 85th Congress, 1st Session, By Mr. Metcalf, January 23, 1957, Referred to the Committee on Interior and Insular Affairs.

He noted the amendments suggested by the Interior Department, the department's "favorable report" on the legislation, and offered "communications" from the tribes-in-question and their representatives supporting the measure. One of these was a letter from the Coeur d'Alene's tribal attorney Robert Dellwo, dated February 1956, which noted the "wholehearted support of the Coeur d'Alene Tribe" for the measure.[424]

The subcommittee was itself largely supportive of the legislation. Section 3 of HR 8544 did pose a question for Representative Wayne Aspinall (D-Colorado):

> As I understand it, the authority which the tribes had over these lands is similar authority which they have over lands belonging to the tribes at the present time. They will not be able to sell the land themselves, and the lands will be used for the benefit of the tribes. Is that correct?

Metcalf responded in the affirmative, noting that it was one of the amendments suggested by the Interior Department – "an important recommendation and authority, with the permission of the Secretary of the Interior." Nevertheless, he assured the subcommittee that "these lands are to be treated exactly the same and considered the same as all the other lands belonging to the tribes and administered for the same purpose."[425]

The bill subsequently passed both the House and the Senate, and on May 19, 1958, President Dwight Eisenhower signed the measure into law as Public Law 85-420. Public Law 85-420 restored several thousand acres to the Coeur d'Alene, Klamath, Crow, Fort Peck, and Spokane Indians; the Coeur d'Alene alone re-acquired 12,877.65 acres previously alienated from them. Title to these lands, however, was to be held by the federal government "in trust for the respective tribe or tribes," and any sale or exchange by the tribe had to be approved by the Secretary of the Interior.[426]

Efforts to Revitalize Coeur d'Alene Agriculture, Beginning in the 1950s

The tribal leadership and Joseph Garry, chair of the tribal council in the 1950s and 1960s, were eager to seize the opportunity the settlement and the land restoration created to once more re-vitalize Coeur

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[424] Hearing before the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs, HR 3490, HR 8544, A Bill to Provide for the Restoration to Tribal Ownership of All Vacant and Undisposed-of Ceded lands on Certain Indian Reservations, and For Other Purposes, Monday, January 13, 1958, 2-3, and Robert D. Dellwo to Honorable Lee Metcalf, February 28, 1956.

[425] Hearing before the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs, HR 3490, HR 8544, A Bill to Provide for the Restoration to Tribal Ownership of All Vacant and Undisposed-of Ceded lands on Certain Indian Reservations, and For Other Purposes, Monday, January 13, 1958, 4-5.

[426] *An Act To provide for the restoration to tribal ownership of all vacant and undisposed-of ceded lands on certain Indian reservations, and for other purposes*, Approved May 19, 1958, 72 St. 121, Public Law 85-420. The precise location of these nearly 13,000 acres cannot be ascertained at present from federal land status records publicly available from the United States Bureau of Land Management (BLM). Staff at both the BLM's Idaho State Office in Boise and the Coeur d'Alene Field Office in Coeur d'Alene indicated that the Master Title Plats for the public land townships that include the reservation do not clearly identify the location of these lands, although the Historical Indexes that accompany the Master Title Plats do note that there are lands within the township that have been restored to tribal ownership.

d'Alene agriculture. Into the 1960s and 1970s the Coeur d'Alene assumed greater administrative control over the leasing program, invested in collective tribal agriculture, and moved to protect water uses on their reservation.

In 1951, the tribal council created the Coeur d'Alene Management Enterprise to administer allotment leases and make funds available for law and order purposes.[427] Within a year, the Management Enterprise issued 75 new leases and had 258 old leases that were waiting for review and renewal. Each lease included a conservation agreement that was drawn up in coordination with a soil conservationist, though it was anticipated that the legally-binding conservation contracts would soon be replaced with informal voluntary programs such as existed off the reservation. The annual income from the fees was approximately $10,000 and expenses—which included a clerk, an Indian policeman, and Indian judge—amounted to approximately $8,500. The Management Enterprise was the first and only profit producing tribal activity at the time.[428]

