

IN THE COURT OF CLAIMS OF THE UNITED STATES

Blackfeet Indians, et al.)
) Plaintiffs,)
) v.)
The United States,)
) Defendant.)

No. E-427

"copy"

Depositions on behalf of the plaintiffs taken by agreement at the Talmas Grounds near Winchester, Idaho, on July 7, 1926. The witnesses for the plaintiffs being unable to speak the language, James Stuart was first duly sworn to translate to the best of his ability from English into Nez Perce the questions propounded by the counsel and from Nez Perce into English and the answers of the witnesses thereto.

Guy Patten, Esquire, for Plaintiffs.

G. T. Stormont, Esquite, for Defendent.

John

James Walker being first duly sworn testified as follows:

Direction examination by Mr. Patten.

Q. What is your name?

A. John Walker.

Q. How old are you?

A. Seventy one.

Q. Are you a member of the Nez Perce tribe of Indians?

A. Yes sir.

Q. Have you lived with the tribe all of your life?

A. Yes sir.

Q. Where were you born?

A. Montana.

Q. In what country of Montana?

A. Near Grangedale, Montana.

Q. As a boy did you learn or hear of the common hunting ground country that was provided for in the treaty of 1855?

A. I did not hear until I was quite a size young man.

Q. Where did you learn that this common hunting ground was located?

A. From the Big Holes, north and east.

Q. Do you know where the Three Forks country is?

A. Yes, I do know.

Q. Was that in this common hunting ground, or do you know?

A. It was included.

Q. By Big Hole do you mean Big Hole Pass?

A. Yes.

Q. Did you ever go into this country or through this country?

A. Yes.

Q. When was the first time you ever went through this country?

A. Thirteen years before Joseph's war of 77.

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Q. What were you making this trip for?

A. To hunt buffalo.

Q. About how old were you at that time?

A. I was small, about ten years old.

Q. When you got through Big Hole pass in this first trip, where did you go from there to find your buffalo?

A. We went further on east as far as Billings country.

Q. On this trip did you go across the Three Forks country and on to Yellowstone river?

A. Yes, sir.

Q. Did you get any buffalo or ~~xxxx~~ see any buffalo between Big Hole Pass and Yellowstone river?

A. I did not see any.

Q. How far did you have to go before you ran into buffalo hunting?

A. Over there to Billings and north of Billings.

Q. How many teepees of people were in your party?

A. About two hundred teepees at first and then the party split up and about sixty teepees were left in the witnesses party.

Q. How many families would there be in a teepee?

A. Generally about three families.

Q. How long were you gone on this first hunting trip?

A. About a year the first time.

Q. Did you bring back any buffalo meat and hides from that trip.

A. Yes they brought some.

Q. About how much meat and hides did you bring back?

A. Quite a lot.

Q. How many pony loads of meat and hides to the teepee would you bring back?

A. About twenty pack loads to the teepee.

Q. Did you ever go back through this country after this first trip?

A. Yes, I did.

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Q. About how many trips did you make after this first trip?

A. After the first trip I made three other trips.

Q. Were these other trips composed of about the same number of people as the first trip?

A. I do not think there was as many teepees the last time.

Q. On these last three trips where did you get your buffalo?

A. North of Billings and on the Mussel Shell.

Q. On any of these trips were you able to get any buffalo between Big Hole Pass across the Three Forks and to the Yellowstone?

A. None at all.

Q. What did your people use the buffalo for?

A. To eat and make buffalo robes and hides and everything.

Q. What did you make your teepees of?

A. Buffalo hides.

Q. How many hides would it take to make a teepee?

A. Different amount of hides to different tents, from thirteen to twenty to each tent.

Q. What did you use for beds and bed covers?

A. Buffalo hides.

Q. Did you ever trade or sell buffalo hides for provisions and other things?

A. Yes, I have seen them sell and trade and I once myself traded. The time I made a trade myself I traded for one of the best blankets, a Hudson Bay blanket.

Q. How many hides did you have to give for this blanket?

A. Just one, an even trade.

Q. Do you know what things your people traded these buffalo hides for?

A. I remember they used to trade hides for some money, flour, sugar, and coffee.

Q. Do you know what buffalo hides were worth when you were a boy?

A. I never saw what they got but I used to hear the price according to size of the hide used to run up to twenty dollars.

Q. Do you mean that was from twenty dollars down.

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Q.

