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RATIFIED TREATY NO. 263
DOCUMENTS RELATING TO THE NEGOTIATION OF THE
TREATY OF SEPTEMBER 10, 1853, WITH THE ROGUE RIVER INDIANS

of [unclear] 5153
Sol Palmer
Dayton O. Oct 8. 53

see L 323. (1854)

transmits a treaty for the
release & relinquishment
of Indian title to the lands
lined by the Rogue river In-
dians made Sept 11. 53 - Also
of the same character, made
the Cow Creek band of the
Savanna tribe of Indians on
19th Sept. 53, with remarks
relation to them; and copy
treaty of peace made by Gen.
[unclear] with Rogue river Indians
in respect of property belong-
ing to whites within territory
secured by treaty to Rogue river In-
dians.

Rec'd Nov 13. 53
made to Secy Ind: Jan 24. 54
Rec'd Jan 24. 1854 -
Cot

File

Went Accompany-
ing Treaty with
the Rogue River and
Lower Rogue Bands of
Indians.

13. Oct.

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Office of Superintendent of Ind Affairs
Dayton Oct 8th 1833

Sir,

I have the honor herewith to transmit to the President of the United States through the Indian Department An original Treaty for the purchase and extinguishment of Indian title to the lands claimed by the Rogue River Tribe of Indians entered into on the 10th day of Sept. 1803 by Col Palmer Supl. of Indian Affairs and J H Culver Esq Ind. Agt on the part of the United States and Go. Din and Sam principal Chiefs on the part of said tribe; and also a treaty of purchase and relinquishment of title to the lands claimed by the Cow Creek Band of the Umpqua tribe of Indians entered into on the 19th day of Sept. 1803 by Col Palmer Supl. of Ind Affairs on the part of the United States and Quin to co saw Head Chief Mi-w-e-let-to and Toni son of the Principal Chief on the part of said Band.

It is deemed important to state in the transmission of these treaties that the Superintendent and Agent have been governed by what they believe to be imperatively demanded in order to restore and preserve peace. The Rogue River tribe of Indians are among the most powerful tribes on this Coast and have been held in great dread by travellers passing through their country and as they occupy a country traversed by the trail and road from the settlements in Oregon to California, frequent murders and robberies have been committed by them and the surrounding tribes, rendering it necessary till within the last two years for travellers to assemble in large companies when passing through the country claimed by them.

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Upon the discovery of gold in California and more recently in Southern Oregon, great numbers of our citizens have entered this country for the purpose of mining and recently as permanent settlers. This has led to frequent controversies between the settlers and natives in which the lives of many of both parties have been sacrificed.

In 1851 a state of actual war between the whites and Indians existed, and after several skirmishes and battles a treaty of peace was effected, and for a short time peace was maintained.

But as our citizens were then crowding into that region excited by the hope of immediate gain in the pursuit of gold but little respect was paid to the rights of the Indians. Hence misunderstandings, jealousies, criminations and recriminations followed in rapid succession, until all hope of an amicable adjustment was dissipated and a resort to arms followed as the only means of redressing grievances.

On the 21st of August, I received information that a state of war existed, and as soon as possible with Agent Calver I repaired to the scene of hostilities. We reached Camp Alden near Table Rock on the 11th Sept. Gen Lane, with Major Alden and the troops under their command had already had a severe engagement with the hostile Indians, in which several on both sides were slain. An armistice for a short time had been agreed on, connected with propositions for a permanent peace, and the time and place designated for the assembling of the Chiefs and Head Men of the tribe for that purpose. The 4th day of Sept the day of our arrival at Camp Alden, was the day agreed on for the Council. The Chiefs with a portion of their warriors were assembled, and ready to treat, but prepared to delay till the tribe should be present, and asked till the 8th, to collect their people, which was granted them.

