

LESSON 4 | GRADE 8 | WAR AND REMOVAL

# Table Rock Treaty of 1853





It ought never be forgotten, that in all the disputes and controversies between the whites and Indians upon this Coast concerning the occupation of the soil (or almost anything else for that matter) it may be safely assumed that the latter are not in the wrong."

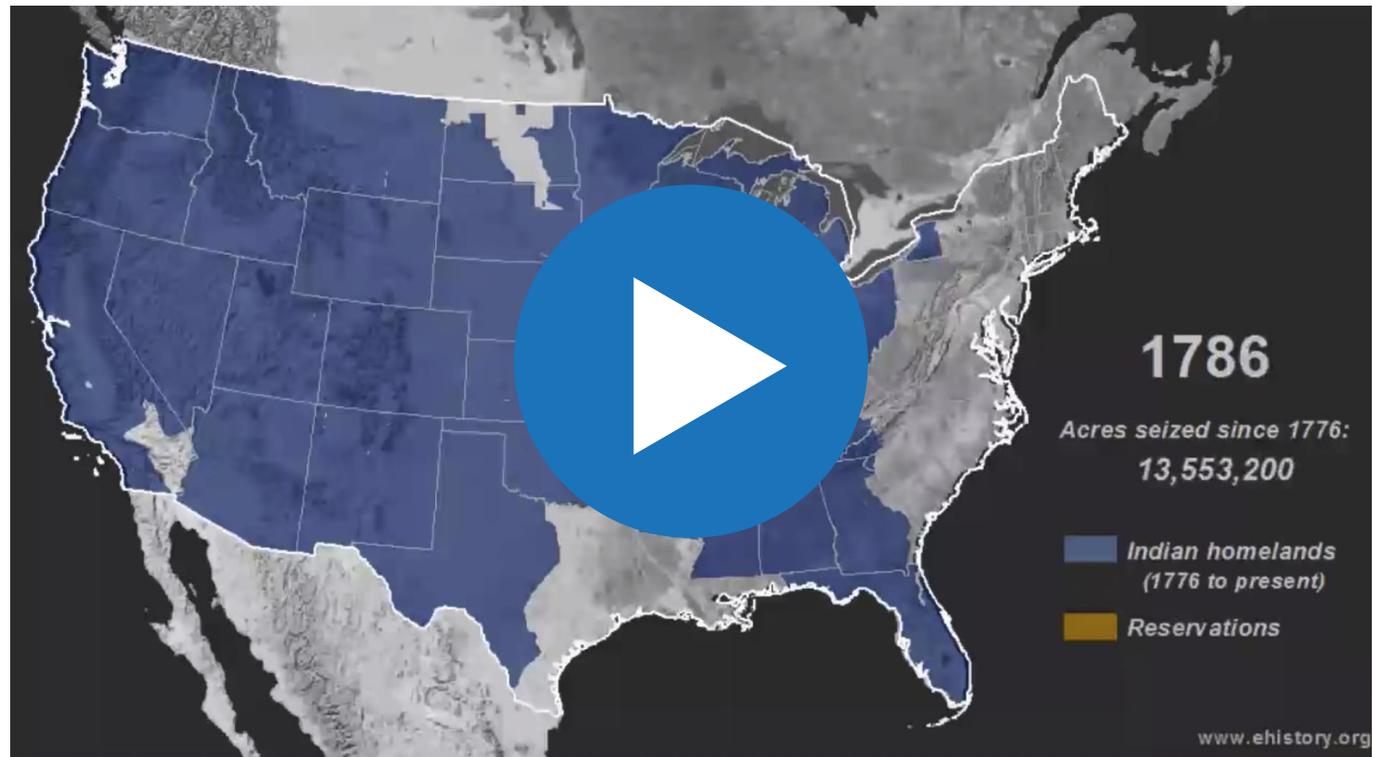
- Judge Matthew Deady

# Big Questions

- What is Manifest Destiny?
- What is the Oregon Donation Land Claims Act?
- How did this impact Native Tribes in the 1850s in Southern Oregon?
- How are treaties negotiated between sovereign nations, specifically the Table Rock Treaty of 1853?
- What were the stipulations of the Table Rock Treaty?
- How did the U.S. government violate the Table Rock Treaty?
- How do the U.S. government's violations of the treaty still impact the Confederated Tribes of Siletz Indians and surrounding communities?

# Events Leading to the Signing of the Table Rock Treaty

## Manifest Destiny



# The Donation Land Claim Act of 1850

The Donation Land **Claim** Act of 1850 is a U.S. federal statute enacted by the Congress of the United States to promote homestead settlement in the Oregon Territory in the Pacific Northwest.