A. They sold for less than twenty dollars and more than twenty dollars.

Q. Were these raw or dressed robes?

A. All dressed, ready.

Q. When you were a boy growing up do you know how often these hunting parties went for buffalo?

Question objected to by Mr. Stormont calling for hearsay.

A. Every year.

Q. Did the same party of people go every year or were there different parties?

A. Some would go every year and some would stay and some would go for the first time.

Q. Were there, within your recollection, ever any buffalo in the home territory of the Nez Perces in Idaho?

A. No, sir. Cross Examination by Mr. Stormont.

Q. You say you were born in ^{Grangerville} Grangerville, where is that with reference to Helena?

A. Up the head of the Bitter root valley up from Missoula.

Q. How many miles from Missoula?

A. I do not know I never measured.

Q. Can you approximate the distance?

A. I do not know—probably twenty miles or more.

Q. North of Missoula?

A. South.

Q. From what your father and mother told you what were your people doing in that country at that time?

A. Used to go hunting buffalo.

Q. Then they were on a hunting trip at that time?

A. Yes.

Q. You say you were about ten years old on your first trip?

A. I do not know exactly.

Q. That is the first time in your recollection that you were in that country?

A. Yes, sir.

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Q. Prior to that were your people with the band to which they belonged living in Idaho?

A. Yes, Sir.

Q. Prior to that time did your people and their band make any hunting trips elsewhere.

A. They always went to Montana.

Q. Where in Montana around the Marias?

A. From Big Holes, Three Forks and on east.

Q. Prior to this first trip into the Three Forks did your people ever hunt, within your recollection, in the country on the Missouri?

A. Yes, they used to hunt there.

Q. You told about four trips altogether that you made into Three Forks country and stated that you saw no buffalo in that country. Did you hunt for buffalo while on that trip in that country?

A. In going through the Three Forks country I, myself, never hunted in that country.

Q. Do you recall what the traditions were in your boyhood days of your tribe where the buffalo hunting grounds were?

A. The most plentiful buffalo in my boyhood days was north and east of Billings

Q. When your party returned from the Three Forks country on this first trip how many teepees were in the party?

A. About sixty.

Q. Each lodge had about twenty pack loads of buffalo meat and hides did it?

A. If there were three families in the tents there would be about twenty.

Q. Did you go around counting how many pack loads to the family?

A. No, sir, I never counted but estimated how many.

Q. And you were only ten years old at the time?

A. Yes, sir.

Q. Does a ten year old boy usually take that much interest to estimate the quantity of buffalo meat and hides on hand?

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A. After I made the second trip I took more interest.

Q. I am not talking about the first trip, not the second.

A. From the impression it made on me was because there were so many pack horses.

Q. How large a herd of pack ponies were there on this pack trip?

A. I cannot give the exact herd but there was quite a lot of them.

Q. What do you mean by quite a lot, two hundred head or five hundred head?

A. From the recollections that each teepee would contain three families and each family would have from fifteen to twenty head of horses.

Q. Have you ever had your herd of pack ponies together at one time on your return trip?

A. Yes, I have seen them come to any stopping place on the trip and the whole caravan would stop and the ponies would come together.

Q. And you were unable to approximate the number of animals at any of these stopping places that you mention?

A. No, I never counted them. Simply estimated them because there were so many horses.

Q. You testified that the hunting parties would go away each year from the home territory of your tribe. You do not know where they went do you?

A. They used to go over into the Montana country and points east from here.

Q. You mean that is where they said they were going?

A. Yes.

That is all.

James Stewart
Witness to mark

John Walker

Philip Evans being first duly sworn testified as follows:

Q. What is your name?

Direction examination by Mr. Patten.

A. Phillip Evans.

Q. How old are you?

A. Over eighty.

Q. Are you a member of the Nez Perce tribe of Indians?

A. Yes.

Q. Have you lived with the tribe all your life?

A. Yes.

Q. Where were you born?

A. In the county of Idaho, state of Idaho.

Q. Do you remember the treaty of Walla Walla of 1855?

A. Yes, I do remember.

Q. About how old were you at the time of that treaty?

A. About fifteen.

Q. Do you remember the treaty of the Judith of 1855?

A. I was not over there at the time but when the Nez Perces came home they told about it.

Q. Did you learn that there had been a common hunting ground where the Nez Perces and other tribes would be permitted to hunt by that treaty?

