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RATIFIED TREATY NO. 351
DOCUMENTS RELATING TO THE NEGOTIATION
OF THE TREATY OF NOVEMBER 15, 1865, WITH THE
CONFEDERATED TRIBES OF MIDDLE OREGON

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. Perit 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-hovs-kin band of Snake Indians, hereinafter named, to wit-

Ta-Lake, Chil-o-gue-nas Kellogue, Mo-ghe-Kas-Rit, Blaw, Le-lu-, Palmer, Jack, Lucas, Pro-sak-sutt, Che-mult, Ho-ak, Sum, Moorh-kat-atlick, Torn-tuck-te, Bors-ki-you, Ski-a-tie, Shol-lul-tos, Ta-tet-pas, Mook-has, Herman-n-s-mam, Chiefs and headmen of the Klamaths. Schon-chin, Stak-it-tut, Keint-pors, Chuck-e-i-ox, Chiefs and headmen of the Modoc's, and Kile-to-ak, and Sky-to-ock-et, Chiefs of the Ya-hovs-kin, band of Snakes.

Article I. The Tribes of Indians aforesaid 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 44th 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 divides the waters of Pitt and McCloud rivers, from the waters of the north, - thence along said dividing ridge in an easterly direction to the southern end of Goose Lake. Thence northerly to the northern end of Warner Lake, thence due north to the 44th 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, to 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 mountain on the east side of the Lake thence along said mountain to the point where Sprague's River is intersected by the Ish-tish-la-was-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, Guaranteed that in case other persons than those specified are found upon the Reservation they shall be immediately expelled 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} ~~Guaranteed~~ to Citizens of the United States.

Article II. 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 Six years commencing on the first day of October 1865. or as soon thereafter as this treaty may be ratified.

Six thousand dollars per Annum for the term of six years next succeeding the first period of six years and Three thousand dollars per Annum for the term of six years succeeding the second period. All of which ^{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 six 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 Employees.

Article IV. The United States further agree 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 Planing 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, Planing mill, Carpenter, Blacksmith, and wagon and Plowmaker's 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 Sawyer, One Carpenter, and one Wagon and Plow maker, and for the term of twenty years of one Physician, One Miller, and

two School Trachers.

Article VI. 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 assigned to members of the tribes of Indians parties to this Treaty or such of them as may appear likely to be benefited by the same, under the following restrictions and limitations - to wit -

To each head of a family shall be assigned and granted a tract 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 there on, 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 may hereafter 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 there on.

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 spiritous 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 in this Treaty.

Article XII. 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 foregoing treaty have hereunto set their hands and seals at the place and date above written.

Wm. Pitt Huntington
Supt. Indian Affairs

W. E. Indians agt

Schen-chin Head chief of Meade's
Stark-it-lut- his + mark
Kent-pors. his X mark
Chuck-e-i-ix his X mark

Kile-to-ak Chief of Yak-hors Kin-Sum-
S Ky-te-ock et- X

La Lake Head chief of Klamath his + mark
Phil-o. que-nas his + mark
Kellogue his X mark
Mo-ghen-Kas-Kit- his + mark
Blow his + mark
Li-lu. his + mark
Palmer his X mark
Pack his X mark
Que-ass his X mark
Por-sak-sult his X mark
Che-mult his X mark
No-ak-Sum- his X mark
Moock-Kat-Allick- his + mark
Toon-tuo-te. his + mark
Boos-Ki-you- his + mark
S Ki-at-tie his X mark
Shot-lal-loos his + mark
Tat-tet-pas- his X mark
Mouk-has- his + mark
Herman-Rus-mam- his + mark
Jackson his X mark

Signed in presence of R. P. Earhart
Wm. Kelly Capt 1st Cav Secretary
Oregon Volunteers.

James Hallman,
2nd Lieut 1st Inf. W. T. Vols.
Wm. C. McKay M.D.
Robt Biddle Interpreter

Copy

Office Superintendent - Indian Affairs
Salem, Oregon Dec 8th 1865

Sir,

I transmit - herewith a treaty concluded by me as Commissioner on behalf of the United States with the confederate Tribes and Bands of Indians in Middle Oregon, under the act of Congress approved 30th June 1864. and the instructions contained in your letter of November 4th 1864.

The reasons which I have given in my several reports and letters to your Office upon this subject - when recommending provisions for this Treaty, are equally applicable as arguments in favor of its ratification by the Senate.

I deem it unnecessary to repeat them at this time, but I trust - that you will after further Examination, concur with me as to its importance, and urge it upon the favorable consideration of that body.

The usual hinderance to the confirmation of such treaties - viz, the expenditure involved - is absent in this case.

Congress having already made the necessary appropriation, and it having been placed in my hands some months ago.

Since the death of Agent-Logan and the consequent-vacancy in the Agency at Warm Springs, these Indians have been very discontented, and are a good deal scattered. I have employed Donald McRay as Interpreter, and sent him with some of the more trusty and influential Indians to endeavor to collect and return the stragglers.

I hope to be able to report with the return of Spring, and the installation of a new agent, a better state of Affairs.

Very Respectfully

Your Obedt Servant-

JW Perit Huntington

Supt Indian Affairs

Hon D. N. Cooley,

in Oregon

Commissioner &c

Washington

D.C.