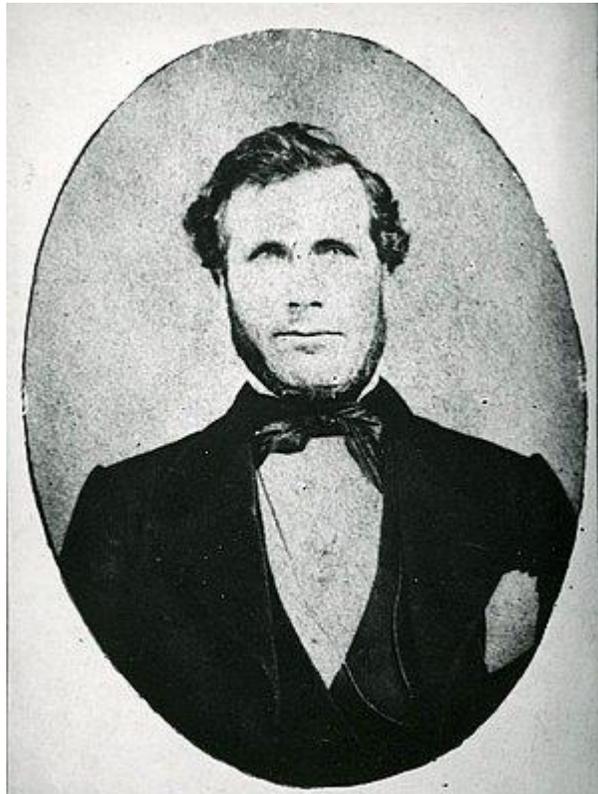
# Native American Leaders Involved in Treaty Negotiations

Tecumtum or Tyee John

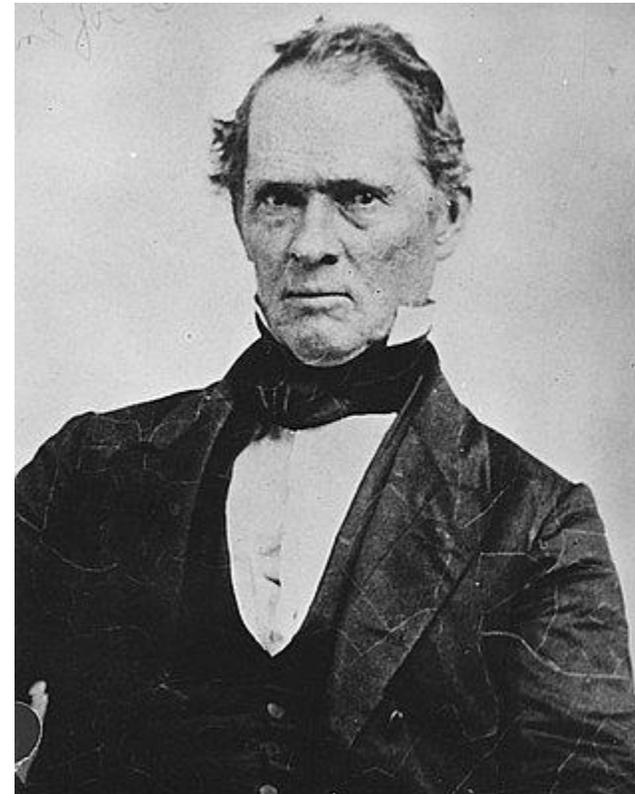


# U.S. Government Representatives Involved in Treaty Negotiations

Joel Palmer



General Joseph Lane



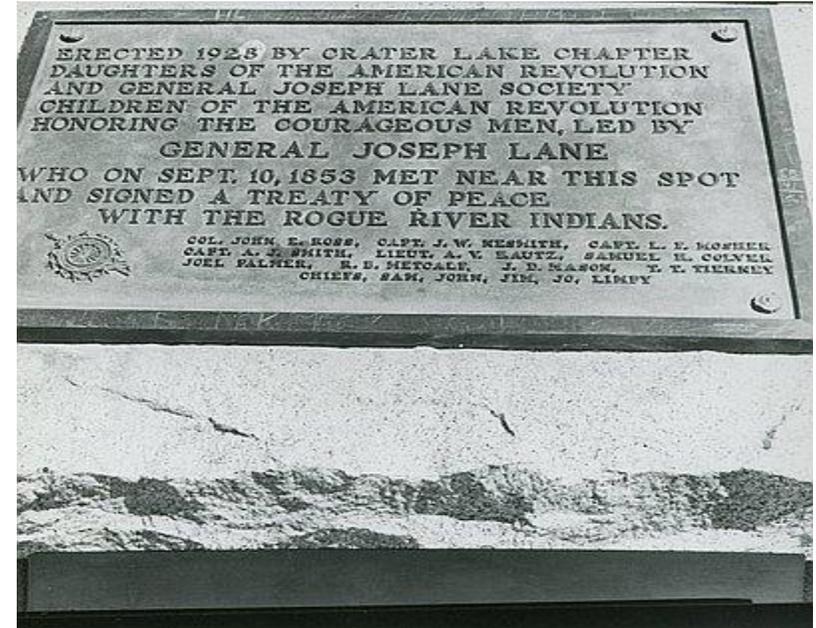


The white man has come and will continue to come  
for they are as plenty away over the mountains as  
the trees in the woods."

