

## TREATY WITH THE CHASTA, ETC., 1854.

Nov. 18, 1854. | 10 Stats., 1122. | Ratified Mar. 3, 1855. |  
Proclaimed Apr. 10, 1855.

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*Articles of a convention and agreement made and concluded at the council-ground, opposite the mouth of Applegate Creek, on Rogue River, in the Territory of Oregon, on the eighteenth day of November, one thousand eight hundred and fifty-four, by Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the chiefs and head-men of the Quil-si-eton and Na-hel-ta bands, of the Chasta tribe of Indians, the Cow-nan-ti-co, Sa-cher-i-ton, and Na-al-ye bands of Scotons, and the Grave Creek band of Umpquas, to wit, Jes-tul-tut, or Little Chief, Ko-ne-che-quot, or Bill, Se-sel-che-tel, or Salmon Fisher, Kul-ki-am-i-na, or Bush-head, Te-po-kon-ta, or Sam, and Jo, they being duly authorized thereto by said united bands.*

### ARTICLE 1.

The aforesaid united bands cede to the United States all their country, bounded as follows:

Commencing at a point in the middle of Rogue River, one mile below the mouth of Applegate Creek; thence northerly, on the western boundary of the country heretofore purchased of the Rogue River tribe by the United States, to the

head-waters of Jump-Off-Jo Creek; thence westerly to the extreme northeastern limit of the country purchased of the Cow Creek band of Umpquas; thence along that boundary to its extreme southwestern limit; thence due west to a point from which a line running due south would cross Rogue River, midway between the mouth of Grave Creek and the great bend of Rogue River; thence south to the southern boundary of Oregon; thence east along said boundary to the summit of the main ridge of the Siskiyou Mountains, or until this line reaches the boundary of the country purchased of the Rogue River tribe; thence northerly along the western boundary of said purchase to the place of beginning.

#### **ARTICLE 2.**

The said united bands agree that as soon after the ratification of this convention as practicable, they will remove to such portion of the Table Rock reserve as may be assigned them by the superintendent of Indian affairs or agent, or to whatsoever other reserve the President of the United States may at any time hereafter direct.

#### **ARTICLE 3.**

In consideration of and payment for the country herein ceded, the United States agree to pay to the said united bands the sum

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of two thousand dollars annually for fifteen years, from and after the first day of September, one thousand eight hundred and fifty-five, which annuities shall be added to those secured to the Rogue River tribe by the treaty of the 10th September, 1853, and the amount shared by the members of the united bands and of the Rogue River tribe, jointly and alike; said annuities to be expended for the use and benefit of said bands and tribe in such manner as the President may from time to time prescribe; for provisions, clothing, and merchandise; for buildings, opening and fencing farms, breaking land, providing stock, agricultural implements, tools, seeds, and such other objects as will in his judgment promote the comfort and advance the prosperity and civilization of said Indians. The United States also agree to appropriate the additional sum of five thousand dollars, for the payment of the claims of persons whose property has been stolen or destroyed by any of the said united bands of Indians since the first day of January, 1849; such claims to be audited and adjusted in such manner as the President may prescribe.

#### **ARTICLE 4.**

When said united bands shall be required to remove to the Table Rock reserve or elsewhere, as the President may direct, the further sum of six thousand five hundred dollars shall be expended by the United States for provisions to aid in their subsistence during the first year they shall reside thereon; for the erecting

of necessary buildings, and the breaking and fencing of fifty acres of land, and providing seed to plant the same, for their use and benefit, in common with the other Indians on the reserve.

#### **ARTICLE 5.**

The United States engage that the following provisions, for the use and benefit of all Indians residing on the reserve, shall be made:

An experienced farmer shall be employed to aid and instruct the Indians in agriculture for the term of fifteen years.

Two blacksmith-shops shall be erected at convenient points on the reserve, and furnished with tools and the necessary stock, and skillful smiths employed for the same for five years.

A hospital shall be erected, and proper provision made for medical purposes, and the care of the sick for ten years.

School-houses shall be erected, and qualified teachers employed to instruct children on the reserve, and books and stationery furnished for fifteen years.

All of which provisions shall be controlled by such laws, rules, or regulations as Congress may enact or the President prescribe.

#### **ARTICLE 6.**

The President may, from time to time, at his discretion, direct the surveying of a part or all of the agricultural lands on said reserve, divide the same into small farms of from twenty to eighty acres, according to the number of persons in a family, and assign them to such Indians as are willing to avail themselves of the privilege and locate thereon as a permanent home, and to grant them a patent therefore under such laws and regulations as may hereafter be enacted or prescribed.

#### **ARTICLE 7.**

The annuities of the Indians shall not be taken to pay the debts of individuals.

#### **ARTICLE 8.**

The said united bands acknowledge themselves subject to the Government of the United States, and engage to live in amity with the citizens thereof, and commit no depredations on the property of said citizens; and should any Indian or Indians violate this pledge, and the fact be satisfactorily proven, the property shall be returned, or if not returned, or if injured or destroyed, compensation may be made therefor out of their annuities. They also pledge themselves to live peaceably with one another, and with other Indians, to abstain from war and private acts of revenge, and to submit all matters of difference between themselves and Indians of other tribes and bands to the decision of the United States or the agent, and to abide thereby.

It is also agreed that if any individual shall be found guilty of bringing liquor into their country, or drinking the same, his or her annuity may be withheld during the pleasure of the President.

## **ARTICLE 9.**

This convention shall be obligatory on the contracting parties from and after its ratification by the President and Senate of the United States.

In testimony whereof, Joel Palmer, superintendent aforesaid, and the undersigned chiefs and headmen of said united bands, have hereunto set their hands and seals at the place and on the day and year herein written.

(Signed in duplicate)

*Joel Palmer, Superintendent. [L. S.]*

*Jes-tul-tut, or Little Chief, his x mark. [L. S.]*

*Ko-ne-che-quot, or Bill, his x mark. [L. S.]*

*Se-sel-chetl, or Salmon Fisher, his x mark. [L. S.]*

*Bas-ta-shin, his x mark, [L. S.]*

*For Kul-ke-am-ina, or Bushland.*

*Te-po-kon-ta, or Sam, his x mark, [L. S.]*

*Jo (Chief of Grave Creeks), his x mark. [L. S.]*

Executed in presence of us—

*Edward R. Geary, Secretary.*

*John Flett, Interpreter.*

*Cris. Taylor.*

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## TREATY WITH THE KALAPUYA, ETC., 1855.

Jan. 22, 1855. | 10 Stats., 1143. | Ratified, Mar. 3, 1855. | Proclaimed, Apr. 10, 1855.