A. I heard them say that.

Q. Where did you understand that common hunting ground provided by the treaty of the Judith was located?

A. I heard them say it included following the Yellowstone and East to Mussel Shell and West to Big Holes.

Q. Do you know where the Three Forks country is?

A. I have never been to Three Forks but I used to go by trail and Three Forks lays north and east of Big Hole Pass.

Q. Did you understand that the Three Forks country was in that hunting ground provided for in the treaty?

A. It was included inside the designated hunting ground.

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Q. Did you ever go with any hunting parties of your band into this hunting ground country before the treaties of Walla Walla and the Judith?

A. There was lots of game.

Q. What kind of game did you find in that country?

A. Buffalo, elk, antelope, white tail deer, black tail deer and moose.

Q. Were there many buffalo there before the treaty?

A. Plenty.

Q. Did you hunt buffalo in that country?

A. Yes, my father used to kill lots of them.

Q. How many times did you hunt in this hunting ground country before the Walla Walla treaty?

A. I went there when very small just before the treaty and went after the treaty the second time.

Q. How long after the treaty of Walla Walla was it that you made this second trip to this country?

A. I was a grown man the second time.

Q. Where did you go the second time?

A. Through Big Hole Pass.

Q. Where did you go from there?

A. Right down east.

Q. How far east did you go?

A. I hunted as far as Billings and north to what is called Buffalo Heart.

Q. Did you ever hunt and get buffalo in this Three Forks country after the Walla Walla treaty?

A. No.

Q. About how old were you when you made this hunting trip that you say was made after the treaty of Walla Walla when you were grown?

A. Close to thirty.

Q. Did you see or hunt any buffalo in the country between the Big Hole Pass and the Yellowstone river on that trip?

A. There wasnt any until further on east.

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Q. On these hunting parties that you went on, how many teepees of people went in such a party?

A. When I used to go, even the second time, there was about two hundred teepees.

Q. How many families to each teepee?

A. About two families to each teepee, sometimes generally three.

Q. How long would you stay on these parties?

A. I never stayed there all winter but other bands of this tribe would stay all winter, but some would come back the first year.

Q. How many pony packs of meat and hides would you bring back from one of these trips?

Defendant objects to question because of its generality and moves to strike unless it is limited to one or two specific trips the witness testified he made.

Q. On either of these trips that you mentioned that you made did your band bring back any buffalo meat and buffalo hides?

A. The last trip I made I came home all by myself and could not say how much meat there was brought.

Q. Do you remember the Orofino gold rush in the Nez Perce territory?

A. Yes sir, I next saw the white people.

Q. About how old were you then?

A. I was about twenty years old.

Cross Examination. by Mr. Stormont.

Q. Your people would go on hunts for buffalo each year didn't they?

A. Every year.

Q. And you would usually go with your people wouldn't you?

A. I went twice, when I was small and the second time I was a grown person.

Q. Do you mean that you only went on two hunting trips in your entire lifetime in any territory?

A. I went only twice to hunt buffalo and but used to hunt here at home.

Q. Then you mean to say you went to hunt buffalo only twice?

A. That's all.

Witness of mark

James Stewart

Philip Evans 163

Wa Win Wah Tsan My being first duly sworn testified as follows:

Direct examination by Mr. Patton.

Q. What is your name?

A. Wa Win Wah Tsan My.

Q. How old are you?

A. Close to a hundred.

Q. Are you a member of the Nez Perce tribe of Indians?

A. Yes, sir.

Q. Where were you raised as a young girl?

A. Bitterroot valley.

Q. Did you ever hear of the common hunting ground that was provided for in the treaty of Judith in 1855?

A. Yes, sir.

Q. Where did you understand that was?

A. At the Three Forks.

Q. Were you ever in Montana?

A. Yes.

Q. When?

A. Long ago.

Q. Were you ever over on Yellowstone river?

A. Yes, sir.

Q. How old were you when you were first over on Yellowstone river?

A. I do not remember how old I was but I was old enough that I could get on a horse by my self.

Q. How long did you stay there?

A. Stayed there a whole year then and sometimes longer.

Q. Do you mean that you went back and forth from the Nez Perce country to that country?

A. Yes, sir.

Q. When you quit making these trips back and forth from your country to that country and came back to your home country to stay about how old were you then?

A. The last time I was there was shortly after the buffalo was exterminated in this

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territory.

Q. Were you married at that time?

A. Yes, but my husband was killed by other tribes.

Q. Do you remember the gold rush that took place in that country?

A. Yes, I remember.

Q. About how long before or after the gold rush was it that you came back to the Nez Perce country to stay?

A. Probably about two years after.

Q. Did you ever go back to that country on any hunting parties after you return to the Nez Perce country as you had indicated?