At the time of the creation of the Management Enterprise, few members of the tribe directly engaged in agriculture. In fact, as of 1951, only eight families earned their living from farming or grazing, compared to 61 that worked in the off-reservation wage economy and 21 that relied on welfare support. The farming families worked 1,115 acres, less than half the total of a decade prior and only 3% of all the farmed land on the reservation.[429] Participation in farming continued to fall over the decade. In 1960 a survey by the Northern Idaho Agency found only three families that "could be considered bona fide farmers." Two other families claimed some income from farming but the surveyor stated that it was a very small amount of income and "most of the actual farming is done for them by non-Indian renters of adjoining Indian land." The total Indian-worked farm land was 1,070 acres. None of agricultural land, whether worked by tribe members or leased to others, was identified in the report as being irrigated.[430]

An influx of money from the settlement of the tribe's claims against the federal government in the late 1950s helped revitalize Coeur d'Alene agriculture. In 1946, Congress established the Indian Claims Commission, a quasi-judicial venue that afforded an opportunity for Native American tribes to address their grievances against the United States, and obtain monetary compensation for territory lost during the treaty and allotment periods; tribal acceptance of federal financial remuneration for lost aboriginal

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[427] Coeur d'Alene Tribal Council, Resolution No. 54-12, January 9, 1954. ff. No. 064 Coeur d'Alene Tribal Council, Tribal Minutes, 1954, Box No. 1545, Tribal Council Minutes ca. 1950-65, Celilo, Chehalis, Chinook, Clallam, Coeur d'Alene (part), Portland Area Office, Tribal Operations Branch, RG 75, NORA S.

[428] Coeur d'Alene Tribe, as of June 30, 1952, 7, 9, 14, 91. ff. Northern Idaho – Withdrawal Program, Coeur d'Alene Reservation, Box No. 7 - 130 Klamath, N. Idaho, Tacoma Hospital, Umatilla, Wapata, Warm Springs, W. Washington, General Subject Files, 1951-57, Area Director, Portland Area Office, RG 75, NARA S.

[429] Coeur d'Alene Tribe, as of June 30, 1952, 3, 11. ff. Northern Idaho – Withdrawal Program, Coeur d'Alene Reservation, Box No. 7 - 130 Klamath, N. Idaho, Tacoma Hospital, Umatilla, Wapata, Warm Springs, W. Washington, General Subject Files, 1951-57, Area Director, Portland Area Office, RG 75, NARA S.

[430] Enos A. Anderson, Agency Land Operations Officer, to Wm. E. Ensor, Jr., Superintendent, Northern Idaho Agency, Lapwai, Idaho, January 27, 1960, 2, in Northern Idaho Agency, "Coeur d'Alene Reservation Report, Submitted February 3, 1960." ff. Coeur d'Alene Reservation Report Feb. 3, 1960, Box No. 1525 - General Subject Files, 1953-67, Coeur d'Alene - Tribal Affairs, Portland Area Office, Tribal Operations Branch, RG 75, NARA S.

land was intended to extinguish all prior claims.[431] The Coeur d'Alene were among the first to stand before the ICC (Docket #81), and for them the ICC process was an opportunity to obtain greater compensation for the mineral lands they had ceded back in 1889. After a series of hearings between 1952 and 1956, the ICC awarded the tribe nearly $4.5 million – "the value of the lands ceded by said Tribe in 1891 over and above the consideration received by said Tribe for the same." Later that same month, the tribe formally accepted the award, and thereby extinguished its prior claims to aboriginal title.[432]

With the settlement and the land restoration, Joseph Garry and others on the tribal council looked to invest back in the reservation – and in particular, tribal agriculture. The question of what to do with the settlement money loomed large for the Coeur d'Alene in the early 1960s. Garry, a World War Two veteran and Indian activist, had become president of the tribal council in the 1950s. He envisioned an economically independent and self-sufficient tribe that maximized its reservation's land and water resources. Not everyone in the tribe agreed with this approach. In fact in 1961, 119 members of the tribe reportedly petitioned the federal government for dissolution of the Garry-led council and a complete payout of the "judgment fund" – a fund created by the federal government to administer the ICC settlement.[433] In 1962, Garry and the tribal council adopted a policy to disburse annually to every enrolled member of the Coeur d'Alene tribe at least $100 out of the interest of the judgment fund. The following year, the council committed the remainder of the interest to the tribal operating budget as well as investments in timber sales, a lumber co-operative, a plywood company, an education fund, and a land purchase program aimed at re-acquiring reservation land for agricultural purposes.[434] Some members of the tribe continued to oppose these efforts and seek a greater percentage of the settlement for per capita payouts. The disagreement became acrimonious, with accusations of impropriety being traded back and forth, and with efforts being made to alter the tribe's political organization.[435]