*Indian Affairs: Laws and Treaties.* Vol. II (Treaties). Compiled and edited by Charles J. Kappler. Washington: Government Printing Office, 1904.

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*Articles of agreement and convention made and concluded at Dayton, Oregon Territory, by Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the following-named chiefs of the confederated bands of Indians residing in the Willamette Valley, they being duly authorized thereto by their respective bands, to-wit: Ki-a-kuts, Le Medecin, and Yat-Skaw, or Dave, chiefs of the Tualatin band of Calapooias; Shap-h, or William, Shel-ke-ah, or David, and Cha-ah, or Jesse, chiefs of the Yam Hill band; Dabo, or Jim, Sco-la-quit, or John, and Yah-kow or Kompetine, chiefs of the Cheluk-i-ma-uke band; Ah-mo, or George, Himpher, or Hubbard, and Oh-no, or Tim, chiefs of the Chepen-a-pho or Marysville band; Ma-mah-mo, or Charley Peter, Cha-che-clue, or Tom, and Quineflat, or Ben, chiefs of the Chem-a-pho or Maddy band; Luck-a-ma-foo, or Antoine, and Hoo-til, or Charley, chief of the Che-lam-e-la or Long Tom band, all of the Calapooias; Qui-a-qua-ty, Yalkus, and Kow-ka-ma, or Long Hair, chiefs of the Mo-lal-la band of Mo-lal-las; Kiles, or Jim, and Kow-ah-tough, or John, chiefs of the Calapooia band of Calapooias; Anta-quil-al-la, or John, and Mequah, of the Winnefelly and Mohawk bands; Yack-a-tee, or Sam, To-phor, or Jim Brown, and Hal-la-be, or Doctor,*

of the Tekopa band; Pulk-tah, of the Chafan band of the Calapooia tribe; Tum-walth and O-ban-a-hah, chiefs of the Wah-lal-la band of Tum-waters; Watch-a-no, Te-ap-i-nick, and Wal-lah-pi-coto, chiefs of the Clack-a-mas tribe; Lallak and Cuck-a-man-na, or David, of the Clow-we-wal-la or Willamette Tum-water band; Tow-ye-col-la, or Louis; Yelk-ma, or Jo, La-ham, or Tom, Joseph Sanegertta, Pullican, Te-na, or Kiles, Pul-kup-li-ma, or John, Sallaf, or Silas, Hoip-ke-nek, or Jack, Yepta, and Sat-invoise or James, chiefs and head-men o the Santiam bands of Calapooias.

#### ARTICLE 1.

The above-named confederated bands of Indians cede to the United States all their right, title, and claim to all and every part of the country included in the following boundaries, to wit:

Commencing in the middle of the main channel of the Columbia River, opposite the mouth of the first creek emptying into said river from the south below Oak Point, thence south to the first standard parallel north of the base-line in the Government survey, thence west to the summit of the Coast Range of mountains, thence southerly along the summit of said range to the Calapooia Mountains, thence easterly along the summit of said mountains to the summit of the Cascade Mountains, thence along said summit northerly, to the middle of the Columbia River, at the Cascade Falls, and thence down the middle of said river to the place of beginning.

Provided, however, That said bands be permitted to remain within the limits of the country ceded, and on such temporary reserves as may be made for them by the superintendent of Indian affairs, until a suitable district of country shall be designated for their permanent home, and proper improvements made thereon: And provided, That the United States make proper provision for the security of their persons and property from the hostile attacks of Indians of other tribes and bands. At which time, or when thereafter directed by the superintendent of Indian affairs, or agent, said confederated bands engage peaceably, and without expense to the United States other than that provided for in this treaty, to vacate the country hereby ceded, and remove to the district which shall be designated for their permanent occupancy.

#### ARTICLE 2.

In consideration of, and payment for the country herein described, the United States agree to pay to the bands and tribes of

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Indians claiming territory and residing in said country, the several sums of money following, to wit:

Ten thousand dollars per annum for the first five years, commencing on the first day of September, 1855.

Eight thousand dollars per annum for the term of five years next succeeding the first five. Six thousand five hundred dollars per annum for the term of five years next succeeding the second five.

Five thousand five hundred dollars per annum for the term of five years next succeeding

the third five.

All of which several sums of money shall be expended for the use and benefit of the confederated bands, under the direction of the President of the United States, who may, from time to time, at his discretion, determine what proportion thereof shall be expended for such objects as in his judgment will promote their well-being, and advance them in civilization, for their moral improvement and education, for buildings, opening and fencing farms, breaking land, providing stock, agricultural implements, seeds, &c.; for clothing, provisions, and tools; for medical purposes; providing mechanics and farmers, and for arms and ammunition.

The United States agree to pay said Indians the additional sum of fifty thousand dollars, a portion wherefore shall be expended for such articles as the superintendent of Indian affairs shall furnish the Indians, as soon as practicable after the signing of this treaty; and in providing, after the ratification thereof, and while the Indians shall reside on the temporary reserves that may be assigned them, horses, oxen, and other stock, wagons, agricultural implements, clothing, and provisions, as the President may direct; and for erecting on the tract that may be selected as their permanent homes, mills, shops, school-houses, a hospital, and other necessary buildings, and making improvements; for seeds, stock, and farming operations thereon; for paying for the permanent improvements of settlers, should any such be on said tract at the time of its selection; to pay the expenses of the removal of the Indians thereto, and in providing for their subsistence thereon for the first year after their removal. *Provided, however,* That if any band or bands of Indians, residing on or claiming any portion or portions of the country described in article first, shall not accede to the terms of this treaty, then the bands becoming parties hereunto agree to receive such part of the several annual and other payments herein named, as a consideration for the entire country described as aforesaid, as shall be in the proportion that their aggregate number may bear to the whole number of Indians residing in and claiming the entire country aforesaid, as consideration and payment in full for the tracts in said country claimed by them. *And, provided,* Any of the bands becoming parties to this treaty establish a legitimate claim to any portion of the country north of the Columbia River, that the amount to which they may be entitled as a consideration for such country, in any treaties hereafter entered into with the United States, shall be added to the annuities herein provided for.

### ARTICLE 3.

In addition to the considerations specified, the United States agree to provide for the employment, for the term of five years from and after the removal of said Indians to their permanent reserve, of a physician, a school-teacher, a blacksmith, and a superintendent of farming operations.