A. Yes, once afterward.

Q. Where did you go on that last trip?

A. By big holes.

Q. Where from there?

A. East and toward Mussel Shell.

Q. Did you go any further than Mussel Shell.

A. No.

Q. While you were in Montana as a girl did you ever go with any hunting parties in this common hunting ground country between Big Hole Pass and Yellowstone river around Three Forks?

A. No. Buffalo all gone.

Q. Where did you get your Buffalo meat and hides at that time?

A. Over there between Mussel Shell and Yellowstone river.

Q. Did you ever hunt buffalo in this common hunting ground country around Three Forks at any time?

A. Yes used to be lots before they were killed off and there is where we used to hunt.

Q. Do you know how they got killed off?

A. White people drove them off and scattered them all.

Q. After the buffalo was killed off in this hunting ground country where did you hunt then?

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A. Used to go further on East up the Mussel Shell and to Buffalo Heart.

Q. Where is Buffalo Heart?

A. Buffalo Heart is East and South of Mussel Shell.

Q. How many hunting trips for buffalo did you go on ~~for~~ that you can remember?

A. Twice, but generally stayed there longer than some of them.

Q. About how many tepees of people, if you remember, were in the two hunting parties that you mentioned.

A. Quite a number of people. I cannot exactly remember the amount, quite a number of tepees.

Q. What did you eat for food while you were a girl?

A. Buffalo meat.

Q. Do you know how many pony loads of meat and hides your band got on either of both of these hunts you mentioned?

A. Two families in a tent would have sixteen head of pack horses.

Q. What did you make your tepees out of when you were young?

A. Buffalo hides.

Q. How many to a tepee?

A. I could not state definitely the amount it did take, I never made one my self.

Q. What did you use for beds and covers?

A. Buffalo hides.

Q. Do you know whether or not your band of Nez Perces ever traded buffalo hides for other provisions or money?

A. Yes, sir they did trade for coffee, sugar and flour.

Q. Do you know what buffalo hides were worth when you were a girl growing up?

A. I never ~~heard~~ sold or traded any/my self but heard others talk and say they got ten dollars and thought they were cheated.

Q. Cross Examination by Mr. Stormont.

Q. You were raised in Bitter Root valley?

A. Yes.

Q. Did you live there with a band of your tribe or by yourself?

A. Nez Perce tribe there.

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Q. You were a grown woman at the time of the treaty of 1855 were you?

A. Yes.

Q. Prior to the treaty of 1855 did you go with your tribe on hunts for buffalo?

A. No.

Q. Before the treaty of 1855 you never went on buffalo hunts with your people?

A. No.

Wawonwahsonmy

James Stewart
Witness to mark.

Sally Wilbur
~~Sarah Williams~~

being first duly sworn testified as follows: Direct examination by Mr. Patten.

Q. What is your name?

A. Sally Wilbur.

Q. Are you a member of the Nez Perce tribe of Indians?

A. Yes.

Q. Are you a full blooded Nez Perce Indian?

A. Yes.

Q. Have you lived with the tribe all of your life?

A. Yes.

Q. Do you remember the treaty of Walla Walla of 1855?

A. Yes.

Q. About how old were you at the treaty of Walla Walla?

A. About six years.

Q. About how big a girl were you at the time of the treaty of Walla Walla?

The defendant objects to this as the witness has already stated how old she was.

A. I was old enough to get on a horse by myself.

Q. Do you remember if you ever went on a buffalo hunting party before the treaty of Walla Walla?

A. Yes, I did.

Q. About how big a girl were you on the first hunting party you went on?

A. A good sized girl. I could get on a horse by myself.

Q. On the first trip you went on where did you go to hunt?

A. We went through ~~the~~ the countries they have mentioned to the Yellowstone river.

Q. How do you remember where you went?

A. We went through where the trail used to run us through to the Three Forks.

Q. On the first trip what kind of game if any did you find in the Three Forks?

A. No buffalo but elk and other game.

Q. Did you ever see or hunt any buffalo in this common hunting ground territory?

Defendant objected to as leading and suggestive.

A. Yes, there was lots before the treaty.

Q. The first hunting party that you ever went on where did your party hunt?

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A. There was buffalo at the Big Hole and on east and later on they had to go further.