- Joel Palmer

# Table Rock Treaty of 1853

- Signed on September 10, 1853
- The first treaty to implement a new federal policy that called for permanent reservations for Tribes, "where Indian people could learn the art of agriculture and become 'civilized'"
- The Table Rock Treaty was the first ratified land treaty in Oregon Territory



# The “Right” to Land

- Congress passed the Donation Land Claims Act in 1850, without addressing the issue of Indian land title. Conflicts between white settlers and Indians continued, especially in the Willamette and Rogue River valleys in Oregon.
- In response to the continuing conflict, Congress passed the Oregon Indian Treaty Act so that authorized officials could negotiate treaties with Oregon Tribes, and these treaties included cessions of ancestral lands.

# Violating the Table Rock Treaty

- The massacre at Grave Creek of a peaceful band of the Grave Creek Athapaskan Tribe took place while U.S. government representatives such as Lane, Palmer, and Deady were negotiating peace.
- Local miners and settlers wanted the Rogue River peoples exterminated rather than resettled on reservations. U.S. government representatives were concerned that white miners and settlers would not uphold treaty stipulations.
- Native peoples had serious concerns about the U.S. government's inability to control their own people, the fact that treaties continued to be unratified, and the possibility that they could be removed east of the Cascades.

# Table Rock Treaty of 1853

The basic and fundamental principles of the Table Rock Treaty of 1853 were used in many treaties between the U.S. government and Native American Tribes in Oregon and Washington territories.

Provisions included:

1. The U.S. government agreed to provide farming equipment and clothing to the Tribes and to build houses for the three principal Tyees: Joe, Sam, and John
2. Tribes guaranteed safe passage for whites traveling through their reservation
3. Crimes committed by Native Americans against whites could be tried in federal courts
4. The U.S. government promised to reimburse Tribes for horses and other property stolen by whites
5. The Rogue River people would cede the entire Upper Rogue River Valley to the U.S. government
6. Tribes were guaranteed a temporary reservation at Table Rock and a permanent reservation once an appropriate site could be found

It is important to note that Tribes did not want to sell their land. They had and continue to have a relationship to the land that is not connected to white notions of farming and private ownership. Further, the original peace and friendship treaty made no mention of ceding land. The reservation land reserved for Native Americans in the Treaty of 1853 was only 100 square miles and included parts of Upper Table Rock and Lower Table Rock.



The Table Rock Treaty, according to Charles Wilkinson, a historian that the Siletz people chose to write their history, came with a rare provision in response to the hate and violence toward Native people from white miners and settlers. The treaty stated that the Tribes "shall be allowed to occupy temporarily" the Table Rock area until a permanent home could be found. The treaty was signed by Tyees Joe, Jim, Sam, John, and Lympy for their peoples and by Joel Palmer for the U.S. government. It was ratified by Congress seven months later.



# Table Rock Treaty Reading Discussion Activity

- Pass out treaty excerpts
- Work in pairs after reading to fill out graphic organizers and answer the following discussion questions:
  1. What did you notice about the language of the treaty?
  2. What were the key agreements?
  3. Did anything stand out to you?

# Treaty Reading Discussion Group 1

## ARTICLE 1

The Rogue River tribe of Indians do hereby cede and relinquish, for the considerations hereinafter specified, to the United States, all their right, title, interest, and claim to all the lands lying in that part of the Territory of Oregon, and bounded by lines designated as follows, to wit: Commencing at a point one mile below the mouth of Applegate Creek, on the south side of Rogue River, running thence southerly to the highlands dividing the waters of Applegate Creek from those of Althouse Creek, thence along said highlands to the summit of the Siskiyou range of mountains, thence easterly to Pilot Rock, thence northeasterly to the summit of the Cascade range, thence northerly along the said Cascade range to Pitt's Peak, continuing northerly to Rogue River, thence westerly to the head-waters of Jump-off-jo Creek, thence down said creek to the intersection of the same with a line due north from the place of beginning, thence to the place of beginning.

# Treaty Reading Discussion Group 1

## ARTICLE 2

It is agreed on the part of the United States that the aforesaid tribe shall be allowed to occupy temporarily that portion of the above-described tract of territory bounded as follows, to wit: Commencing on the north side of Rogue River, at the mouth of Evan's Creek; thence up said creek to the upper end of a small prairie bearing in a northwesterly direction from Table Mountain, or Upper Table Rock, thence through the gap to the south side of the cliff of the said mountain, thence in a line to Rogue River, striking the southern base of Lower Table Rock, thence down said river to the place of beginning. It being understood that this described tract of land shall be deemed and considered an Indian reserve, until a suitable selection shall be made by the direction of the President of the United States for their permanent residence and buildings erected thereon, and provision made for their removal.