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[431] Hearings before the ICC were intended to be reconciliatory, but soon became adversarial in the absence of compellingly different model. Resolutions themselves proved problematic, as tribes that accept federal monetary compensation abdicated their rights to raise such claims against the federal government again in the future, and a few tribes were forced to abandon their federally-recognized tribal status once they accepted compensation. Congress extended the tenure of the ICC four times, and between 1946 and 1978, the commission heard 546 cases. At the time of its dissolution in 1978, the commission had 170 cases remaining; all were transferred to the United States Court of Claims. See Prucha, *The Great Father*, 1017-1023; *United States Indian Claims Commission, August 13, 1946-September 30, 1978: Final Report* (GPO, 1979), 23-123.

[432] Resolution, Adopted December 21, 1957. ff. Coeur d'Alene Resolutions 1958, Box 1545 Celilo, Chelain, Chenoah, Clallam, Coeur d'Alene (Part), Tribal Council Minutes ca. 1950-65, Tribal Operations Branch, Portland Area Office, RG 75, NARA S.

[433] John A. Carver, Jr., Assistant Secretary of the Interior, Through: Area Director, Portland, to Chairman, Coeur d'Alene Tribal Council, July 20, 1961. ff. Office of the Secretary, Indian Affairs-Northern Idaho, Part 2 – December 7, 1960 to October 29, 1962, Box 132, Indian Affairs-New York Indian Affairs-North Idaho, CCF 1959-1963, RG 48, NARA CP.

[434] Resolution CDA 6 (64), Policy Statement and Resolution for Per Capita Payment, adopted July 3, 1963. ff. Coeur d'Alene Tribal Affairs 1963 II, Box 1525, Coeur d'Alene-Tribal Affairs, General Subject Files, 1953-67, Tribal Operations Branch, Portland Area Office, RG 75, NARA S.

[435] Minutes of Meeting, November 12, 1963. ff. Coeur d'Alene Tribal Minutes 1962 and 1963, Box 1564, Coeur d'Alene (part) Colville 1944-, Tribal Council Minutes, Tribal Operations Branch; Evangeline Abraham to Honorable Robert F. Kennedy, Attorney General, November 20, 1963, Abraham to Kennedy, November 21, 1963, and James E.

Garry nevertheless forged ahead, and by mid-1964 had developed a program for land acquisition, consolidation, and development aimed at improving the Coeur d'Alene land base. The program was focused on obtaining or in some case re-obtaining agriculturally-productive lands from which income could be generated. Some initial federal misgivings about the means and scope of Garry's plan ultimately gave way to support, and in 1971, with half-a-million dollars of the ICC settlement money, the Coeur d'Alene tribal council established an 1,800-acre commercial farm enterprise.[436]

As **Figure 28** illustrates, the "Tribal Farm" lands while scattered throughout the reservation were nevertheless clustered in areas were farming had previously prevailed – in the vicinity of Worley, and along Little Hangman, Moctelme, and Hangman creeks. A considerable amount of non-tribal farming continued to occur within the reservation, particularly along the reservation's "spine," lands along the Idaho-Washington state border, on the fringes of the Palouse. Grazing also remained an important land use, sited along other smaller creeks and streams on the reservation.[437]

The Tribal Farm Enterprise became the centerpiece of Coeur d'Alene economic development in the 1970s, and in the decades since has become a steady source of revenue for the tribe. The council hired a non-tribal member as farm manager, a graduate of the agricultural program at Washington State University, and employed five tribe members full-time and up to twenty part-time. By 1976 the farm had expanded to 5,000 acres and it was worked with the aid of six tractors and five combines.[438] The largest Indian-owned farm in the nation, its regular profits provided the means for starting other businesses including a hog farm, a construction company, and a service station. The Coeur d'Alene Tribal Farm is today still owned and operated by the tribe, growing grain and lentils on 6,000 acres.[439]