On the 8th Sept. General Lane with Captain Smith's company of Dragoons, the Superintendent of Indian Affairs and Agent Culver, repaired to the Council grounds, where we met the Chief and headmen of the Tribe. The terms of a treaty of peace which had been proposed by General Lane on the field of battle on the 24 and 25. of August were fully agreed on, and on the following day signed by the respective parties, a copy of which is herewith transmitting. It is proper however here to state that before signing this it was fully understood that a treaty of purchase for the extinguishment of their title to the lands claimed by them should immediately follow the treaty of peace. And in accordance with this understanding we met in Council on the 10th day of Sept. and agreed on the terms of purchase.

It was doubted whether according to an act approved Feb 27th 1801 providing "that such officers and agents in the Indian Department as the president of the United States may designate shall hereafter hold treaties with the Indian tribes," we were warranted in assuming that power, as no person now engaged in the Indian Department in this Territory has been designated in accordance with this act. But the necessity of some immediate and permanent arrangement by which the citizens as well as the Indians could hope to be secure in the possession of life and property, demanded, if not warranted by an existing statute, according to the great law of humanity in consonance with which our Government has ever professed to act in her intercourse with the Indians an assumption of power somewhere, to effect such an arrangement. It was believed that a treaty of peace, without extinguishing the Indian title to the

country, would fail to preserve it, as treaties of a similar nature have formerly been entered into with this tribe without any permanent good effect. Nothing short of the purchase of this entire country and the assigning to them of a certain district for their temporary residence till a permanent home shall be provided for them in common with other tribes, could secure the desirable object. There is no doubt that the failure heretofore on the part of the Agents of the Government and others assuming to hold treaties with these Indians and other tribes, to comply with the stipulations of such treaties has ^{and} will do much to destroy the confidence of the Indians in the faith of the Government, and has exercised a powerful influence in causing the late difficulties. It is therefore of the utmost importance in order to restore that confidence and good faith by which alone we can hope to maintain friendly relations with the Indian tribes, that these treaties be ratified and provisions made for carrying them into immediate effect.

The lands purchased of the Rogue River Tribe according to the best information received, includes about three thousand five hundred square miles - One third of which is well adapted to agricultural purposes and susceptible of a high degree of cultivation, and much of the remainder may be regarded as a pastoral country, but mountainous, abounding in numerous fertile valleys, heavy forests of valuable timber, and nearly all rich in gold - being un-
 phatically a gold country. There is little doubt that in some of the gulches near Sacksville, an amount of gold may be taken from one hundred rods square sufficient to pay for the entire purchase. The con-
 sideration as you will observe for the entire purchase

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is \$75,000, in the event of their removal from their present temporary reserve; \$15,000 of this sum is deducted to indemnify Settlers and others for property destroyed by the Indians during the war, and \$1062.58 to pay claimants on the reserve for their improvements a duplicate bill of Appraisement being herewith transmitted leaving \$58,937.22 to be applied according to treaty stipulations for their use. I have not been able to ascertain accurately the number of persons comprising this tribe, but believe it to be about six hundred souls.

In addition to the above amount granted by the treaty to the Indians, it is stipulated to build three cabins for the three principal chiefs which will cost about \$300, each. Groceries also purchased as presents amounting to \$1189.75 for a portion of which have been distributed according to agreement.

Should this treaty be ratified by the President and Senate of the United States and observed by the whites, I have good reason to believe that it will be closely adhered to on the part of the Indians.

It may not be improper here to state that the Indians throughout this Superintendency so far as known are fully advised of the failure on the part of the Government to fulfill the stipulations of treaties entered into by the Commissioners and my predecessor in Office, and as they are unable to comprehend the reasons for such non-compliance, they place but little reliance on the promises of the Agents of the Government.

The temporary Reserve secured to the Poquo River Indians in the treaty embraces about one hundred square miles, ten or twelve only of

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which being suitable for cultivation, and the remainder rough and mountainous. The land around Table Rock upon the Reserve abounds in the variety of roots used by these Indians for food and the mountains are well stocked with wild game, while Rogue River on the West yields an abundance of salmon and other varieties of excellent fish.

The Reserve embraces the principal villages of the tribe, and has been occupied by them since their earliest existence as a tribe. The ease with which the greatest abundance of food can be obtained renders it a most desirable location for a people who depend so exclusively on the spontaneous productions of nature for subsistence.