### ARTICLE 4.

The President may, from time to time, at his discretion, cause the whole, or such portion as he may think proper, of the tract that may hereafter be set apart as the permanent home of these Indians, to be surveyed into lots, and assign them to such Indians of the confederated bands as may wish to enjoy the privilege, and locate thereon permanently; to

a single person, over twenty-one years of

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age, twenty acres; to a family of two persons, forty acres; to a family of three, and not exceeding five persons, fifty acres; to a family of six persons, and not exceeding ten, eighty acres; and to each family over ten in number, twenty acres for each additional three members. And the President may provide such rules and regulations as will secure to the family, in case of the death of the head thereof, the possession and enjoyment of such permanent home, and the improvements thereon; and he may, at any time, at his discretion, after such person or family has made location on the land assigned as a permanent home, issue a patent to such person or family, for such assigned land, conditioned that the tract shall not be aliened or leased for a longer time than two years, and shall be exempt from levy, sale, or forfeiture; which conditions shall continue in force until a State constitution, embracing such lands within its boundaries, shall have been formed, and the legislature of the State shall remove the restrictions: *Provided, however,* That no state legislature shall remove the restrictions herein provided for, without the consent of Congress. And if any such family shall, at any time neglect or refuse to occupy or till a portion of the land assigned, and on which they have located, or shall rove from place to place, the President may, if the patent shall have been issued, revoke the same; or, if not issued, cancel the assignment; and may also withhold from such person or family their proportion of the annuities or other moneys due them, until they shall have returned the such permanent home, and resume the pursuits of industry; and in default of their return, the tract may be declared abandoned, and thereafter assigned to some other person or family of the Indians residing on the reserve.

#### ARTICLE 5.

The annuities of the Indians shall not be taken to pay the debts of individuals.

#### ARTICLE 6.

The confederated bands acknowledge their dependence on the government of the United States, and promise to be friendly with all the citizens thereof, and pledge themselves to commit no depredations on the property of such citizens. And should any one or more of the Indians violate this pledge, and the fact be satisfactorily proven before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the Government out of their annuities. Nor will they make war on any other band or tribe of Indians, except in self-defence, but will submit all matters of difference between them and other Indians to the Government of the United States, or its agent, for decision, and abide thereby. And if any of said Indians commit any depredations on any other Indians, the same rule shall prevail as that prescribed in this article in case of depredations against citizens. Said Indians further engage to submit to and observe all laws, rules, and regulations which may be prescribed by the United States for the government of said Indians.



ARTICLE 7.

In order to prevent the evils of intemperance among said Indians, it is hereby provided that any one of them who shall drink liquor, or procure it for other Indians to drink, may have his or her proportion of the annuities withheld from him or her for such time as the President may determine.

ARTICLE 8.

The said confederated bands agree that when a permanent reserve shall be assigned them, all roads, highways, and railroads, demanded at any time by the public convenience, shall have the right of way therein, a just compensation being made therefor.

ARTICLE 9.

This treaty shall be obligatory on the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof the said Joel Palmer, on the part of the United States as aforesaid, and the undersigned chiefs of the said confederated

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bands, have hereunto set their hands and seals this fourth day of January, eighteen hundred and fifty-five, at Dayton, in Oregon Territory.

Joel Palmer, superintendent of Indian Affairs. [L. S.]  
Ki-ac-kuts, first chief, his x mark. [L. S.]  
Le Medecin or Doctor, second chief, his x mark. [L. S.]  
Yats-kow, or Dave, third chief, his x mark. [L. S.]  
Shap-h, or William, first chief, his x mark. [L. S.]  
Shel-ke-ah, or David, second chief, his x mark. [L. S.]  
Che-ah, or Jesse, third chief, his x mark. [L. S.]  
Dabo, or Jim, first chief, his x mark. [L. S.]  
Sco-la-quit, or John, second chief, his x mark. [L. S.]  
Yah-kow, or Kompetine, third chief, his x mark. [L. S.]  
Ah-mo, or George, first chief, his x mark. [L. S.]  
Hinc-phor, or Hubbard, second chief, his x mark. [L. S.]  
Oh-no, or Tim, third chief, his x mark. [L. S.]  
Ma-mah-mo, or Charley Peter, first chief, his x mark. [L. S.]  
Cha-che-clue, or Tom, second chief, his x mark. [L. S.]  
Quineflat, or Ben, third chief, his x mark. [L. S.]  
Luck-a-moo-foo, or Antoine, first chief, his x mark. [L. S.]  
Hoo-til, or Charley, second chief, his x mark. [L. S.]

Executed in the presence of us——

Edward R. Geary, secretary.

John Flett, interpreter.

George Dorsey.

Phillip A. Decker.

Lorenzo Palmer.

We, the chiefs of the Molalla band of Molallas, and of the Calapooia band of Calapooias, give our assent unto and agree to the provisions of the foregoing treaty. In testimony whereof we have hereunto set our hands and seals, at Dayton, this ninth day of January, eighteen hundred and fifty-five.

Quia-quaty, first chief, his x mark. [L. S.]  
Yalkus, second chief, his x mark. [L. S.]  
Kaw-ka-ma, or Long Hair, third chief, his x mark. [L. S.]  
Kiles, or Jim, first chief, his x mark. [L. S.]  
Kowah-tough, or John, second chief, his x mark. [L. S.]

Executed in the presence of us——  
Edward R. Geary, secretary.  
Cris. Taylor, assistant secretary.  
John Flett, interpreter.  
Phillip A. Decker.  
Lorenzo Palmer.

We, the chiefs and headmen of the Nin-ne-felly, Mohawk, Chapen, and Te-co-pa bands of Calapooias, Wal-lal-lah band of Tum-waters, and the Clockamus tribe of Indians, being duly authorized by our respective bands, give our assent unto, and agree to the provisions of the foregoing treaty.

In testimony whereof we have hereunto set our hands and seals, at Dayton, Oregon Territory, this tenth day of January, eighteen hundred and fifty-five.

An-ta, first chief, his x mark. [L. S.]  
Quil-al-la, or John, second chief, his x mark. [L. S.]  
Me-quah, or Dick, his x mark. [L. S.]  
Yack-a-tee, or Sam, first chief, his x mark. [L. S.]  
To-phor, or Jim Brown, second chief, his x mark. [L. S.]  
Hal-la-le, or Doctor, his x mark. [L. S.]  
Pulk-tah, second chief, his x mark. [L. S.]  
Tum-walth, first chief, his x mark. [L. S.]  
O-ban-a-hah, second chief, his x mark. [L. S.]  
Watch-a-no, first chief, his x mark. [L. S.]  
Te-ap-i-nick, second chief, his x mark. [L. S.]  
Wal-lah-pi-cate, third chief, his x mark. [L. S.]

