



# **Ratified treaty no. 332, Documents relating to the negotiation of the treaty of October 14, 1864, with the Klamath, Modoc and Snake Indians. October 14, 1864**

Washington, D.C.: National Archives, October 14, 1864

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RATIFIED TREATY NO. 332

DOCUMENTS RELATING TO THE NEGOTIATION OF THE  
TREATY OF OCTOBER 14, 1864, WITH THE KLAMATH,

MODOC AND SNAKE INDIANS

Warm Springs  
Treaty  
Nov 15 1865

Supplementary  
to that of  
June 25, 1850

T.F. 351 Item 2

~~Articles of Agreement and convention entered into at the Warm Springs Indian Agency, Oregon~~  
by D. W. Petit Huntington, Asst. Indian Affairs for Oregon on behalf of the United States, and the  
undersigned, Chiefs and Headmen of the Confederated Tribes and Bands of Middle Oregon; the  
same being amendatory of and supplemental to the Treaty negotiated with the aforesaid tribes on  
the twenty fifth day of June eighteen hundred and fifty five and ratified by the Senate of the  
United States on the eighteenth day of April eighteen hundred and fifty nine.

Article I It having become evident from experience that the provision of Article I of the Treaty  
of the twenty fifth of June A.D. eighteen hundred and fifty five, which permits said Confederated  
tribes to fish, hunt, gather berries and roots, pasture stock and erect houses on lands outside the  
reservation, and which have been ceded to the United States, is often abused by the Indians to  
the extent of continuously residing away from the Reservation, and is detrimental to the interests  
of both Indians and whites therefore: It is hereby stipulated and agreed that all the rights em-  
umerated in the third proviso of the first section of the before mentioned treaty of the twenty fifth of  
June eighteen hundred and fifty five; that is to say the right to take fish, erect houses, hunt game,  
gather roots and berries, and pasture animals, upon lands without the Reservation set apart by  
the treaty aforesaid are hereby relinquished by the Confederated Indian tribes and Bands of Middle  
Oregon, parties to this treaty.

Article II The tribes aforesaid covenant and agree that they will hereafter remain upon  
said reservation subject to the laws of the United States, the regulations of the Indian Department,  
and the control of the officers thereof, and they further stipulate that if any of the members of said  
tribes do leave or attempt to leave said reservation in violation of this treaty, they will assist in  
finishing and returning them when called upon to do so by the Superintendent or Agent in  
charge.

Article III. In cases which may arise which make it necessary for any Indian to go without  
the boundaries of said Reservation, the Superintendent or Agent in charge may in his discretion  
give to such Indian a written permit or pass, which shall always be for a short period and the  
expiration definitely fixed in said paper. Any Indian who, having gone out with a written pass

"shall remain beyond the boundaries for a longer period than the time named in said pass, shall be deemed to have violated this treaty to the same extent as if he or she had gone without a pass.

**Article IV.** An infraction of this treaty shall subject the Indian guilty thereof to a deprivation of his or her share of the annuities, and to such other punishment as the President of the United States may direct.

**Article V.** It is stipulated and agreed on the part of the United States as a consideration for the relinquishment of the rights herein enumerated, that the sum of three thousand five hundred dollars shall be expended in the purchase of teams, agricultural implements, seeds, and other articles calculated to advance said Confederated Tribes in agriculture and civilization.

**Article VI.** It is further agreed that the United States shall cause to be allotted to each head of a family in said Confederated Tribes and Bands, a tract of land sufficient for his or her use, the possession of which shall be guaranteed and secured to said family and the heirs thereof, forever.

**Article VII.** To the end that the vice of intemperance among said tribes may be checked, it is hereby stipulated that when any members thereof shall be known to drink ardent spirits or to have the same in possession, the facts shall be immediately reported to the Agent or Superintendent, with the name of the person or persons from whom the liquor was obtained, and the Indians agree to diligently use, under the direction of the Superintendent or Agent, all proper means to secure the identification and punishment of the persons unlawfully furnishing liquor as aforesaid.

In testimony whereof, the said D. W. Pent Huntington, Superintendent of Indian affairs, on the part of the United States, and the undersigned Chiefs and headmen of the

men of the Confederated Tribes and Bands aforesaid have hereunto, in the presence of the  
subscribing witnesses and of each other affixed our signatures and seals on this fifteenth  
day of November in the year one thousand eight hundred and sixty five.