As the tribe looked to diversify their economy further in the years following establishment of the Tribal Farm – recapturing more lands lost in allotment, transforming the communities of Plummer and Worley that had their start in the allotment period into true commercial and service centers – it also began reviving many traditional customs, and it espoused a desire to protect "the free flowing, nonpolluting, recreational, esthetic, and ecological status and nature of the waters [of the reservation]." "The overall

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Officer, Associate Commissioner, to Mrs. Evangeline Abraham, December 31, 1963. ff. Coeur d'Alene Tribal Affairs 1963 II, Box 1525, Coeur d'Alene-Tribal Affairs, General Subject Files, 1953-67, Tribal Operations Branch, Portland Area Office, RG 75, NARA S.

[436] Joseph R. Garry, Chairman, Coeur d'Alene Tribal Council, Land Acquisition, Consolidation, and Development Program for the Coeur d'Alene Tribe, nd.; John O Crow, Acting Commissioner, Through: Area Director, Portland, to Mr. Joseph R. Garry, Chairman, Coeur d'Alene Tribal Council, Sep. 28, 1964; Resolution CDA 147(65), adopted February 18, 1965; and Elmer Hassig, Acting Assistant Area Director, Through: Superintendent, Northern Idaho Agency, to Mr. Joseph R. Garry, Chairman, Coeur d'Alene Tribal Council, Mar. 18, 1965. ff. Programming, Termination, Long-Range Programs, etc. – Coeur d'Alene 1963-66 103, Box 1526, Coeur d'Alene, General Subject Files, 1953-67, Tribal Operations Branch, Portland Area Office, RG 75, NARA S.

[437] Coeur d'Alene Tribe, Coeur d'Alene Indian Reservation, *Comprehensive Development Plan* - Preliminary, December 1973, "Land Use – Coeur d'Alene Indian Reservation, Idaho." University of Idaho Special Collections.

[438] *Idaho State Journal*, April 2, 1972; *The Post-Register (Idaho Falls)*, August 1, 1974.

[439] *The Post-Register (Idaho Falls)*, July 8, 1976.