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Executed in the presence of us——  
Cris. Taylor, assistant secretary.  
Andrew Smith.  
John Flett, interpreter.

We, the chiefs and headmen of the Clow-we-wal-la, or Willamette Tum-water band of Indians, being assembled in council, give our assent unto, and agree to the provisions of the foregoing treaty.

In testimony whereof we have hereunto set our hands and seals, at Linn city, Oregon Territory, this nineteenth day of January, eighteen hundred and fifty-five.

Lal-bick, or John, his x mark. [L. S.]

Cuck-a-man-na, or David, his x mark. [L. S.]

Executed in the presence of us——

Cris. Taylor, assistant secretary.

John Flett, interpreter.

We, the chiefs and headmen of the Santam bands of Calapooia Indians, being duly authorized by our respective bands, give our assent unto, and agree to the provisions of the foregoing treaty.

In testimony whereof we have hereunto set our hands and seals, at Dayton, Oregon Territory, this twenty-second day of January, eighteen hundred and fifty-five.

Tow-ye-colla, or Louis, first chief, his x mark. [L. S.]

La-ham, or Tom, third chief, his x mark. [L. S.]

Senegertta, his x mark. [L. S.]

Pul-i-can, his x mark. [L. S.]

Te-na, or Kiles, his x mark. [L. S.]

Pul-kup-ti-ma, or John, his x mark. [L. S.]

Sal-laf, or Silas, his x mark. [L. S.]

Hoip-ke-nek, or Jack, his x mark. [L. S.]

Yep-tah, his x mark. [L. S.]

Satinvose, or James, his x mark. [L. S.]

Executed in the presence of us——

Edward R. Geary, secretary.

Cris. Taylor.

Andrew Smith.

John Flett, interpreter.

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## TREATY WITH THE MOLALA, 1855.

Dec. 21, 1855. | 12 Stat., 981. | Ratified Mar. 8, 1859. | Proclaimed Apr. 27, 1859.

*Indian Affairs: Laws and Treaties.* Vol. II (Treaties). Compiled and edited by Charles J. Kappler. Washington: Government Printing Office, 1904.

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*Articles of convention and agreement entered into this 21st day of December, 1855, between Joel Palmer, superintendent of Indian affairs, acting for and in behalf of the United States, and the chiefs and head-men of the Mo-lal-la-las or Molel tribe of Indians, they being authorized by their respective bands in council assembled.*

### **ARTICLE 1.**

The above-named tribe of Indians hereby cede to the United States all their right, title, interest and claim to all that part of Oregon Territory situated and bounded as hereinafter described, the same being claimed by them. To wit: Beginning at Scott's Peak, being the northeastern termination of the purchase made of the Umpaquah, and Calapooias of Umpaquah Valley on the 29th day of November, 1854; thence running southerly on the eastern boundary line of that purchase and the purchase of the Cow Creeks, on the 19th day of September, 1853, and the tract purchased of the Scotens, Chestas and Grave Creeks, on the nineteenth [eighteenth] day of November, 1854, to the boundary of the Rogue River purchase made on the tenth day of September, 1853; thence along the northern boundary of that purchase to the summit of the Cascade Mountains; thence northerly along the summit of said mountains to a point due east of Scott's Peak; thence west to the place of beginning.

## ARTICLE 2.

In consideration of the cession and relinquishment herein made, the United States agree to make the following provisions for said Indians and pay the sums of money as follows:

1st. To secure to the members of said tribe all the rights and privileges guaranteed by treaty to the Umpaquah and Calapooias, of the Umpaquah Valley, jointly with said tribes, they hereby agreeing to confederate with those bands.

2d. To erect and keep in repair and furnish suitable persons to attend the same for the term of ten years, the benefits of which to be shared alike by all the bands confederated, one flouring-mill and one saw-mill.

3d. To furnish iron, steel, and other materials for supplying the smith's shop and tin-shop stipulated in the treaty of 29th November, 1854, and pay for the services of the necessary mechanics for that service for five years in addition to the time specified by that treaty.

4th. To establish a manual-labor school, employ and pay teachers, furnish all necessary materials and subsistence for pupils, of sufficient capacity to accommodate all the children belonging to said confederate bands, of suitable age and condition to attend said school.

5th. To employ and pay for the services of a carpenter and joiner for the term of ten years to aid in erecting buildings and making furniture for said Indians, and to furnish tools for use in said service.

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6th. To employ and pay for the services of an additional farmer for the term of five years.

## ARTICLE 3.

In consequence of the existence of hostilities between the whites and a portion of the Indian tribes in Southern Oregon and Northern California, and the proximity of the Umpaquah reservation to the mining district, and the consequent fluctuating and transient population, and the frequent commission by whites and Indians of petty offences, calculated to disturb the peace and harmony of the settlement, it is hereby agreed, the Umpaquahs and Calapooias agreeing, that the bands thus confederated shall immediately remove to a tract of land selected on the head-waters of the Yamhill River adjoining the coast reservation, thereon to remain until the proper improvements are made upon that reservation, for the accommodation of said confederate bands, in accordance with the provisions of this and the treaty of 29th November, 1854, and when so made, to remove to said coast reservation, or such other point as may, by direction of the President of the United States, be designated for the permanent residence of said Indians.

## ARTICLE 4.

For the purpose of carrying out in good faith the objects expressed in the preceding article, it is hereby agreed on the part of the United States, that the entire expense attending the removal of the bands named, including transportation and subsistence, and the erection of temporary buildings at the encampment designated, as well as medical attendance on the sick, shall be paid by the United States.

ARTICLE 5.

It is further agreed that rations, according to the Army regulations, shall be furnished the members of the said confederated bands, and distributed to the heads of families, from the time of their arrival at the encampment on the head-waters of Yamhill River until six months after their arrival at the point selected as their permanent residence.

ARTICLE 6.

For the purpose of insuring the means of subsistence for said Indians, the United States engage to appropriate the sum of twelve thousand dollars for the extinguishment of title and the payment of improvements made thereon by white settlers to lands in the Grand Round Valley, the point of encampment referred to, to be used as wheat-farms, or other purposes, for the benefit of said Indians, and for the erection of buildings upon the reservation, opening farms, purchasing of teams, tools and stock; the expenditure of which amounts, and the direction of all the provisions of this convention, shall be in accordance with the spirit and meaning of the treaty of 29th November, 1854, with the Umpaquah and Calapooia tribes aforesaid.

In witness whereof, we, the several parties, hereto set our hands and seals, the day and date before written.

Joel Palmer, [L. S.]