Q. Did you ever go into this Three Forks country after the treaty of Walla Walla hunting buffalo?

A. Yes, we did, but there was no buffalo after the treaty.

Q. How soon after the treaty of Walla Walla did you make your next trip into or through this country?

A. I don't know but probably three years.

Q. Where did you go to on that trip?

A. By the way of Big Hole Pass to Three Forks and on to Billings and that country.

Q. As near as you can remember how long was it after the treaty of Walla Walla that you made this trip you mention?

A. About two years or more.

Q. How many buffalo hunting trips in all did you go on?

A. I went with buffalo parties four times.

Q. Did you bring back on these buffalo hunting trips any meat or hides?

A. Yes.

Q. How many pony loads of meat and hides to each teepee did the party bring back?

A. It ranged from five to eight or more.

Q. What did you use the buffalo hides for?

A. Robes.

Q. What did you make your teepees out of?

A. Buffalo hides.

Q. How many buffalo hides did it take to make a teepee?

A. It depended on the size, averaging for a small one fifteen hides, for a large one thirty hides.

Q. What did you use for bedding and bed covers?

A. Buffalo hides.

Q. What other purposes did you use buffalo hides for?

A. We made buffalo hide bags to carry meat in, leggings, moccasins, and anything that could be made out of them.

Q. Do you know whether or not your people ever traded buffalo hides for provisions, clothing, or money?

A. Yes, they did, they traded for coffee, sugar, and flour.

Q. Do you know how much buffalo hides were worth then you were young?

A. The best ones were about twenty five dollars.

No cross examination.

Jane Stuart
Witness to mark

^G Sally Wilbur

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Amelia Johnson, being first duly sworn, testified as follows:

Direction
Examination by Mr. Patten.

Q. What is your name?

A. Amelia Johnson.

Q. How old are you?

A. Over seventy.

Q. Are you a member of the Nez Perce tribe of Indians?

A. Yes.

Q. Have you lived with your tribe all of your life?

A. Yes.

Q. When you were young, since you were old enough to remember, did you ever go on hunting parties for buffalo?

A. Yes.

Q. Where did you go to hunt buffalo?

A. Through Big Hole and Three Forks on to Billings.

Q. Did you see any buffalo between Big Hole and Three Forks and over to Yellowstone river on these trips?

A. I never saw any myself.

Q. When you were a girl where did you get buffalo on the hunts that you went on?

A. From Billings and on to Mussel Shell.

Q. How many such buffalo hunting parties have you been on?

A. I was over in Montana practically up till I was fifteen then I came home for good.

Q. How many teepees were in your band of Nez Percés while you were in Montana so much?

A. There was probably about two hundred teepees but always someone was going back and others coming in.

Q. About how many families were there to the teepee?

A. It ranged from two to three families to each tent.

Q. What did you make your teepees out of?

A. Buffalo hide.

Q. How many hides did it take to make a teepee?

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A. It ranged from fifteen to eighteen hides.

Q. What did you use for beds and covers?

A. Buffalo hides we used for everything.

Q. Did you or your people you were with ever trade or sell buffalo hides for other things?

A. Yes they did. They sold and traded them for sugar, flour, and coffee.

Q. Do you know what buffalo hides were worth while you were in Montana?

A. I do not remember now what the hides were worth only that they traded the hides for what the articles were worth.

Q. Do you remember of seeing any white people in this common hunting ground country while you were in Montana?

A. Yes, I did.

Q. Do you remember what they were doing?

A. They were mining and prospecting.

Q. Do you remember the gold rush in this common hunting ground country?

A. Yes.

Q. When you first saw these miners in the country about how old or how big a girl were you?

A. I do not know, probably about ten years old.

No Cross Examination.

James Stewart
Witness to Mark.

Amelia Johnson

Elisa Miller, being first duly sworn, testified as follows:

Direction examination by Mr. Patten.

Q. What is your name?

A. Elisa Miller.

Q. How old are you?

A. Eighty five.

Q. Are you a member of the Nez Perce tribe of Indians?

A. Yes.

Q. Have you lived with your tribe all your life?

A. Yes.

Q. Do you remember the occasion of the treaty of Walla Walla?

A. Yes, I remember.

Q. Were you present when the treaty was made?

A. Yes, I was present.

Q. About how old were you at that time?

A. I was quite a good sized girl, probably about ten years old.

Q. Do you remember the occasion of the treaty of the Judith?

A. Yes.

Q. Were you there when that treaty was made?

A. Yes. I was in Montana at the same time but was not present at the treaty.

Q. Did you learn that there had been created by the treaty of the Judith a common hunting ground where your tribe and other tribes would be permitted to hunt?