Done in presence of

Gallay X Interpreter  
Donald McKay his mark Interpreter  
Charles Lafollett  
Capt. 1<sup>st</sup> Ogn. Inf.  
J. W. D. Gillett, Schoolteacher  
Myron Reaves, Sup't.  
Farming Operations

John R. Huntington  
Dept. Indian Affairs in Oregon, and  
acting Commissioner on behalf of the United States  
Mark & Head Chief  
Wm Chinook X his mark  
Kuck up & his mark  
Port am i ne X his mark  
Aley zau X his mark  
Tas-sink X his mark  
John Mission X his mark  
Rock squis squis sa X his mark  
Kuck-ups X his mark  
Hote X his mark  
C-palt-pel X his mark  
u-ne-wah X his mark  
Wap-chil-le-hoo X his mark  
Choo-ley X his mark  
Tet-koo X his mark  
Tuu-tche-ces X his mark  
Tow wacks X his mark  
Ken-e-quil-la X his mark  
Tsah ki ak X his mark  
Chok-te X his mark  
Ko-ish x ta X his mark

10026

many years in that region. I brought her with the other women and children to Fort Vancouver and turned them over to Brig. Genl Ward for safe keeping. I rely much upon them in bringing Pauline to terms.

~~Pauline~~ himself has since come in to Fort Yamhill in response to my invitation and assurance, that he should be permitted to depart unharmed. Capt Kelly in charge of that post declined to give my message, and received me from him to me, to the effect that he was tired of war and ready to make peace if we could have protection. As soon as the season will permit us to cross the mountains, I shall go in accordance with your instructions of October 24<sup>th</sup> last, to that country, and endeavor by means of a treaty, to put a stop to the horrid state of war which has existed there for several years past. I confidently hope to be able to report before next summer, an end of hostility and the opening of that rich mineral country to population and settlement.

In closing this lengthy report, I feel it my duty, as well as pleasure, to say, that the assistance I received from Dr H C McCoy and Capt Lindsay Applegate, who acted as counsellors and interpreters to the Indians, Lieut Halloran of the 1<sup>st</sup> U. S. Infantry who commanded the small military escort and Capt Kelly and Lieut Woodward stationed at Fort Yamhill was very valuable to the expedition and aided much in producing its favorable result.

U.S. 23  
The truly is herewith transmitted.

I have the honor to be  
very Respectfully

Your obt Servt

J. M. Peet Huntington  
Asst. Auditor U.S. Ass't in Ogs.

Com H. R. Dole

Committee on

Opposed to the S.M.C.  
S. H. C. C. & C. T.  
Chairman, Committee  
F. No. 667  
Dated 17th inst. At the  
House of Representatives  
the 2d instant, in accordance  
with the unanimous  
and unanimous  
vote of the House of  
Representatives  
made on May 2nd, 1865,  
by the House, requiring  
the adjournment of the



By order

Very truly yours with Best regards  
I acknowledge the receipt  
of your letter

4106)

[Ore., 1864, Encl.]

## Estimate of Funds

Required by J. H. Huntigton Supt Indian Affairs for fulfilling treaty stipulation with Ilamath Modoc & other tribes of Indians in Southeastern Oregon.

Object of Expenditure	Amount
For 1 <sup>st</sup> of 5 installments of Annuity for beneficial object to be expended under direction of the President as per 2 <sup>nd</sup> Art Treaty of 15 <sup>th</sup> Oct 1864	\$8,000.00
" Subsisting Indians first year purchase of teams, farming implements, tools, Seeds, Clothing, and provisions, and pay of necessary Employes as per 3 <sup>e</sup> Art Treaty,	35,700.00
" Erection of Saw mill per 4 <sup>th</sup> Art Treaty	6,000.00
" Erection of Building for Employes &c 14 <sup>th</sup> "	3,000.00
" " " " School &c 14 <sup>th</sup> "	1,570.00
" " " Hospital &c 14 <sup>th</sup> "	800.00
" Furnishing material for Saw mill, Carpenter, Blacksmith & Waym & Plowmakers Shops Per 4 <sup>th</sup> Art Treaty	1,570.00
" Pay and Subsistence of one Supt of Farming one Farmer, one Blacksmith, one Sawyer, one Carpenter, one Waym & Plowmaker one Physician and two Teachers as per 5 <sup>th</sup> Art Treaty	9,600.00
Erection of Agency Buildings	4,000.00
Total	<u>\$69,410.00</u>

To be drawn on the Paymaster who is authorized to do so in case it is necessary  
not be necessary until funds are received.