Superintendent Indian Affairs.

Steencoggy, his x mark. [L. S.]

Lattchie, his x mark. [L. S.]

Dugings, his x mark. [L. S.]

Counisnase, his x mark. [L. S.]

Done in presence of the undersigned witnesses——

C. M. Walker,

T. R. Magruder,

John Flett, interpreter.

We, the chiefs and headmen of the Umpaquah and Calapooia tribes, treated with in the Umpaquah Valley, on the 29th day of November, 1854, referred to in the foregoing treaty, to the provisions of this treaty, this day in convention, accede to all the terms therein expressed.

[\*742]

In witness whereof, we do severally hereto set our names and seals, the day and date written in the foregoing treaty.

Louis la Pe Cinque, his x mark. [L. S.]

Peter, his x mark. [L. S.]

Tom, his x mark. [L. S.]

Billy, his x mark. [L. S.]

Nessick, his x mark. [L. S.]

George, his x mark. [L. S.]

Bogus, his x mark. [L. S.]

Cars, his x mark. [L. S.]

Done in the presence of the undersigned witnesses——

C. M. Walker,

T. R. Magruder,

John Flett, interpreter.

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## TREATY WITH THE ROGUE RIVER, 1853.

Sept. 10, 1853. | 10 Stats., 1018. Ratified Apr. 12, 1854. |  
Proclaimed Feb. 5, 1855.

Page Images: [603](#) | [604](#) | [605](#)

Margin Notes
<a href="#">Cession of lands in Oregon.</a>
<a href="#">Indians to occupy a portion of the ceded land temporarily.</a>
<a href="#">Permanent home to be selected.</a>
<a href="#">Payment for said cession.</a>
<a href="#">Buildings to be erected.</a>
<a href="#">Additional payments on removal.</a>
<a href="#">Protection of travelers.</a>
<a href="#">Redress for individual grievances.</a>
<a href="#">Restitution of stolen property.</a>
<a href="#">Guaranty for property stolen from Indians.</a>
<a href="#">Farms may be established.</a>

### Page 603

Whereas a treaty was made and entered into at Table Rock, near Rogue River, in the Territory of Oregon, this 10th day of September, A. D. 1853, by and between Joel Palmer, superintendent of Indian affairs, and Samuel H. Culver, Indian agent, on the part of the United States; and Jo-aps-er-ka-har, principal chief, Sam To-qua-he-ar, and Jim Ana-cha-a-rah, subordinate chiefs, and others, head-men of the bands of the Rogue River tribe of Indians, on the part of said tribe.

### 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.

## **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.

## **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 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.

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<sup>a</sup> **This agreement is unratified and a copy of the original agreement on file in the Indian Office (Oregon, 1844-1858, Ore. Sup. L., 323) has been included in the Appendix, post, p. 1049.**

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The remaining forty thousand dollars to be paid in sixteen equal annual instalments, of two thousand five hundred dollars each, (commencing on or about the 1st day of September, 1854,) in blankets, clothing, farming-utensils, stock, and such other articles as may be deemed most conducive to the interests of said tribe.

#### **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 instalments.

#### **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.

#### **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 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.

#### **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.

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#### **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.

*Joel Palmer, [L. S.]*  
*Superintendent Indian Affairs.*

*Samuel H. Culver, [L. S.]*  
*Indian Agent.*

*Jo, his x mark, [L. S.]*

*Aps-er-ka-har,*

*Sam, his x mark, [L. S.]*

*To-qua-he-ar, [L. S.]*

*Jim, his x mark, [L. S.]*

*Ana-chah-a-rah, John, his x mark, [L. S.]*

*Lympe, his x mark, [L. S.]*

Signed in presence of—

*J. W. Nesmith, Interpreter,*

*R. B. Metcalf,*

*John, his x mark,*

*J. D. Mason, Secretary,*

*T. T. Tierney.*

Witness,

*Joseph Lane,*

*August V. Kautz.*

We the undersigned principal chief, subordinate chiefs and headmen of the bands of the Rogue River tribe of Indians, parties to the treaty concluded at Table Rock, near Rogue River, in the Territory of Oregon, on the 10th day of September, A. D. 1853, having had fully explained to us the amendment made to the same by the Senate of the United States, on the 12th day of April, 1854, do hereby accept and consent to the said amendment to the treaty aforesaid, and agree that the same shall be considered as a part thereof.

In testimony whereof we have hereunto set our hands and affixed our seals, this 11th day of November, A. D. 1854.

*Aps-so-ka-hah, Horse-rider, or Jo, his x mark. [L. S.]*

*Ko-ko-ha-wah, Wealthy, or Sam, his x mark. [L. S.]*

*Te-cum-tom, Elk Killer, or John, his x mark. [L. S.]*

*Chol-cul-tah, Joquah Trader, or George, his x mark. [L. S.]*

Executed in presence of—

*Edward H. Geary, Secretary*

*Cris. Taylor,*

*John Flett,*

*R. B. Metcalf, Interpreter,*

*Joel Palmer, Superintendent.*

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## TREATY WITH THE ROGUE RIVER, 1854.

Nov. 15, 1854. | 10 Stats., 1119. | Ratified Mar. 3, 1855. |  
Proclaimed Apr. 7, 1855.

Page Images: [654](#) | [655](#)

Margin Notes
<a href="#">Other Indians may be settled on the Table Rock Reserve.</a>
<a href="#">Ante, p. 603.</a>
<a href="#">Annuities.</a>
<a href="#">Roads may be made.</a>
<a href="#">Payment and stipulations in consideration of the foregoing article.</a>
<a href="#">Provision in case of removal from said reservation.</a>
<a href="#">Provision in case treaty is not ratified or no Indians are removed to said reserve.</a>

### Page 654

*Articles of an agreement entered into and concluded this fifteenth day of November, one thousand eight hundred and fifty-four, between Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the chiefs and headmen of the Rogue River tribe of Indians, on the part of said tribe.*

### ARTICLE 1.

It is agreed on the part of said tribe, that the Table Rock reserve, described in the treaty of the 10th September, 1853, between the United States and the Rogue River tribe, shall be possessed and occupied jointly by said tribe and such other tribes and bands of Indians as the United States shall agree with by treaty stipulations, or the President of the United States shall direct, to reside thereupon, the place of residence of each tribe, part of tribe, or band on said reserve, to be designated by the superintendent of Indian affairs or Indian agent; that the tribes and bands hereafter to be settled on said reserve shall enjoy equal rights and privileges with the Rogue River tribe; and that the annuities paid to the Indians now residing, or hereafter to reside on said reserve, shall be shared by all alike, from and after said residence thereon:

*Provided*, That the annuity of the Rogue River tribe, as agreed on in the treaty of the 10th September, 1853, shall not be diminished or in any way impaired thereby. It is also agreed, that the United States shall have the right to make such roads, highways, and railroads through said reserve as the public good may from time to time require, a just compensation being made therefor.

