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Ratified treaty no. 282, Documents relating to the negotiation of the treaty of January 22, 1855, with the Kalapuya and other confederated bands of Indians of the Willamette Valley. January 22, 1855

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RATIFIED TREATY NO. 282

DOCUMENTS RELATING TO THE NEGOTIATION OF THE
TREATY OF JANUARY 22, 1855, WITH THE KALAPUYA AND OTHER
CONFEDERATED BANDS OF INDIANS OF THE WILLAMETTE VALLEY

Oregon Sup 3339
Jel Palmer
Wayton C. T. Jan 23-55

Transmits treaty con-
cluded with bands of
Indians in the Will-
amette Valley

Recd by
Feb 28-55

See Rept. to Sen. Feb. March 1855

28 - in file

Office Superintendent Ind. Affairs
Dayton O S Aug. 23. 1855.

Sir

I herewith transmit a triplicate copy of a Treaty of purchase of the Indian title to the lands in the Willamette Valley.

In accordance with your instructions, I have succeeded in confederating the various bands in this valley with a view of ultimately settling them on the same Reserve; and have obtained their consent to remove to such location as may be selected for them.

My letter of the 15th Dec. Inst. informed you of my reasons for incorporating the first provision in Article Second of the Treaty.

It is however probable that all the bands will accede to the terms and become parties to the Treaty; indeed, a few scattering families excepted, this is already the case; and those families have expressed themselves willing, and have only been prevented from being present, and signing the Treaty by the inclement weather and high waters.

The early adjournment of Congress, and the hope that the Treaty may reach your office in time for submitting it to the President and Senate, induce me to transmit it without awaiting the signatures of those scattered remnants.

Should it be ratified, even tho the appropriations to carry it into effect were not made by the present Congress it would have a beneficial influence on the negotiations of the ensuing season, as provisions may be made for locating a permanent Reserve for these people, and I could act more advisedly. I however regard it as highly important

That

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that in the event the Treaty is ratified before the adjournment of congress, the proper provisions for its being carried into effect should be made without delay.

The second proviso of the same article is designed to secure an equitable proportion of the provisions of the Treaty to the bands to which it refers. The permanent places of residence of the Wal-lah-la band, are on the southern bank of the Columbia River between the Willamette and Sandy, though they claim a considerable tract north of the Columbia, commencing a few miles above Fort Vancouver and extending to the Cascade falls, the latter being their residence in the fishing season. This band is the largest embraced in the Treaty, whilst their country south of the Columbia with a few exceptions is one half less than that of each of the other Confederated bands. It was their desire to be embraced in this Treaty, yet to permit this without drawing on the General fund the purchase price of their lands north of the Columbia, would be inequitable in regard to lands appropriated with them. I have learned that the Indians on Lewis Island claim a tract north of the River.

The country purchased of these bands embraces a Territory of not less than Eleven thousand eight hundred and eighty square miles in extent, or over seven and a half millions of Acres. The purchase price is Two hundred thousand dollars and the employment of a Smith, Teacher, Physician, and Superintendent of farming operations for five years, involving an expenditure of not more than twenty five thousand dollars more, making a cost per acre of less than three cents.

Great pains have been taken to make the Indians comprehend the provisions of this Treaty. The most difficult task has been to obtain their consent to leave their old homes.

Their general desire is not to be removed far from the settlements, and they expressed a preference for the expenditure of a part of the consideration for their country in buying the improvements of white settlers within the country purchased.

They have been assured that in the event of selecting a home remote from the settlements, they should be protected from the encroachments of other Indians, and be put in possession of a country where by such labour as the white men bestow, they can obtain a comfortable and ample subsistence.

Many of these bands subsist mainly on fish, hence a desire to be located where this almost indispensable article of food may be obtained. Many of them are averse to the Klamath Lake country, regarding it as too cold for successful farming, and subject to depredations. This may prove true, and if so, the next most desirable location is along the coast between the Neachum River on the North, and the ^{or Siskiyou} Willamette on the South. Should this district be selected not only all the Indians embraced in this Treaty of which there will be about seven hundred, but those upon an entire seaboard, from the Columbia River to our Southern boundary, together with those of the Umpqua Valley, might be located there.

At first they would be compelled to live in detached districts along the coast and narrow valleys, ~~and for~~

a few

a few years carry on farming but to a limited extent; but the want of such facilities, would be amply compensated in the abundance of food to be derived from the sea shore, the streams, the chase, and the flocks of Geese and other wild fowl abounding in that region.