With great reluctance they consented to remove from this choice spot, but by explaining to them the great difficulty of maintaining peace between two people whose manners and customs, desires and feelings are so dissimilar, residing in such intimate neighborhood, and on being informed that if they desired it, they would be furnished as the treaty provided, with farming utensils, such as teams, plows, &c and taught the use of them, and that they should be protected in all their rights, from the encroachments of the whites, and the incursions of other tribes of Indians, they finally consented, but the Head Chief expressed a hope that he might be allowed to occupy his old home the remaining days of his life, or till a spot should be found affording equal facilities for the subsistence of his people.

The treaty for the purchase of the country claimed by the Cow Creek Band of the Umpqua Indians seemed to be demanded both as a matter of safety to the Band and also as security for their good conduct.

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This Band is no ways formidable, consisting only of eighteen warriors, nineteen women and fifteen children. Nor are they warlike or unusually troublesome. But being in the vicinity of the Grave Creek Band, who have ever been regarded as the inveterate foes of the whites, thefts, robberies and murders committed on travellers, and recently on settlers in the vicinity of the Cow Creeks, led many to believe them implicated in these acts and this feeling was strengthened by the fact that their usual place of residence is along the Road leading from the Willamette Valley to Rogue River and Calapumia, the principal scene of these atrocities.

The occurrences among the Rogue River Indians and Grave Creeks had so exasperated the whites that not only persons traveling on the road, often committed acts of violence against the Cow Creeks robbing them of their guns and blankets and whipping them; and in one instance attacking the lodge of an aged Indian who bore an excellent character, whom they killed together with a squaw, at the same time firing several shots at a small boy who made good his retreat to the mountains.

Driven from their homes and continually exposed to similar acts of violence as they were confounded with the guilty, they soon justly much alarmed. In this agitated state of feeling between whites and Indians the most effectual means of securing the safety of the Bands and maintaining peace, appeared to be to purchase their country and set aside a

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small district for their temporary residence, a little out of the line of travel, and near enough the settlements to secure them from marauding parties infesting that region.

They justly complained that the whites had driven them from their homes, and deprived them of their usual means of subsistence; and said, if anything was to be paid them as a remuneration for their losses it should be now when they were in need - that in a few years they would all be dead - then the price of their country could profit them nothing.

A treaty of purchase was accordingly agreed on. The tract to which the Indian title was extinguished containing about eight hundred square miles nearly on half being an excellent farming country and the other portion mountainous but of good soil, and well timbered. Gold is generally diffused; and at a few points mining has been successfully carried on.

The price of purchase is \$12,000, the building of two cabins costing each about \$200, and the fencing and plowing of a field of five acres, and the furnishing of proper seeds - all costing about \$225.

No presents were made; but clothing and blankets were to be furnished immediately, the cost of purchase to be on account of first payment for their lands.

It is proper to state that all articles purchased for the Rogue River Indians and Cow Creek Band, are to be delivered on or near their respective reserves, the cost of transportation to be paid by the United States. This though not embodied in the treaties was fully understood by the parties.

Hon Geo W. Mangum
Pennsylvania

Respectfully your obt servant

Joel Palmer
Superintendent

Copy of a Treaty 1853
with the Rogue River
Indians Oregon

(Copy)

Treaty

Stipulations of a Treaty, made & 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 W. Culver Indian Agent on the part of the United States.

And

So-aps-er-ka-har, principal Chief, Sam To-gua-he-ar, and Sim Ana-chah-arah, subordinate Chiefs and others, head men of the Bands of the Rogue River Tribe of Indians on the part of said Tribe.