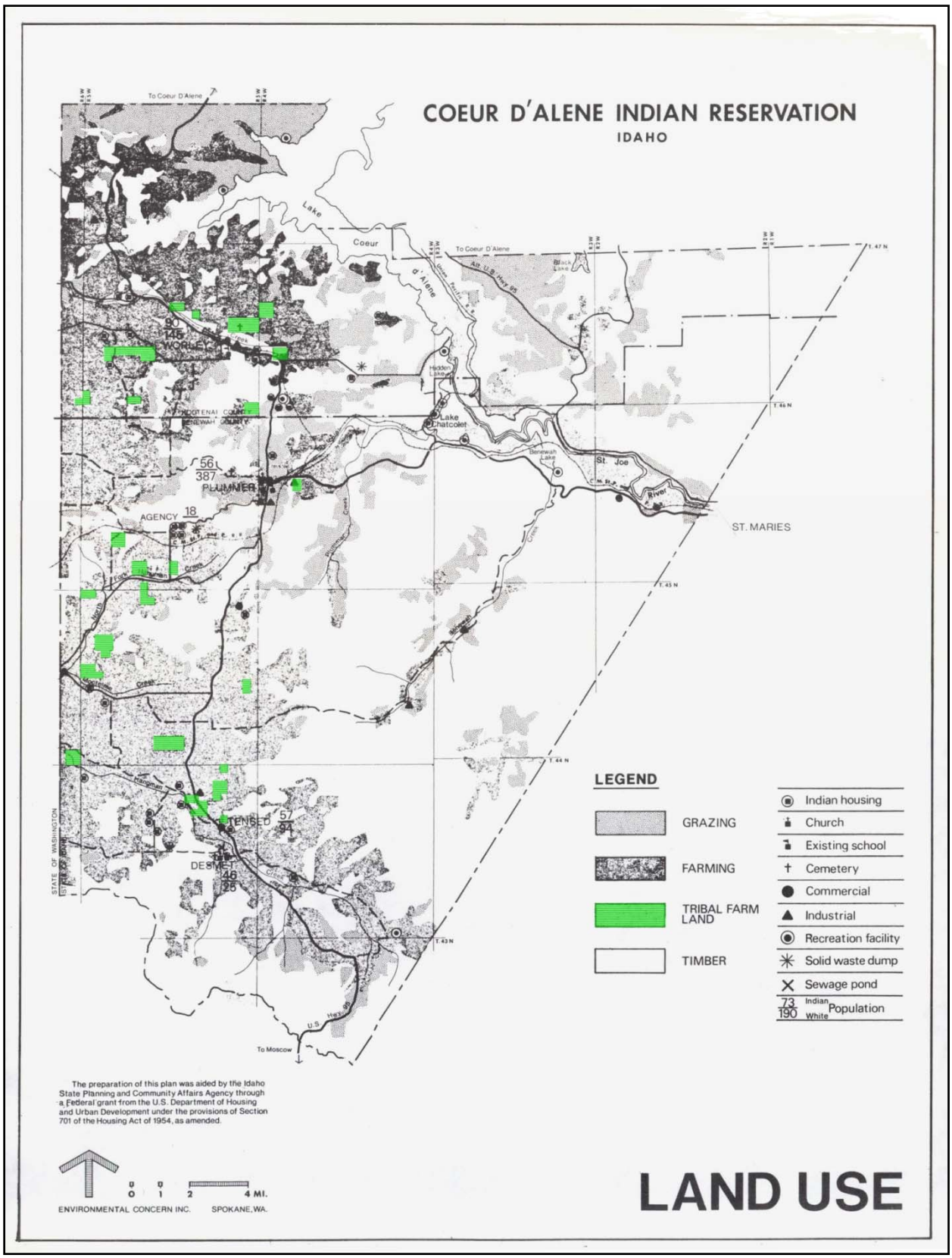

Figure 28. Map of Land Use on the Coeur d'Alene Indian Reservation, ca. 1973. Tribal Farm lands are colored in green for contrast.

goal of the Coeur d'Alene Tribe," the tribal council declared in its 1973 comprehensive development plan, "[was] to live in cooperation with the white community while retaining the Indian heritage and land base," and central to that was the maintenance of "the ecology and environment of the Reservation for the future."[440]

Conclusion: Coeur d'Alene Water Use Historically

Historically, utility has largely defined Coeur d'Alene water use within the lands they occupied. Prior to contact, and certainly before the arrival of the Jesuits, the various bands and groups that would become known collectively as the Coeur d'Alene Indian tribe located themselves near the water resources of their aboriginal lands and utilized those water resources for travel and for sustenance. They established semi-permanent seasonal village and settlement sites adjacent to the Spokane, Coeur d'Alene, and St. Joe rivers as well as along Lake Coeur d'Alene, Hayden Lake, and Liberty Lake (the latter in present-day Washington State).

The tribe would canoe across the Lake Coeur d'Alene, accessing the streams that fed the lake, and at various places they used a variety of tools and traps to capture fish. The most notable fish they consumed was salmon – a species that was not indigenous to Lake Coeur d'Alene or any of the other streams debouching into the lake but could be found on the Spokane River below Spokane Falls. The Coeur d'Alene shared this particular resource with the Spokane Indian bands, yet did not develop or practice any ceremonialism associated with the salmon independent of the Spokane. In addition to fishing, the tribe also gathered camas root from low-lying meadows south of Lake Coeur d'Alene in the valley through which Latah Creek, later known as Hangman Creek, flowed and obtained water potatoes along area lakes and streams.