Since drawing up the Treaty I have learned that a few scattering families of Molales who formerly inhabited the country bordering a stream of that name, are now residing on the head waters of Makings Fork and the middle Fork of the Willamette; These are the remnants of a few lodges who in the winter of 47 & 8 were engaged in plundering houses in their vicinity, and were attacked by the settlers and nearly extinguished. Those escaping fled to the mountains where they ^{have} since continued to reside.

I apprehend no difficulty in inducing them to accede to the terms of the Treaty. They are a part of the Molalla Tribe who have already signed the Treaty and will without doubt be guided by their wishes.

The amount advanced to these bands and to be paid them immediately, with the expenses of holding Treaties, will exceed my estimate of expenses and first payments, but the amount under Treaty expenses will be less than the estimate.

The articles given are such only as are essential to the relief of their necessities and conduce to their comfort, being clothing, a horse, thirty dollars in money, and in the spring, one yoke of oxen & a plow to each band.

As all the articles supplied them are to stand as

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So much paid on account of Treaty stipulations no difficulty can arise, on account of Amount advanced but in the event of the failure of the Treaty to be ratified.

I am persuaded that their consent to leave their homes could not have been obtained with a less expenditure. Promises of the Government they say, are not good, as they have before been broken; and that if they sell their country again, they must have something that they can see, and thus know that we are in earnest.

The importance of perfecting conventional arrangements with these bands during the winter season, I conceived justified me in purchasing the requisite goods in one month, without awaiting the arrival of those shipped from New York.

Very respectfully,
Yours obt. Servant
Joel Palmer
Superintendent

Paul Geo. M. Manyfurny
Commissioner Ind. Affairs
Washington City
D.C.

Imprecations

July 22, 1855

Treaty with the
Confederated Bands of
Indians in the valley of
the Willamette, Oregon

Articles of Agreement and Conventions 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 Medicin, and Vats Kaw or Dave Chiefs of the Tualatin Band of Calapooias; Shaph or William, Shel Ke ah or David, and Cha-ah or Sepe, Chiefs of the Wamhill Band; Dabo or Jim, Sco-la-quit or John, and Vah-Kow or Kompetine, Chiefs of the Che-luk-i-ma-rike Band; Ah-mo. or George, Kimpher or Hubbard, and Oh-no or Jim, Chiefs of the Chep-en-a-pho or Mary'sville Band; Ma-mah-mo, or Charley Peter, Cha-che-clue, or Tom, and Quineflat or Ben, Chiefs of the Chem-a-pho or Muddy Band; Luck-a-ma-fu, or Antoine, and Kootil or Charley, Chiefs of the Che-lam-e-la or Long Tom Band, all of the Calapooias; Quia-quatty, Wal-Kuz and Kow-ka ma or Long Hair, Chiefs of the Mo-lal-la Band of Mo-lal-las; Niles or Jim and Kow-ah-tough or John Chiefs of the Calapooia Band of Calapooias; Anta, Quil-al-la or John, and Me-quah of the Win-ne-filly and Mohawk Bands; Yack-a-tee or Sam, To-phur or Jim Browne, and Wal-la-be or Doctor of the Te-Ko-pa Band; Pulk-tah of the Cha-paw Band, of the Calapooia Tribe; Tum-walth & O-ban-a-hah, chiefs of the Wal-lal-la Band of Tum Waters; Watch-a-no

Te-ap-i-nick and Wal-lah-pi-cote, Chiefs of the Black-a-
mas Tribe; Sal-lak and Cuck-a-man-na or David, of
the Clow-we-wal-la or Willamette Tumwater Band;
Tow-ye-col-la or Lewis, Mulk-ma or Jo, La ham or
Don, Joseph Sangaretta, Bul-li-can, Tena or Miles,
Pul Kup-ti-ma or John, Sallaf or Silas, Woip Ke nek
or Jack, Cep-ta and Sat-i-noode or James, Chiefs
and head men of the Santiam Bands of Calapooias.

Article first. 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

ted bands, engage peaceably, and without further 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 Second In consideration of and payment for the country herein described, the United States agree to pay to the bands and tribes of Indians claiming Territory and residing in said country the several sums of money following:

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.

Two 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 judgement 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 whereof shall be expended for such articles as the superintendent of Indian Affairs shall furnish to 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 home, 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 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 hereto 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 third. On 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 fourth. 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 unto such Indians of the confederated bands as may wish to enjoy the privilege and locate them permanently; to a single person over twenty one years of age, twenty acres; to a family of

two

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 move from place to place, the President may if the patent shall have 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 resumed 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 fifth. The annuities of the Indians shall not be taken to pay the debts of individuals.