A. Yes, I did.

Q. Where did you understand this common hunting ground was located?

A. Three Forks and other territories joining.

Q. Did you ever go to this common hunting ground country before the treaties of Walla Walla and Judith?

A. Yes, I did when I was small.

Q. What way did you go to get there?

A. Down through Big Holes.

Q. From there where did you go to hunt?

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A. At the Big Holes and from there on east.

Q. How far east?

A. At the Three Forks.

Q. What kind of game would you find in this country on these trips?

A. Buffalo and other game.

Q. Were there very many buffalo in that country on these trips you made before the treaty of Walla Walla?

A. Lots of buffalo.

Q. What other kind of game was there?

A. Elk, antelope, and moose.

Q. How many such hunting trips did you go on into this hunting ground country before the treaty of Walla Walla?

A. I was there quite often, in fact stayed there quite a while before the treaty and after the treaty went there several times.

Q. How long after the treaty of Walla Walla did your band of Nez Perces continue to hunt and get buffalo in this country?

A. Somewhere about two years or over.

Q. Why did you quit hunting in this common hunting ground country?

A. Because there was no buffalo any more. White people had driven it off.

Q. Where did you go to hunt buffalo after they were killed off in this hunting country?

A. Down farther on east to Billings and from Billings east and north.

Q. How many teepees were there in your band of Nez Perces who went on these hunting parties that you have mentioned?

A. There was quite a number, probably over two hundred.

Q. How long would you stay on one of these hunting parties?

A. Probably about a year at a time.

Q. Did you bring back any meat and hides?

A. Yes, brought some.

Q. How much meat and hides would your party bring back to each teepee that was in the band?

A. Very hard to state the amount each family had because owing to the head of the family having a good horse to kill more and others could not do as much as he did.

Q. How much would a good hunter bring back?

A. Probably when he would come home he would have ten buffalo hides and other hides.

Q. What kind of other hides?

A. Elk hides that they made moccasins out of.

Q. How many buffalo hides did it take for a teepee?

A. Averaging different sizes of tent from thirteen to twenty.

Q. What did you use for beds and covers?

A. Buffalo hides.

Q. Do you know whether or not you yourself or your band ever traded buffalo hides for other articles?

A. I have seen them trade buffalo hides but I do not know what they got for them.

Q. What did they trade buffalo hides for?

A. Sugar, coffee, and flour.

Cross examination by Mr. Stormont.

Q. Was the treaty of the Judith before or after the treaty of Walla Walla?

A. Walla Walla first.

Q. How long after the treaty of Walla Walla was the treaty of Judith?

A. Walla Walla treaty was made in the spring sometime and the Judith treaty in the fall.

Q. At any time in your life did you ever go with your people on hunting trips on the Mussel Shell?

A. Yes, I did.

Q. Was the country on the Mussel Shell in the common hunting ground?

A. Yes. Inside of the treaty.

Q. Do you mean by that that the treaty was in the common hunting ground?

A. Yes.

Q. How many trips into this common hunting ground did you make after the treaty of Walla Walla?

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A. I went twice.

Q. How far apart were these two trips?

A. About three years difference.

Q. An Indian mounted on a good horse could kill more buffalo than an Indian mounted on a poor horse couldn't he?

A. Yes, sir, an Indian mounted on a good horse could kill more buffalo than an Indian on a poor horse and furthermore an Indian who had never hunted buffalo before would have a poor chance because he would not know how to go after it.

Q. An Indian whether mounted on a good horse or a poor horse would kill as many buffalo as he could wouldn't he?

A. It would depend a great deal on an Indian himself. An Indian who had never killed buffalo even if he was on a good horse he could not kill as many buffalo as an Indian who was an experienced hunter even if he was on a poor horse.

Q. But the experienced hunter would kill as many buffalo as he could would he not?

A. An experienced Indian hunter would kill three buffalo with three arrows.

Q. And the Indian hunters would not stop killing until the herd had all been killed or scared away would they not?

A. Indians would kill the exact amount which was needed because they wanted to preserve their game.

Defendant calls attention to the argumentative matter in the latter part of the witnesses answer.

James Stuart
Witness to Mark.

Eliya Miller

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Paul Corbett Sr., being first duly sworn, testified as follows:

Direction examination by Mr. Patten.