## **ARTICLE 2.**

In consideration of the foregoing stipulations, it is agreed on the part of the United States to pay to the Rogue River tribe, as soon as practicable after the signing of this agreement, two thousand one hundred and fifty dollars, in the following articles: twelve horses. one beef, two yokes of oxen, with yokes and chains, one wagon, one hundred men's coats, fifty pairs of pantaloons, and fifty hickory shirts; also, that in the treaties to be made with other tribes and bands, here-after to be located on said reserve, that provision shall be made for the erection of two smith-shops; for tools, iron, and blacksmiths for the same; for opening farms and employing farmers; for a hospital, medicines, and a physician; and for one or more schools; the uses and benefits of all which shall be secured to said Rogue River tribe, equally with the tribes and bands treated with; all the improvements made, and schools, hospital, and shops erected, to be conducted in accordance with such laws, rules, and regulations as the Congress or the President of the United States may prescribe.

## **ARTICLE 3.**

It is further agreed, that when at any time hereafter the Indians residing on this reserve shall be removed to another reserve, or shall be elsewhere provided for, that the fifteen thousand dollars thereafter to be paid to said Rogue River tribe, as specified in the treaty of the 10th September, 1853, shall be shared alike by the members of all the tribes and bands that are, or hereafter shall be located on the said Table Rock reserve.

## **ARTICLE 4.**

It is also further provided that in the event that this agreement shall not be ratified by the President and Senate of the United States, or that no other tribe or band shall be located on said reserve, the two thousand one hundred and fifty dollars stipulated in article second of this agreement to be paid said Rogue River tribe, shall be deducted from their annuities hereafter to be paid said Indians.

In testimony whereof, the said Joel Palmer, superintendent as a fore-said, and the undersigned chiefs and headmen of the Rogue River Tribe of Indians, have hereunto set their hands and seals, at Even's

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Creek, on the Table Rock Reserve, on the day and year herein before written.

*Joel Palmer, superintendent [L. S.]*

*Ap-sa-ka-hah, or Joe, first chief, his x mark, [L. S.]*

*Ko-ko-ha-wah, or Sam, second chief, his x mark, [L. S.]*

*Sambo, third chief, his x mark, [L. S.]*

*Te-cum-tum, or John, fourth chief, his x mark, [L. S.]*

*Te-wah-hait, or Elijah, his x mark, [L. S.]*

*Cho-cul-tah, or George, his x mark, [L. S.]*

*Telum-whah, or Bill, his x mark, [L. S.]*

*Hart-tish, or Applegate John, his x mark, [L. S.]*

*Qua-chis, or Jake, his x mark, [L. S.]*

*Tom, his x mark, [L. S.]*

*Henry, his x mark, [L. S.]*

*Jim, his x mark, [L. S.]*

Executed in presence of—

*Edward R. Geary, secretary.*

*Cris. Taylor,*

*John Flett, interpreter.*

*R. B. Metcalfe.*



## TREATY WITH THE UMPQUA AND KALAPUYA, 1854.

Nov. 29, 1854. | 10 stats., 1125. | Ratified Mar. 3, 1855. |  
Proclaimed Mar. 30, 1855.

Page Images: [657](#) | [658](#) | [659](#) | [660](#)

Margin Notes
<a href="#">Cession to the United States.</a>
<a href="#">Reservation for a residence.</a>
<a href="#">Removal from said reserve if it should become expedient.</a>
<a href="#">Removal from the ceded lands.</a>
<a href="#">Payment for said cession.</a>
<a href="#">Payment for expense of removal.</a>
<a href="#">Survey and allotment of the reserve.</a>
<a href="#">Power of future States over restrictions limited.</a>
<a href="#">Blacksmith's shop, etc.</a>
<a href="#">Annuities not to be taken for debt.</a>
<a href="#">Submission and conduct of Indians.</a>
<a href="#">Provision against intemperance.</a>
<a href="#">Roads, etc., may be constructed.</a>
<a href="#">Merchandise to be part payment of annuities.</a>

### Page 657

*Articles of agreement and convention made and concluded at Calapooia Creek, Douglas County, Oregon Territory, this twenty-ninth day of November, one thousand eight hundred and fifty-four, by Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the following-named chiefs and heads of the confederated bands of the Umpqua tribe of Indians, and of the Calapooias residing in Umpqua Valley, to wit: Napesa, or Louis, head chief; Peter, or Injice; Tas-yah, or General Jackson; Bogus; Nessick; Et-na-ma or William, Cheen-len-ten or George, Nas-yah or John, Absaquil or Chenook, Jo, and Tom, they being assembled in council with their respective bands.*

## ARTICLE 1.

The confederated bands of Umpqua and Calapooia Indians cede to the United States all their country included within the following limits, to wit: Commencing at the northwest corner of the country purchased of the Galeese Creek and Illinois River Indians on the 18th day of November, 1854, and running thence east to the boundary of the Cow Creek purchase, thence northerly along said boundary to its northeastern extremity; thence east to the main ridge of the Cascade Mountains; thence northerly to the main falls of the North Umpqua River; thence to Scott's Peak, bearing easterly from the head-waters of Calapooia Creek; thence northerly to the connection of the Calapooia Mountains with the Cascade range; thence westerly along the summit of the Calapooia Mountains to a point whence a due south line would cross Umpqua River at the head of tide-water; thence on that line to the dividing ridge between the waters of Umpqua and Coose Rivers; thence along that ridge, and the divide between Coquille and Umpqua Rivers, to the western boundary of the country purchased of the Galeese Creek Indians, or of the Cow Creek Indians, as the case may be, and thence to the place of beginning. Provided, however, That so much of the lands as are embraced within the following limits, shall be held by said confederated bands, and such other bands as may be designated to reside thereupon, as an Indian reservation.