Article Sixth. 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 anyone 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 tribe or band 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 agents, ^{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

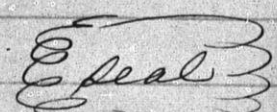
for the Government of said Indians.

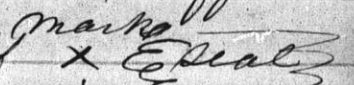
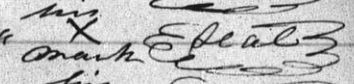
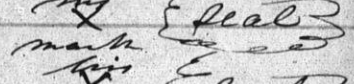
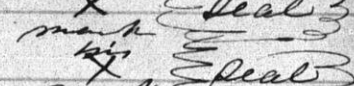
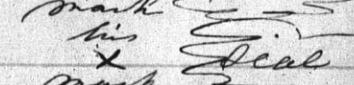
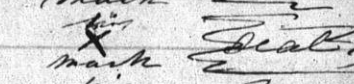
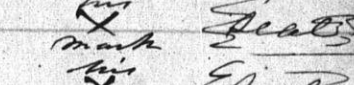
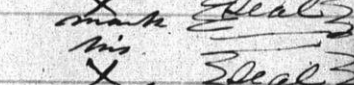
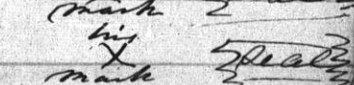
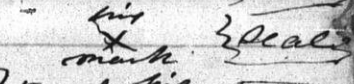
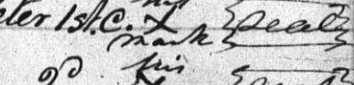
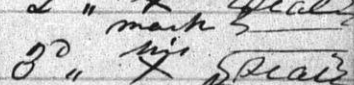
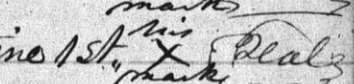
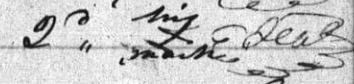
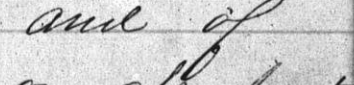
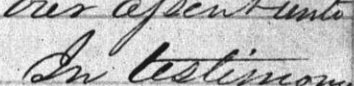
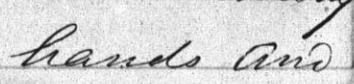
Article Seventh. In order to prevent the evils of intemperance among the Indians, it is hereby provided that any one of them who shall drink liquor, or procure it for other Indians to drink, may have his or her proportion of the annuities withheld from him or her for such time as the president may determine.

Article Eighth. 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 Ninth. 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 bands, being duly authorized thereto, have hereunto set their hands and seals this fourth day of January 1855 at Dayton, in Oregon Territory.

Joel Palmer 
Superintendent Indian Affairs

Executed in presence of us	Kia-Kuto	1st. Chf	
Edward R. Kearney secy	Se Medicine or Doctor	2 ^d	
John T. Lett interpreter	Yato-Kow or Slave	3 ^d	
George Dorey	Shap-h or William	1 st	
Phillips. St. Decker	Shel-ke-ah or David	2 ^d	
Lorenzo Palmer	Cha-ah or Jesse	3 ^d	
	Nabo or Jim	1st	
	Seo-la-quit or John	2 ^d	
	Vah-Kow or Kompetine	3 ^d	
	Ah-mo or George	1st	
	Kim-pher or Hubbard	2 ^d	
	Oh-mo or Jim	3 ^d	
	Ma Mah-mo or Charley Peter	1st	
	Cha-che-clue or Jim	2 ^d	
	Quin-e-flat or Ben	3 ^d	
	Luck-a-ma-foe or Antoine	1st	
	Wootib or Charley	2 ^d	

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 tenth day of January 1855

Executed in presence of us
Edward R. Bean Secy
Chris. Taylor Asst. Secy
John Flett Interpreter
Phillips of Doctor
Seorenzo Palmer

Quiaqua by 1st Chf ^{mark} Seal
Yal Kus 2^d Chf ^{mark} Seal
Kaw-koma or Longhair 3^d Chf ^{mark} Seal
Wiles or Jim 1st Chf ^{mark} Seal
Kowak-tough or Jim 2^d Chf ^{mark} Seal
So-phew ^{mark} Seal

We the Chiefs and head Men of the Minne-jelly, Mo-hawke, Chapen, and Teepa, Bands of Calapovias, Wallallah, Band of Tumo-Waters, and the Clackamas Tribes of Indians, being duly Authorised 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 1855.