Office Supt Indian Affairs  
Salem Oregon Dec 10<sup>th</sup> 1864

J. H. Huntigton

Supt Indian Affairs in Owy

[Ore., 1864, H 1061, Encl.]

1901-H

Brief of Treaty with Klamath and Modoc Indians  
of Southern Oregon, of Oct. 15<sup>th</sup> 14

Article I. Cedes "all right, title, and claim" to a tract, commencing where the 44<sup>th</sup> parallel crosses the summit of the Cascade Mts., thence southward on the dividing ridge to the point where the rivers flowing south and west separate from those flowing northward, thence along the dividing ridge across into California to the south end of Goose Lake, thence N.E. to the north end of Henley lake, thence north to the 44<sup>th</sup> parallel, and west to place of beginning.

Article II. Reserving for a place of residence for the Indians a small tract lying along the Upper and Middle Klamath Lakes, the Indians to remove to the reservation immediately on the ratification of the treaty, and remain there.

No white except Govt officers and employees to be allowed to remain upon the reservation. Right of way across it reserved for public roads and railroads.

Article III. The U.S. to pay =

\$ 8000 per annum for first year, beginning when the treaty is ratified.

\$ 5000 per annum for next five years

\$ 3000 " " " "

These sums to be expended for the benefit of the Indians under direction of the President.

Article III. The U.S. to pay \$ 35000, for such articles as may be advanced to the Indians, at the time of signing the treaty, and for subsistence, teams, clothing &c, for first year.

Article IV. The U.S. to erect "as soon as practicable after the ratification", a sawmill, flour mill, mechanics' shops, school buildings &c, to be kept in repair for 20 years, and to furnish material for the mills and shops for the same time.

Article V. The U.S. to furnish a suit of farming, farmer, blacksmith, Sawyer, Carpenter, and wagon maker for 15 years, and a physician, miller, and 2 teachers for 20 years.

Article VI. The U.S. may cause part of the reservation to be surveyed and allotted in severalty, without power of alienation.

Article VII. Regulation may be made securing to the families of allottees their lands at the decease of the latter.

Article VIII. Annuities of the tribe, not to be taken for debts of individuals.

Article IX. The Indians acknowledge their dependence upon the U.S., and pledge themselves to peace and obedience to law and regulations.

Article X. If Indians shall drink intoxicating liquors or carry them upon the reservation, their annuities may be withheld.

Article XI. The U.S. may at a future time, locate other Indians on the reservation, the parties to the treaty not to lose any rights thereby.

Article XII. This treaty to bind the parties when ratified by the President and Senate.

Copy

1864

Treaty of Oct 18/64,  
at Klamath Lake, with  
Klamath, Modoc &  
Smaller Indians,

Huntington &  
Logan. Comrs

*Copy*

1853

1853

Articles of Agreement and Convention  
made and concluded at Klamath  
Lake Oregon, on the fourteenth day  
of October A. D. One thousand eight  
hundred and Sixty-four by J. W.  
Perot Huntington Superintendent of  
Indian affairs in Oregon, and William  
Logan United States Indian Agent  
for Oregon, on the part of the United  
States, and the chiefs and headmen  
of the Klamath, and Modoc Tribes  
and Ya-hoos-kin band of Snake  
Indians hereinafter named to wit.

La-Lake, Chil-o-que-nas, Killoque,  
Mo-ghew-kas Kit, Blow, Le le, Palmer,  
Tack, Rue-as, Poo-sak-sult,  
Oho-mult, No-ah-sum, Mooch-kat-  
allie, Toow-tuc-te, Boos-ki-you,  
Ski-a-tic, Shol-las-loos, Ta-tet-pas,  
Muk-has, Herman Koos <sup>man</sup> Chief  
Klamath, John din, Hataitut, Knight, pop. Chukipapah, Headman of the  
and head men of the, Modoc's and  
Kite-to-ak, and Sky-te-ocket chiefs  
of the Ya-hoos-kin band of Snakes.