# Treaty Reading Discussion Group 2

## ARTICLE 3

For and in consideration of the cession and relinquishment contained in article 1st, the United States agree to pay to the aforesaid tribe the sum of sixty thousand dollars, fifteen thousand of which sum to be retained, (according to the stipulations of article 4th of a "treaty of peace made and entered into on the 8th day of September, 1853,<sup>a</sup> between Gen'l Jo. Lane, commanding forces of Oregon Territory, and Jo., principal chief, Sam and Jim, subordinate chiefs, on the part of the Rogue River tribe of Indians,") by the superintendent of Indian affairs, to pay for the property of the whites destroyed by them during the late war, the amount of property so destroyed to be estimated by three disinterested commissioners, to be appointed by the superintendent of Indian affairs, or otherwise, as the President may direct. Five thousand dollars to be expended in the purchase of agricultural implements, blankets, clothing, and such other goods as may be deemed by the superintendent, or agent most

# Treaty Reading Discussion Group 2

## ARTICLE 3

conducive to the comfort and necessities of said tribe, on or before the 1st day of September, 1854; and for the payment of such permanent improvements as may have been made by land claimants on the aforesaid reserve, the value of which to be ascertained by three persons appointed by the said superintendent.

# Treaty Reading Discussion Group 2

## ARTICLE 4

It is further agreed that there shall be erected, at the expense of the United States, one dwelling house for each of the three principal chiefs of the aforesaid tribe, the cost of which shall not exceed five hundred dollars each, the aforesaid buildings to be erected as soon after the ratification of this treaty as possible. And when the tribe may be removed to another reserve, buildings and other improvements shall be made on such reserve of equal value to those which may be relinquished; and upon such removal, in addition to the before-mentioned sixty thousand dollars, the United States agree to pay the further sum of fifteen thousand dollars, in five equal annual instalments, commencing at the expiration of the before-named installments.

# Treaty Reading Discussion Group 3

## ARTICLE 5

The said tribe of Indians further agree to give safe-conduct to all persons who may be authorized to pass through their reserve, and to protect, in their person and property, all agents or other persons sent by the United States to reside among them; they further agree not to molest or interrupt any white person passing through their reserve.

# Treaty Reading Discussion Group 3

## ARTICLE 6

That the friendship which is now established between the United States and the Rogue River tribe of Indians shall not be interrupted by the misconduct of individuals, it is hereby agreed that for injuries done by individuals no private revenge or retaliation shall take place; but instead thereof, complaint shall be made by the party injured to the Indian agent; and it shall be the duty of the chiefs of the said tribe, that upon complaint being made as aforesaid, to deliver up the person or persons against whom the complaint is made, to the end that he or they may be punished agreeably to the laws of the United States; and in like manner if any violation, robbery, or murder shall be committed on any Indian or Indians belonging to said tribe, the person or persons so offending shall be tried, and if found guilty, shall be punished according to the laws of the United States. And it is agreed that the chiefs of the said tribe shall, to the utmost of their power, exert themselves to recover horses or

# Treaty Reading Discussion Group 3

## *(Continued)*

### ARTICLE 6

other property, which has or may be stolen or taken from any citizen or citizens of the United States, by any individual of said tribe; and the property so recovered shall be forthwith delivered to the Indian agent or other person authorized to receive the same, that it may be restored to the proper owner. And the United States hereby guarantee to any Indian or Indians of the said tribe a full indemnification for any horses or other property which may be stolen from them by any citizens of the United States: Provided, That the property stolen or taken cannot be recovered, and that sufficient proof is produced that it was actually stolen or taken by a citizen of the United States. And the chiefs and head-men of the said tribe engage, on the requisition or demand of the President of the United States, superintendent of Indian affairs, or Indian agent, to deliver up any white person or persons resident among them.

# Treaty Reading Discussion Group 4

## ARTICLE 7

It is agreed between the United States and the Rogue River tribe of Indians, that, should it at any time hereafter be considered by the United States as a proper policy to establish farms among and for the benefit of said Indians, it shall be discretionary with the President, by and with the advice and consent of the Senate, to change the annuities herein provided for, or any part thereof, into a fund for that purpose.

## ARTICLE 8

This treaty shall take effect and be obligatory on the contracting parties as soon as the same shall have been ratified by the President of the United States by and with the advice and consent of the Senate. In testimony whereof the said Joel Palmer and Samuel H. Culver, on the part of the United States, and the chiefs and headmen of the Rogue River Indians aforesaid, have hereunto set their hands and seals, the day and year aforesaid.