### Page 658

To wit: Commencing at a point three miles due south of the mouth of a small creek emptying into the Umpqua River, near the western boundary of John Churchell's land-claim, at the lower end of Cole's Valley; thence north to the middle of the channel of Umpqua River; thence up said river to a point due south of the highest peak of the ridge, immediately west of Allan Hubbard's land-claim; thence to said peak, thence along the summit of the ridge dividing the waters, to its termination at or near the mouth of Little Canyon Creek; thence, crossing the Umpqua River in a westerly direction to the high-lands opposite the mouth of said creek; thence following the divide until it reaches a point whence a line drawn to the place of beginning will run three miles south of the extreme southern bend in the Umpqua River between these two points: and thence to the place of beginning. And should the President at any time believe it demanded by the public good and promotive of the best interests of said Indians to be located elsewhere, the said Indians agree peaceably, and without additional expense to the Government of the United States, to remove to such reserve as may be selected; provided that a delegation of three or more of the principal men of said bands selected by them, shall concur with the authorized agent or agents of the United States in the selection of said new reserve. And when said removal shall take place, the particular tracts then actually occupied by said Indians. on the reserve herein described, according to the provisions of this treaty, and those occupied by Indians of other bands that may be located thereon, shall be sold by order of the President of the United States, and the proceeds of such sales expended in permanent improvements on the new reserve, for the use and benefit of the holders of said tracts respectively.

**ARTICLE 2.**

The confederated bands agree that as soon after the United States shall make the necessary provision for fulfilling the stipulations of this treaty as they conveniently can, and not to exceed one year after such provision is made, they will vacate the ceded territory and remove to the lands herein reserved for them.

**ARTICLE 3.**

In consideration of and payment for the country herein ceded, the United States agree to pay the said confederated bands the several sums of money following, to wit: First, three thousand dollars per annum for the term of five years, commencing on the first day of September, 1855. Second, two thousand three hundred dollars per annum for the term of five years next succeeding the first five. Third, one thousand seven hundred dollars per annum for the term of five years next succeeding the second five years. Fourth, one thousand dollars per annum for the term of five years next succeeding the third five years.

All of which several sums of money shall be expended for the use and benefit of the confederated bands, under the direction of the President of the United States, who may from time to time, at his discretion, determine what proportion shall be expended for such beneficial objects as in his judgment will be calculated to advance them in civilization; for their moral improvement and education; for buildings, opening farms, fencing, breaking land, providing stock, agricultural implements, seeds, &c.; for clothing, provisions, and merchandise; for iron, steel, and ammunition; for mechanics and tools, and for medical purposes.

**ARTICLE 4.**

In order to enable the said Indians to remove to their new home, and subsist themselves for one year thereafter, (and which they agree to do without further expense to the United States,) and to provide for the breaking up and fencing of fifty acres of land, and the erection of buildings on the reserve, the purchase of teams, farming utensils, tools, &c., and for other purposes necessary to their comfort and subsistence, they shall receive from the United States the further

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sum of ten thousand dollars, to be paid out and expended under the direction of the President, and in such manner as he shall approve.

**ARTICLE 5.**

The President may from time to time, at his discretion, cause the whole or such portion of the land hereby reserved as he may think proper, or of such other land as may be selected in lieu thereof, as provided for in the first article, to be surveyed into lots, and assigned to such Indian or Indians of said confederated bands as are willing to avail themselves of the privilege, and who will locate

thereon as a permanent home, if a single person over twenty-one years of age, twenty acres; to each family of two persons, forty acres; to each family of three and not exceeding five persons, sixty acres; to each family of six and not exceeding ten persons, eighty acres; and to each family over ten in number, forty acres for each additional five members. And the President may provide such rules and regulations as will secure to the family, in case of the death of the head thereof, the possession and enjoyment of such permanent home, and the improvements thereon; and he may at any time, at his discretion, after such person or family has made location on the land assigned for a permanent home, issue a patent to such person or family for such assigned land, conditioned that the tract shall not be aliened or leased for a longer term than two years, and shall be exempt from levy, sale, or forfeiture, which conditions shall continue in force until a State constitution, embracing such lands within its boundaries, shall have been formed, and the legislature of the State shall remove the restrictions. And if any such family shall at any time neglect or refuse to occupy or till a portion of the land assigned, and on which they have located, or shall rove from place to place, the President may, if the patent shall have been issued, revoke the same, or, if not issued, cancel the assignment, and may also withhold from such person or family their proportion of the annuities or other moneys due them, until they shall have returned to such permanent home, and resume the pursuits of industry; and in default of their return, the tract may be declared abandoned and thereafter assigned to some other person or family of the Indians residing on the reserve.

No State legislature shall remove the restrictions herein provided for, without the consent of Congress.

#### **ARTICLE 6.**

The United States agree to erect for said Indians a good blacksmith-shop, furnish it with tools, and keep it in repair for ten years, and provide a competent blacksmith for the same period; to erect suitable buildings for a hospital, supply medicines, and provide an experienced physician for fifteen years; to provide a competent farmer to instruct the Indians in agriculture for ten years; and to erect a school-house, and provide books, stationery, and a properly qualified teacher for twenty years.

#### **ARTICLE 7.**

The annuities of the Indians shall not be taken to pay the debts of individuals.

#### **ARTICLE 8.**

The said confederated bands acknowledge their dependence on the Government of the United States, and promise to be friendly with all the citizens thereof, and pledge themselves to commit no depredations on the property of such citizens. And should any one or more of the Indians violate this pledge, and the fact be satisfactorily proven before the agent, the property shall be returned, or in default thereof, or if injured or destroyed, compensation may be

made by the Government out of their annuities. Nor will they make war on any other tribe except in self-defense, but will submit all matters of difference between them and other Indians to the Government of the United States or its agent, for decision, and abide thereby. And if any of the said Indians commit any depredations on any other Indians, the same rule shall prevail as that prescribed in this article in case of any depredations against citizens. Said Indians further engage

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to submit to, and observe all laws, rules, and regulations which may be prescribed by the United States for the government of said Indians.

#### **ARTICLE 9.**

It is hereby provided, in order to prevent the evils of intemperance among said Indians, that any one of them who shall be guilty of bringing liquor into their reserve, or shall drink liquor, may have his or her proportion of the annuities withheld from him or her for such time as the President may determine.

#### **ARTICLE 10.**

The said confederate bands agree, that all the necessary roads, highways, and railroads which may be constructed as the country improves, the lines of which may run through the reservation of said Indians, shall have the right of way therein, a just compensation being made therefor.

#### **ARTICLE 11.**

The merchandise distributed to the members of the said confederate bands at the negotiation of this treaty shall be considered as in part payment of the annuities herein provided.

#### **ARTICLE 12.**

This treaty shall be obligatory on the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof, the said Joel Palmer, on the part of the United States as aforesaid, and the undersigned chiefs and heads of the said confederated bands of Umpquas and Calapooias, have hereunto set their hands and seals, at the place and on the day and year heretofore written.