Q. What is your name?

A. Paul Corbett Sr.

Q. How old are you?

A. Seventy eight.

Q. Are you a member of the Nez Perce tribe of Indians?

A. Yes sir.

Q. Have you lived with the Nez Perce Indians all of your life?

A. No, I lived awhile in Montana, Deer Lodge Valley.

Q. Where were you born?

A. Montana.

Q. Near what point or place?

A. I do not know just where I was born, my ~~mother~~ mother never told me the exact spot where I was born.

Q. Where did you grow up as a boy?

A. Deer Lodge.

Q. Was Deer Lodge that you mention east of the Rocky Mountains or on this side of the Rocky Mountains.

A. On the west side.

Q. Did you ever learn as you grew up that there had been provided for by treaty a common hunting ground where your tribe and other Indian tribes could hunt?

A. I never heard.

Q. How many lodges were in your band of Nez Percés that you lived in when you were young?

A. Over two hundred.

Q. As far back as you can remember as a boy, what did you use for food to eat?

A. Buffalo meat.

Q. What did you and your band use to make your lodges out of?

A. Buffalo hide.

Q. What did you use for bedding and covers?

A. Buffalo hides.

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Q. When you can first remember where did you get these buffalo hides for meat and covers?

A. From Big Holes on to Three Forks.

Q. When you can first remember were there many buffalo in the country you have just described?

A. When I was young I used to see plenty of buffalo.

Q. How long did your band of Nez Perces continue to get their buffalo in that country from Big Holes to Three Forks that you mention?

A. I remember when the white people got into that territory there was probably two or three years.

Q. How old were you when the white people first came into that territory?

A. I was old enough to get on a horse myself. That is as near as I can describe my age.

Q. After that time where did your band get their buffalo?

A. They went further east.

Q. About how old were you when your band quit hunting in that Three Forks country and went further east to hunt?

A. I was a grown boy.

Q. Do you know how many pony loads for each teepee your band would bring back from one of these hunting trips?

A. Depends on the different parties from each lodge, probably would be from five to over ten pack animals.

Q. Did you or your band ever trade or sell buffalo hides for other things or money?

A. Yes.

Q. What did you trade for?

A. I never sold or traded myself but I have seen other Indians sell and trade their buffalo robes for coffee, sugar, and flour when they were worth at least twenty five dollars.

Cross Examination by Mr. Stormont.

Q. As a boy did you ever hunt in any other section of the country except

The Three Forks?

A. Yes.

Q. Where?

A. Three Forks.

Q. As a boy did you ever hunt in any other section other than the Three Forks?

A. We hunted in other places after the game was exterminated.

Q. But before the game was exterminated as you say it was, did you hunt in any other country?

A. We used to hunt from Big Holes on to Three Forks because there was plenty of game there but afterwards they hunted on other places when the game was gone.

James Stewart
Witness to Mark.

Paul Corbett

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James S. Hines, Being first duly sworn, testified as follows?
Direction examination by Mr. Patten.

Q. What is your name?

A. James Hines.

Q. Are you a full blooded Nez Perce Indian?

A. Yes.

Q. Have you lived with your tribe all of your life?

A. Yes.

Q. Do you remember the treaty of Walla Walla of 1855?

A. I remember there was a treaty made.

Q. Do you remember the treaty of Judith of 1855?

A. I remember it was made in the fall in October.

Q. Were you in either of these treaty makings?

A. I was over in Montana when the treaty of Judith was made but I was not present.

Q. About how old were you when the treaty of Judith was made?

A. Somewhere about twelve.

Q. Baxen Did you learn that there had been provided by treaty a common hunting ground where your tribe and other Indians would be permitted to hunt?

A. Yes, I understood.

Q. Where did you understand it was located?

A. I understood that the treaty of Judith included where the treaty was made down to the Three Forks and other territory taking in quite a scope.

Q. Do you know where the Three Forks territory is?

A. Yes By the Yellowstone and Big Holes.

Q. Were you ever in that Three Forks country?

A. Yes, I was there many times.

Q. What were you doing there?

A. I was there just to be out, hunting buffalo and other things.

Q. As a small boy did you ever go with any hunting parties into that country between Big Hole Pass and Yellowstone River?

A. Every trip pretty near.

Q. When were these trips made into the Three Forks country with reference to the time of the Judith treaty?

A. Before and after.

Q. How many teepees were in your band of Hex Perces on these trips?

A. Probably over two hundred.

Q. On the first trip you made into this Three Forks country what game did you find in that country?

A. There was buffalo and other games when I first went there.

Q. Do you remember the occasion of the discovery of gold in that country?

A. Yes, I remember.

Q. About how old were you at that time.

A. I was quite a chunk of a boy probably about fourteen.

Q. Did you ever see any white people in that country between Big Hole Pass and the Yellowstone river before the discovery of gold?