Article I. The Tribes of Indians, <sup>aforesaid</sup>, cede to  
the United States all their right, title, and  
claim to all the country claimed by  
them, the same being determined  
by the following boundaries, to wit:

Beginning at the point where the 44<sup>th</sup> parallel of North Latitude crosses the summit of the cascade mountains, thence following the main dividing ridge of said mountains in a southerly direction to the ridge which separates the waters of Pitt and McCloud rivers from the waters on the north, thence along said dividing ridge in an easterly direction to the southern end of Goose Lake, thence northeasterly to the northern end of Harney Lake, thence due north to the 44<sup>th</sup> parallel of North latitude thence west to the place of beginning.

Provided, That the following described tract, within the country ceded by this treaty shall until otherwise directed by the President of the United States be set apart as a residence for said Indians held and regarded, as an Indian Reservation, to wit:

Beginning upon the eastern shore of the Middle Klamath Lake, at the "Point of Rocks" about twelve miles below the mouth of Williamson's river, thence following up said eastern shore to the mouth of Wood River, thence up Wood River to a point one mile

north of the Bridge at Fort Klamath, thence due east to the summit of the ridge which divides the Upper and Middle Klamath Lakes, thence along said ridge to a point due east of the North end of the Upper Lake, thence due east passing the said North end of the Upper Lake, to the summit of the mountains on the east side of the Lake, thence along said mountain, to the point where Spragues River is intersected by the Ish-tish-ea-wax, creek, thence in a southerly direction to the summit of the mountain, the extremity of which forms the "Point of Rocks," thence along said mountain to the place of beginning. And the tribes aforesaid agree and bind themselves that immediately after the ratification of this treaty they will remove to said reservation and remain thereon unless temporary leave of absence be granted to them by the Superintendent or Agent having charge of the tribes.

It is further stipulated and agreed that no white person shall be permitted to locate or remain upon the reservation except the Indian Superintendent and Agent, employees of the Indian Department,

and Officers of the Army of the United States,  
and Amendment. guaranteed that in case persons other  
than those specified are found upon the  
reservation they shall be immediately ex-  
pelled therefrom, and the exclusive right  
of taking fish, in the streams and lakes,  
included in said reservation, and of  
gathering edible roots, seeds, and berries,  
within its limits is hereby secured to  
the Indians aforesaid. Provided also,  
That the right of way for public roads,  
and rail roads across said reservation  
is reserved to citizens of the United  
States.

Article III. In consideration of and in  
payment for the country ceded by  
this treaty the United States agree  
to pay to the tribes conveying the same,  
the several sums of money hereinafter  
enumerated, to wit.

Eight thousand dollars per annum for  
a period of five years commencing  
on the first day of October 1865, or as  
soon thereafter as this treaty may be ratified.

Five thousand dollars per annum for  
the term of five years next succeeding  
the first <sup>period of</sup> five years and —————  
Three thousand dollars per annum

for the term of five years next succeeding the second period, all of which several sums shall be applied to the use and benefit of said Indians, by the Superintendent or agent having charge of the tribes under the direction of the President of the United States, who shall from time to time, in his discretion determine for what objects, the same shall be expended so as to carry out the design of the expenditure being to promote the well being of the Indians, advance them in civilization and especially agriculture, and to secure their moral improvement and education.

Article III. The United States agree to pay said Indians the additional sum of Thirty five thousand dollars a portion whereof shall be used to pay for such articles as may be advanced to them at the time of signing this treaty, and the remainder shall be applied to subsisting the Indians during the first year after their removal to the reservation, the purchase of Teams, Farming Implements, Tools, seeds, clothing and provisions, and for the payment of the necessary employe's.

Article IV. The United States further agree

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that there shall be erected at suitable points on the reservation as soon as practicable after the ratification of this treaty One Saw Mill, One Flouring Mill, Suitable buildings for the use of the Blacksmith, Carpenter and Wagon and Plow maker, the necessary buildings for one manual labor school and such Hospital buildings as may be necessary which buildings, shall be kept in repair at the expense of the United States for the term of twenty years, and it is further stipulated that the necessary tools and material for the saw mill, flour mill, Carpenter, Blacksmith, and Wagon & Plow maker, shops, and books and stationery for the manual labor school, shall be furnished by the United States for the period of Twenty years.

Article V. The United States further engage to furnish and pay for the services and subsistence for the term of fifteen years of One Superintendent of Farming operations, One Farmer, One Blacksmith, One Lawyer, One Carpenter, and One Wagon and Plow maker, and for the term of Twenty years of One

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Physician, One Miller, and two  
school teachers.