Executed in presence of us
Chris. Taylor
Andrew Smith
John Flett

An-to, 1st Chf ^{mark} Seal
Dul-at-la, or John 2^d Chf ^{mark} Seal
Me-quah, or Dick ^{mark} Seal
Yack-a-tie, or Sam 1st Chf ^{mark} Seal
To-phor, or Jim Brown 2^d Chf ^{mark} Seal
Neal-la-le, or Doctor ^{mark} Seal
Pulh-tah 2^d Chf ^{mark} Seal
Tum-watth 1st Chf ^{mark} Seal
O-ban-a-hah 2^d Chf ^{mark} Seal
Watch-a-mo 1st Chf ^{mark} Seal
Te-ap-i-nick 2^d Chf ^{mark} Seal
Wel-labhi 3^d Chf ^{mark} Seal

We the Chiefs and Head Men of the Clam-matta or Willamette Tinnam 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 Seinn City Oregon Territory this 19th Day of January 1855.

Executed in presence of us
Chris Taylor Secy.
John Helt Interpreter.

Sal-tick, or John ^{his} ^{mark} Seal
Cuck-a-Man-na, or David ^{his} ^{mark} Seal

We the chiefs and head men of the Santiam Bands of California Indians, being duly authorized 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 1855.

Executed in presence of us
Edward V. Geary Secy.
Chris. Taylor
Andrew Smith.
John Helt Interpreter.

Tow-ye colla or Louis 1st Chf ^{mark} Seal
Yelk-ma or Jo 2^d Chf ^{mark} Seal
La-ham or Tom 3^d Chf ^{mark} Seal
Pul-li-can ^{mark} Seal
Joseph Sengertha ^{mark} Seal
Te-na or Miles ^{mark} Seal
Pul-kup-ti-ma or John ^{mark} Seal
Galla for Silas ^{mark} Seal
Kooip-ke-neke or Jack ^{mark} Seal
Yuptah ^{mark} Seal
Satinoose or James ^{mark} Seal

We, the chief of the Santiam Forks Band of Molallas and the chief of the Chowanok Santiam Band 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 Albany Oregon Territory this first day of March 1855

Executed in presence of us

Edward R. Beany Secy
John F. B. Ginterketer
Geo Taylor
Lorenzo Palmer

Dick Chf of Molallas ^{his} Seal
^{Interpret} Jo ~~Headman~~, or Jekma ^{mark} Seal
Chf of Santiam's ^{his} mark

We the head men of the Mountain Band of Molallas being duly authorized by said Band give our assent and ~~agree~~ to the provisions of the foregoing Treaty.

In testimony whereof we hereunto set our hands and seals this 5th day of March 1855 at Sporn's Ferry O.T.

Ben. Little Chief ^{his} Seal
^{mark}

Executed in presence of us

Edward R. Beany Secy
John H. Willard

William L. Dickinson

James J. Donaway ^{his} Seal
Chauncy Jones ^{mark}

Ben Trist ^{his} Seal
^{mark}

Interpreted

Hon. R. M. Cleveland

March 1. 1855

P. 341/5

Gregory

Report Book 8
Page 347

Re: ~~file~~

Department of the Interior,
Office Indian Affairs,
February March 1. 1855.

Sir:

I have the honor herewith to transmit Articles of agreement and cession made entered into by Superintendent Palmer, on the 4th day of ultimo, with the Chiefs of certain confederated bands of Indians residing in the Willamette Valley of Oregon.

~~An appropriate~~ The ~~est~~ number of acres ceded is estimated by the Superintendent to be 7,500,000, and it is agreed that the Indians shall remain in the country ceded on such temporary reserves as may be designated until a home is provided and improvements made for them. The price to be paid is about \$225,000, being 3 cents per acre.

Should you approve, I would recommend that the Articles be sent to the President to the end that they may be laid before the Senate for its constitutional action thereon.

I deem it ~~proper~~ ^{necessary} to remark that these Articles of agreement have just been received, and from the enclosed copies of papers ~~which~~ which accompanied them, you will perceive that the Superintendent has expedited matters for the purpose of obtaining action on the part of Congress during its present Session; and I would ^{moreover} state ^{that} from the condition of our Indian relations in that region it is very desirable that such action should be had before the close of the Session.

Yours, A. M. Clelland,
Secy of the Interior.

Very respectfully, yr. Obedt
Geo. W. Mayberry, Consul