*Joel Palmer, superintendent. [L. S.]*

*Na-pe-sa, or Louis, his x mark. [L. S.]*

*Injice, or Peter, his x mark. [L. S.]*

*Tas-yah, or General Jackson, his x mark. [L. S.]*

*Bogus, his x mark. [L. S.]*

*Nessick, his x mark. [L. S.]*

*Et-na-ma, or William, his x mark. [L. S.]*

*Cheen-len-ten, or George, his x mark. [L. S.]*

*Nas-yah, or John, his x mark. [L. S.]*

*Absaquil, or Chenook, his x mark. [L. S.]*

*Jo, his x mark. [L. S.]*

*Tom, his x mark. [L. S.]*

Executed in the presence of us—

*Edward R. Geary, secretary.*

*Cris. Taylor.*

*John Flett, interpreter.*

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## **TREATY WITH THE UMPQUA—COW CREEK BAND, 1853.**

Sept. 19, 1853. | 10 Stats., 1027. | Ratified Apr. 12, 1854. | Proclaimed Feb. 5, 1855.

Indian Affairs: Laws and Treaties. Vol. II (Treaties). Compiled and edited by Charles J. Kappler.  
Washington: Government Printing Office, 1904.

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### Margin Notes:

Cession of land.

Temporary occupation of part of said cession.

Permanent homes to be selected.

Payment for said cession.

Houses to be erected.

Protection to travelers.

Redress for private grievances.

Restitution of stolen property.

Indemnification for property stolen from Indians.

Farms may be established.

Stipulations of a treaty made and entered into on Cow Creek, Umpqua Valley, in the Territory of Oregon, this 19th day of September, A. D. 1853, by and between Joel Palmer, superintendent of Indian Affairs, on the part of the United States, and Quin-ti-oo-san, or Bighead, principal chief, and My-n-e-letta, or Jackson; and Tom, son of Quin-ti-oo-san, subordinate chiefs, on the part of the Cow Creek band of Umpqua tribe of Indians.

### ARTICLE 1.

The Cow Creek band of Indians do hereby cede and relinquish, for the consideration 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 bounded by lines designated as follows, to wit:

Commencing on the north bank of the south fork of Umpqua River, at the termination of the highlands, dividing the waters of Myrtle Creek from those of Day's Creek, thence running easterly along the summit of said range to the headwaters of Day's Creek, thence southerly, crossing the Umpqua River to the headwaters of Cow Creek, thence to the dividing ridge between Cow Creek and Grave Creek, thence southwesterly along the said divide to its junction with the ridge dividing the waters of Cow Creek from those of Rogue River, thence westerly and northerly around on said ridge to its connection with the spur terminating opposite the mouth of Myrtle Creek, thence along said spur to a point on the same northwest of the eastern line of Isaac Baily's land-claim, thence southeast to Umpqua River, thence up said river to place of beginning.

## 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 south side of Cow Creek, at the mouth of Council Creek, opposite Wm. H. Riddle's land-claim, thence up said creek to the summit of Cañon Mountain, thence westerly along said summit two miles, thence northerly to Cow Creek, at a point on the same one mile above the falls; thence down said creek to place of beginning. It being understood that this last-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 other improvements made of equal value of those upon the above reserve at the time of removal.

## ARTICLE 3.

For and in consideration of the cession and relinquishment contained in article first, the United States agree to pay to the aforesaid band of Indians, the sum of twelve thousand dollars, in manner to wit: one thousand dollars to be expended in the purchase of twenty blankets, eighteen pairs pants, eighteen pairs shoes, eighteen hickory shirts, eighteen hats or caps, three coats, three vests, three pairs socks, three neckhandkerchiefs, forty cotton flags, one hundred and twenty yards prints, one hundred yards domestic, one gross buttons, two lbs, thread, ten papers needles, and such other goods and provisions as may be deemed by the superintendent or agent most conducive to the comfort and necessities of said Indians, on or before the first day of October, A. D. 1854. The remaining eleven thousand dollars to be paid in twenty equal annual instalments of five hundred and fifty dollars each, commencing on or about the first day of October, 1854, in blankets, clothing, provisions, stock, farming-implements, or such other articles, and in such manner as the President of the United States may deem best for the interests of said tribe.

## ARTICLE 4.

In addition to the aforesaid twelve thousand dollars there shall be erected for the use of said tribe, at the expense of the United States, two dwelling-houses, the cost of which shall not exceed

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two hundred dollars each, and a field of five acres fenced and ploughed, and suitable seed furnished for planting the same.

## ARTICLE 5.

The said band of Indians agree to give safe conduct to all persons passing through their reserve, and to protect in their person and property all agents or other persons sent by authority of the United States to reside among them.

## ARTICLE 6.



That the friendship which is now established between the United States and the Cow Creek band of Indians, shall not be interrupted by the misconduct of individuals, it is hereby agreed that for injuries done, 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 said band of Indians, upon complaint being made as aforesaid, to deliver up the person against whom the complaint is made, to the end that he 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 belonging to said band, the person so offending shall be tried, and if found guilty, shall be punished according to the laws of the United States. And it is further agreed that the chiefs shall, to the utmost of their ability, exert themselves to recover horses or other property which has or may hereafter be stolen from any citizen of the United States, by any individual of said tribe, and deliver the same to the agent or other person authorized to receive it; and the United States hereby guarantee to any Indian or Indians of said band, a full indemnification for any horses or other property which may be stolen or taken from them by any citizen of the United States, provided, the property stolen cannot be recovered, and that sufficient proof is produced that it was actually stolen or taken by a citizen of the U. S. And the chiefs further agree, that upon the requisition of the President of the U. S., superintendent of Indian affairs, or Indian agent, to deliver up any person resident among them.

#### ARTICLE 7.

It is agreed between the United States and the Cow Creek band of the Umpqua 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 be 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, Superintendent of Indian Affairs, on the part of the United States, and chiefs of the Cow Creek band of Umpqua Indians, before named, have hereunto set their hands and seals, the day and year aforesaid.

Joel Palmer, [L. S.]  
Superintendent Indian Affairs, O. T.  
Bighead, Quin-ti-oo-san, his x mark, [L. S.]  
Jackson, My-n-e-letta, his x mark, [L. S.]  
Tom, son of Quin-ti-oo-san, his x mark, [L. S.]  
Tom, Tal-sa-pe-er, his x mark, [L. S.]

Signed in presence of—

J. B. Nichols,  
E. Catching,

Interpreters.  
Theodore Tierney,  
Secretary.  
John D. Bown,  
W. Starr,  
Witnesses.

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