A. Yes, I saw them there with pack horses going and coming.

Q. Did you find or learn what they were doing there?

A. I found out later that they were looking for gold.

~~xxxxxxxxxxxxxxxx~~

Q. Were you in this country after the gold rush?

A. Yes.

Q. Were you ever in Virginia City?

A. Yes.

Q. When were you there?

A. I saw the place before Joseph's war and that is the time I came here for good.

Q. How long did you stay in that Three Forks country after the discovery of gold?

A. There was nothing there to stay for but we stayed there about three years then we came on home.

Q. Did you or your band ever hunt buffalo in that Three Forks country after the discovery of gold?

A. There was a small band of whaty they called a mountain buffalo that got up into

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the mountains this side of Big Holes and that is the last bunch I saw.

Q. About how old were you, if you remember, at the time of Chief Joseph's war?

A. I really do not know exactly but probably over thirty years.

No cross examination.

James Shook
Witness to mark.

James S. Hines

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John Wilson being first fully sworn, testified as follows:

Direction examination by Mr. Patten.

Q. What is your name?

A. John Wilson.

Q. How old are you?

A. Seventy one.

Q. Are you a full blood Nez Perce?

A. Yes.

Q. Where were you raised?

A. Raised in Idaho.

Q. When you could first remember what did you and your people use for food?

A. Buffalo meat.

Q. What did you make your teepees out of?

A. Buffalo hides.

Q. What did you use for clothing?

A. We used to a long while ago, make our clothes out of mountain sheep hides.

Q. Did you ever go on a buffalo hunting trip?

A. Yes, I did.

Q. How old were you on the first trip you ever went?

A. About eight.

Q. Where did you go?

A. When I first went we went through Hell Gate.

Q. From Hell Gate, where did you go?

A. Went through by Virginia City. There wasn't any city there then but that is the route we took.

Q. Where was the first place on that trip that you found any buffalo?

A. Mussel Shell.

Q. Did you ever go on any hunting trip after that?

A. I was about nineteen years when I went the second time and that was the last time.

Q. Did you get any buffalo on your second trip?

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A. Yes, we killed at Mussel Shell but they were very scarce.

Q. On the second trip did you go further than Mussel Shell?

A. Yes, we went on to Buffalo Heart.

Q. Do you know where Billings is?

A. Yes, I do know.

Q. Did you ever get that far east on either of these buffalo hunts?

A. Yes.

Q. When you mention Mussel Shell, what direction would that be from Billings?

A. North, a little east if any at all.

Q. On the first trip that you made did you see any white people?

A. Yes, there was lots of them at Helena where they found gold, and other places.

Q. What were these white people doing that you saw?

A. They were digging for gold.

Q. Did you go from Hell Gate to where Virginia City is now on your first trip or on your last trip?

A. The last trip.

Q. Did you follow that same trail the ~~last~~ first trip?

A. They took a different route below it. It was another trail.

Q. When you say below it do you mean north or south of it?

A. North.

Q. On your first trip did you find any buffalo to kill after you left Hell Gate before you got to Mussel Shell that you have described?

A. Never killed any.

Q. Did you see any?

A. No, we did not see any.

No Cross Examination.

James Stuart
Witness

John Wilson

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County of Lewis

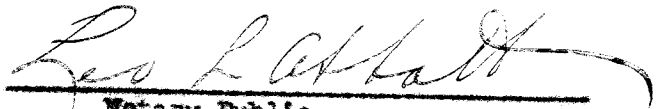
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Stat of Idaho

I, Lee L. Abbott, a notary public in and for the county and state
 aforesaid do hereby certify that the foregoing depositions were taken at the
 place and time stated; that before testifying the witnesses, John Walker,
 Phillip. Evans, Wa Win Wah Tsan My, Sally Wilbur, Amelia Johnson, Eliza Miller,
 Paul Corbett Sr., John Wilson, and James S. Hines, were duly sworn by me;
 and that they subscribed their depositions in my presence.

I further certify that James Stuart and David McFarland were first
 duly sworn to translate to the best of their ability from English into Nez
 Perce the questions propounded by counsel and from Nez Perce into English
 the answers of the witnesses thereto.

Given under my hand and seal this 22 day of July, 1926.



Notary Public.
 Residing at Winchester, therein
 October 15th, 1927

My commission expires

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