The advent of the horse and the tribe's subsequent cultural re-orientation to include annual migrations to the bison hunting grounds on the Great Plains sometime in the early 18th century reduced Coeur d'Alene reliance upon the water and land resources of their own aboriginal territory. The horse certainly enabled members of the tribe to access streams and lands that were once much more difficult to reach by foot or canoe, including the upper reaches of Clark Fork of Columbia River and Clearwater River and its environs. Bison hunting further led large numbers of the tribe away annually to venture over the crest of the Bitterroot Range into Flathead Indian County where they joined fall bison hunting expeditions on the Northern Plains. These extended ventures took them away from the area around Lake Coeur d'Alene for several months at a time, and bison as a resource provided not only foodstuffs but also garments, building materials, and tools. Fishing and camas root gathering along with small-game hunting certainly persisted, but ethnographers question just how much relative effort the Coeur d'Alene invested in these traditional

[440] Joseph J.S. Feathers, Ph.D. (Ed.), Francis F. Powers, Ph.D., and John Greenway, Ph.D., *These are the Coeur d'Alene Tribe* (Lewiston, ID: Lewis-Clark State College Press, 1971), 50; and Coeur d'Alene Tribe, Coeur d'Alene Indian Reservation, *Comprehensive Development Plan* - Preliminary, December 1973, 5-8, 12, and 16. University of Idaho Special Collections.

subsistence activities given their bison hunting. Moreover, in expanding the reach of the tribe the horse brought the Coeur d'Alene into conflict with neighboring tribes – particularly over access to bison.

Coeur d'Alene culture was re-oriented again with the arrival of Jesuit missionaries in the early 19th century. Devastated by disease and warfare, the tribe appears to have been eager and receptive to Catholic proselytizing that aligned with an existing cultural myth of the "powerful medicine" of the "Black Robe." Jesuits such as Frs. Pierre DeSmet, Nicolas Point, Joseph Joset, and Alexander Diomedi sought tribal conversion not only to Catholicism but also to agriculture; in their minds, the two went hand-in-hand. Younger members of the tribe, including the eventual "head chief" Andrew Seltice, embraced both. Coeur d'Alene such as Seltice largely abandoned traditional customs in favor of Catholicism, Euro-American style clothing, and permanent settlement on lands within their aboriginal territory on which they could raise wheat, oats, and stock animals. The lands west and south of Lake Coeur d'Alene, part of the rich Palouse agricultural area that spans portions of northern Idaho and eastern Washington, were well suited to grain farming and ranching. The quality of the soil and a sufficiency of annual precipitation, surface flow, and groundwater meant that the tribe could both dry farm and permit horses, cattle, and other livestock to graze successfully without resorting to water storage or irrigation.

Non-Indian settlement of the Upper Spokane River Basin underwent great changes in the middle decades of the 19th century as well. Development of the Columbia River Basin to the west spurred the construction of the region's first road and together with first gold discoveries along the Coeur d'Alene River in the 1860s prompted the first wave of settlement. Non-natives and Indians – including the Coeur d'Alene in 1858 – clashed, leading to the first attempts at treaties with the numerous Indian tribes and bands of the inland Pacific Northwest. At nearly the same time, interest in the region's mineral resources precipitated the creation of the Idaho Territory, and the territorial boundaries initially brought in the mining regions on either side of the Rocky Mountains. The desire to safeguard access to the mining areas of what would become the Idaho panhandle, in fact, led to the first executive order reservation for the Coeur d'Alene in 1867, a reserve created without the tribe's input and which excluded much of the tribe's aboriginal village sites including many of those around Lake Coeur d'Alene and on Coeur d'Alene River and Spokane River.

The movement to extinguish Coeur d'Alene aboriginal title to make way for miners and settlers in the Idaho panhandle grew into the 1870s and 1880s, even as the Coeur d'Alene sought to define a permanent reservation for themselves. On several occasions, Seltice articulated a vision for that reservation, centered on Lake Coeur d'Alene, yet increasingly focused on the tribe's burgeoning farmlands west and south of the lake – particularly but not exclusively in the vicinity of Hangman Valley. Not all Coeur d'Alene embraced agriculture in the way that Seltice did (or even at all) nevertheless by the 1870s Seltice and like-minded Coeur d'Alene had come to dominate the tribal leadership and actively encouraged others to follow their example. Their petition to federal authorities for a reservation in the early 1870s identified lands that would accommodate not only the tribe's growing farming enterprises but also "for a while yet" their traditional subsistence use of the lake, rivers, and streams for hunting, fishing, and gathering. The 1873 executive-order reservation was thus larger than the 1867 one, and reflected the tribe's continued mixed land and water uses. It took in the lake, and portions of Spokane River, and the lower Coeur d'Alene and St. Joe rivers as well as the rich agricultural lands of west and south of the lake into which much of the tribe had already relocated to farm.