Article 1st

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 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 Pistiyon Range of Mountains, thence Easterly to Pilot Rock, thence North Easterly to the Summit of the Cascade Range, thence Northerly along the said Cascade Range to Pitts Peak,

Continuing Northerly to Rogue River, thence
Westerly to the head waters of Lumps Off
Lo 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^d

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 Evans Creek, thence
up said Creek to the upper end of a
small Prairie bearing in a North-Westerly
direction from Table Mountain or Upper
Table Rock, thence through the Gap to the
South side of the Cliff of the said Moun-
tain, 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
reserved 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 & Buildings, erected thereon
and provision made for their removal;

Article 3^d

For and in consideration of
the Cession and relinquishment contained
in Article 1st the United States agree

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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 9th day of September 1853, between Genl. A. S. Lane, Commanding forces of Oregon Territory & also, Principal Chief, Sam & 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 & such other goods, as may be deemed by the Superintendent or Agent most conducive to the comfort & 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; The remaining Forty thousand Dollars to be paid in sixteen equal annual installments, 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 4th

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; & when the Tribe may be
removed to another reserve, Buildings &
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 th Thousand Dollars, in
five equal annual installments, com-
mencing at the expiration of the before
mentioned installments;

Article 5th

The said Tribe of Indians fur-
ther agree to give safe conduct to all
persons who may be authorized to pass
through their reserve and to protect in
their person & property, all Agents or other
persons sent by the United States to re-
side amongst them; they further agree

not to molest or interrupt any white
person passing through their Reserve;
Article 6th

That the friendship which is
now established between the United States,
and the Rogue River Tribe of Indians
shall not be interrupted by the mis-
conduct of individuals, ^{it is hereby agreed, that for} private
- injuries done by individuals, ^{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 com-
-plaint 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 ac-
-cordingly 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 prop-
-erty, 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 owners; And the United States hereby guarantee to any Indian or Indians of the said ^{tribe} 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 can not 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 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 7th

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 & consent of the Senate;

In Testimony whereof, the said Joel Palmer & Samuel W. Coulter on the part of the United States, and the Chiefs & Head men of the Rogue River Indians aforesaid, have hereunto set their hands and seals, the day and year aforesaid:

over

Signed in presence of
S. M. Nesmitt }
R B Metcalf }
John ^{his} mark }

Joel Palmer S.S.
Superintendent In-
dian Affairs.
S. D. Mason. Sec.

S. D. Mason } Sec's
T. J. Cherry }

Samuel A. Calver. S.S.
Indian Agent

~~Mitupess~~
Joseph Lane }
August F Rantz }

Lo ^{his} mark S.S.
Aps-er-ka-har.

Sam ^{his} mark S.S.
To-gua-he-ar

Jim ^{his} mark S.S.
Ana-chah-a-rah.

John ^{his} mark S.S.

Lynpe ^{his} mark S.S.

Oregon Sup B 316
Srel Palmer
Dayton Dec. 19. '54

Eno. Senate's Amend-
ments to the Treaties of
10th & 19th Sept. 1853, with
the Rogue River, Ute and
Montana Indians (Cov
Creek band) with the absent
of their respective chiefs

Rec'd Jan. 26. '55

See Rep. to Cong. Ist. Jan. 25
1855

26. 10

Office Superintendent Indian Affairs
Dayton December 12th 1854.

Sir

Enclosed I forward you the Senate's Amendments to the Treaties made on the 10th + 19th of September 1853 with the Rogue River Tribe and Cow Creek Band of Umpqua Indians respectively. These Amendments were fully explained to the Indians interested therein, and having received their full assent were signed by their respective Chiefs by order of Council.

Very respectfully
your obt. servant
Joel Palmer
Supt Ind Affs

Hon. Geo W. Mangum
Commissioner of Ind Affs
Washington City
D. C.

We the undersigned Principal Chief and Subordinate Chief of the Cow-Creek band of the Lempqua tribe of Indians, parties to the treaty concluded at Cow-Creek, Lempqua valley, in the Territory of Oregon, on the 19th 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, which is in the following words, viz:

" Amendment:

" Add the following as a new Article:

" Article 7.

" It is agreed between the United States and the Cow-Creek Band of the Lempqua 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:

Change Article 7 to Article 8." 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 day of A.D. 1854.

Seal
Seal
Seal
Seal
Seal

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, which is in the following words, viz:

" Amendment

" Add the following as a new Article.

" 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
" 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. — 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 day of A.D. 1854.

L. S.

L. S.

L. S.

L. S.

L. S.