Article VII. The United States may in  
their discretion, cause a part or the whole  
of the Reservation provided for in Article  
I. to be surveyed into tracts, and assign-  
ed to members of the tribes of Indians  
parties to this treaty, or such of them  
as may appear likely to be benefitted by  
the same under the following restrictions  
and limitations, to wit. To each  
head of a family shall be assigned,  
and granted a tract of not less than  
forty nor more than one hundred and  
twenty acres, according to the number  
of persons in such family, and to each  
single man above the age of Twenty  
one years a tract not exceeding forty  
acres. The Indians to whom these tracts  
are granted, are guaranteed the perpetual  
possession and use of the tracts thus  
granted and of the improvements which  
may be placed thereon, but no Indian  
shall have the right to alienate, or convey  
any such tract to any person, whatsoever,  
and the same shall be forever exempt  
from levy, sale or forfeiture. Provided,  
That the Congress of the United States

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hereafter  
may abolish these restrictions and  
permit the sale of the lands, so assigned,  
if the prosperity of the Indians will be  
advanced thereby, and, Provided  
further. If any Indian to whom  
an assignment of land has been made  
shall refuse to reside upon the tract so  
assigned for a period of Two Years,  
his right to the same shall be deemed  
forfeited.

**Article VII.** The President of the  
United States is empowered to declare  
such rules and regulations as will secure  
to the family in case of the death of the  
head thereof, the use, and possession  
of the tract assigned to him, with the  
improvements thereon.

**Article VIII.** The Annuities of the  
tribes mentioned in this treaty shall  
not be held liable, or taken to pay the  
debts of individuals.

**Article IX.** The several tribes of Indians  
parties to this treaty acknowledge their  
dependence upon the government of  
the United States, and agree to be  
friendly with all citizens thereof, and to  
commit no depredations upon the  
person, or property of said citizens, and

to refrain from carrying on any war upon other Indian tribes, and they further agree that they will not communicate with or assist any persons or nation hostile to the United States, and further that they will submit to and obey all laws and regulations which the United States may prescribe for their government and conduct.

Article X. It is hereby provided that if any member of these tribes, shall drink any spirituous liquor, or bring any such liquor upon the reservation his, or her, proportion of the benefits of this treaty, may be withheld for such time as the President of the United States may direct.

Article XI. It is agreed between the contracting parties that if the United States at any future time may desire to locate other tribes upon the reservation provided for in this treaty, no objection shall be made thereto but the tribes parties to this treaty shall not by such location of other tribes forfeit any of their rights or privileges guaranteed to them by this treaty.

Article XIII. This treaty shall bind the Contracting parties whenever the same is ratified by the Senate and President of the United States.

In Witness of which the several parties named in the following treaty have hereunto set their hands and seals at the place and date above written.

J.W. Peir Huntington  
Supt. Indian Affairs

Wm Logon

U.S. Indian Agt

Schou-chiu his x mark	La Lake his x mark
Con-jukh Stak-it-at his x mark	Chil-o-que-nas his x mark
George Keint-poos his x mark	Kellogue his x mark
X Gwidge Chuck-e-i-op his x mark	No-ghen-kastit his x mark
	Blow his x mark
Kilv-to-ak his x mark	Le-lew his x mark
Sky-te-ock-et his x mark	Palmer his x mark
	Jack his x mark
I.R. & al	Due-all his x mark
	Poo-sak-sult his x mark
	Che-mult his x mark
	No-ak-sum his x mark
	Mooch-Kat-allick his x mark
	Toow-tuc-te his x mark
Allen & Dan	Boss-ki-yow his x mark
	Ski-at-ic his x mark
	Shol-lal-loos. his x mark

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Tat-tet-pas his x mark <sup>real</sup>  
Muk-has his x mark <sup>real</sup>  
Herman-kus-maw his x mark <sup>real</sup>  
Jackson his x mark <sup>real</sup>

Signed in presence of R. P. Earhart  
Wm Kelly Capt. 1<sup>st</sup> Cav. Secretary  
Oregon Volunteers  
James Halloran  
2<sup>d</sup> Lieut 1<sup>st</sup> Inf. W. I. Vols.  
Wm C. McKay M.D.  
Robt " <sup>his</sup> x Biddle  
mark