The 1873 executive-order reservation, however, was never ratified by Congress and by the early 1880s, when a larger gold rush into the Idaho panhandle began, tribal lands were repeatedly violated. Federal Indian authorities, particularly local Indian agents, were at a loss to handle the large influx of prospective miners, timber interests, and farmers while preserving the integrity of the Coeur d'Alene reserve. Congress finally sought to extinguish aboriginal title and establish a permanent reservation for the Coeur d'Alene in the late 1880s.

The Coeur d'Alene were willing to do so – with compensation. They strongly desired a permanent reservation. Since the 1860s, the tribe had continued to develop as farmers and although some occupied mining and timber lands now desired by non-Indians, that occupation was largely predicated upon farming. Seltice and the other tribal leaders thus relinquished aboriginal lands in 1887, 1889, and 1894 once used for hunting and fishing and now sought for commerce, mining, and timber purposes by Euro-Americans: a 12-mile-wide strip of the land adjacent to the south bank of the Spokane River, much of the northern part of Lake Coeur d'Alene, the Coeur d'Alene River including its mouth and channel to the head of navigation, and the Wolf Lodge area. The Coeur d'Alene ceded these lands desired by the United States in favor of protecting and securing a reservation that included portions of the Palouse region within Idaho that they had already developed; access to Lake Coeur d'Alene by which they could deliver their agricultural commodities to non-Indian communities; and the bottomlands on the southern part of the lake and along St. Joe River that they had aboriginally occupied for portions of the year, and where a small number of tribal members still resided. Relinquishment of Coeur d'Alene aboriginal land on the northern perimeter of the 1873 executive order reservation thus amounted to a compromise with non-Indian occupants of the panhandle; both sides understood the agreements to be an accommodation of competing interests and uses.

Federal monies paid in compensation to the Coeur d'Alene to extinguish their title were invested in seed, stock, farming equipment, steam-powered saw and grist mills, and building materials – but no extensive water conveyance structures or storage facilities were requested. Barns, residences, fencing, and other farm buildings built with these funds were supplied with water from wells dug near to farm residences or with water from nearby springs. Tribal commitment to agriculture, furthermore, lessened aboriginal water uses, especially with regard to fishing. Although members of the tribe (including Seltice) continued to fish into the late-19th century, historical documentation indicates that fish and the capture of fish in great quantities as a significant part of a subsistence diet was no longer necessary for the Coeur d'Alene.

Commitment to agriculture gave the Coeur d'Alene the reservation they long sought, but it also provided the justification for federal authorities to allot the lands of that reservation in severalty to the tribe in the early 20th century. Far from facilitating the cultural assimilation of the Coeur d'Alene, allotment had a devastating economic and social impact on the tribe. Forty percent of the reservation was opened to settlement, and additional lands were lost over time as allotment were sold to non-tribal members. This shifting pattern of land ownership physically disassociating the Coeur d'Alene from many of their aboriginal water sources, and encouraging a trend toward leasing that began in the late-19th century. By the 1920s, few members of the tribe actively farmed their entire allotment as leasing either all or a portion of their lands was more economical. Coeur d'Alene farming itself continued to be dry farming; there is no evidence that the tribe, individual allottees, or lessees invested in and developed the lands in their

possession to a degree that necessitated expanded water use or suggested that irrigation works such as dams and ditch systems were feasible or desirable. Much of the tribe was apparently satisfied living-off a combination of their own agricultural efforts and the proceeds from leasing. By the 20th century, Coeur d'Alene water uses were principally domestic and stock watering uses, which reflected the tribe's socio-economic reality.

When in the 1950s federal trusteeship of Native Americans, their lands, and their assets were terminated, the tribe used the monies they received as additional compensation for the loss of their aboriginal lands to purchase lands lost to allotment. The tribal government also pursued restoration of lands alienated from the tribe in the allotment process, lands that went unclaimed by non-Indian settlers. The overarching goal, championed most clearly by Joseph Garry, was a re-invigoration of tribal agriculture in the 1950s, 1960s, and 1970s – in effect, returning to the commitment made by the Coeur d'Alene tribal leadership a century before.