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, 1855

T. F. 351 Item 2

Articles of Agreement and convention entered into at the Warm Springs Indian Agency, Oregon by J. W. Perit Huntington, Supt. 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 enumerated 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 pursuing 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. Bent 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

Tallax × Interpreter
Donald McKay his × mark Interpreter
Charles Lafollett
Capt. 1st Ogn. Inf.
J. W. D. Gillett, Schoolteacher
Myron Reaves, Supt.
Farming Operations

J. W. Kirk Huntington
Supt. Indian Affairs in Oregon, and
acting Commissioner on behalf of the United States

Mark + Head Chief
Wm Chinook × his mark
Kuck up + his mark
Poust am i ne × his mark
Alex zan × his mark
Tas-sinck × his mark
John Mission × his mark
Lock squis squis sa × his mark
Kuck-ups × his mark
Hote × his mark
[illegible]-palt-pel × his mark
[illegible]-ne-wah × his mark
Ump-chil-le-poo + his mark
Shoo-ley × his mark
Tah-koo × his mark
Tum-tsche-cus × his mark
Tow wacks × his mark
Hu[illegible]e-quil-la × his mark
Te ah ki ak × his mark
Chok-te × his mark
Ko tsh × ta × his mark

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

Pauline herself has since come in to Fort Wanath in response to my invitation and assurance, that he should be permitted to depart unharmed. Capt Kelly in charge of that post detained to him my message, and received from him in reply the effect that he was tired of war and ready to make peace if he could have protection. As soon as the snow will permit me to cross the Mountains, I shall go in accordance with your instructions of October 24th 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, upon my next Summer, an end of hostilities and the opening of that rich mineral country to settlement 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 McKay and Capt Lindsay Applegate who acted as Counsellors and Interpreters to the Indians, Lieut Halloran of the 1st U.S. Infantry who commanded the small military escort and Capt Kelly and Lieut Underwood Stationed at Fort Wanath was very valuable to the expedition and aided much in producing it favorable result.

8— 5-7 (over) —7

The treaty is herewith transmitted,

I have the honor to be
Very Respectfully
Your Obt Servt
J W Perit Huntington
Supt Indian Affairs in Oregon

Hon Wm P. Dole
Commissioner &c
Washington D.C.

Oregon Sup. H 110
J.W.P. Huntington
Salem, Oregon
Dec. 11. 64
E J

Submits copy of the treaty made by him with the Klamath & Modoc and other tribes of Indians, also the treaty and [illegible] [illegible]

Treaty sent to Sec. with Rept. Jan 20/65
Acknowledged Jan 25/65

Rec'd Feb 22 1865 Indian Bureau

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10-14-64

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A1061
[Ore., 1864, Encl.]

Estimate of Funds

Required by J W Perit Huntington Supt Indian Affairs for fulfilling treaty stipulations with Klamath Moadoc & Other tribes of Indians in Southeastern Oregon.

Object of Expenditure	Amount
For 1st of 5 installments of Annuity for beneficial Object to be expended under direction of the President as per 2nd Art Treaty of 15th Oct 1864	$8,000 00
" Subsisting Indians first year, purchase of teams, farming implements, tools, seeds, clothing, and provisions, and pay of necessary Employees as per 3d Art Treaty	35,000 00
" Erection of Saw mill per 4th Art Treaty	6,000 00
" Erection of Buildings for Employees &c 4th " "	3,000 00
" " " " School &c 4th " "	1,500 00
" " " " Hospital &c 4th " "	800 00
" Furnishing material for Saw mill, Carpenter, Blacksmith & Wagon & Plowmakers Shops Per 4th Art Treaty	1,500 00
" Pay and Subsistence of One Supt of Farming One Farmer, One Blacksmith, One Sawyer, One Carpenter, One Wagon & Plow maker One Physician And two Teachers as per 5th Art Treaty	9,600 00
" Erection of Agency Buildings	4,000 00
Total	$69,400 00

No Estimate made for the Flouring Mill provided for in Art 4 as it will not be necessary until farms are opened.

Office Supt Indian Affairs
Salem Oregon Dec 10th 1864

J W Perit Huntington

Supt Indian Affairs in Oregon

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

1901-H

Brief of Treaty with Klamath and Modoc Indians of Southern Oregon, of Oct. 15/64

Article I. Cedes "all right, title, and claim" to a tract, commencing where the 44th 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 44th 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 whites 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 II. The U.S. to pay =)

$8000 per annum for five years, 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.

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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 Supt of farming, farmer, Blacksmiths, Sawyer, Carpenter, and wagon maker for 10 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. Regulations may be made securing to the families of allottees their lands at their decease of the latter.

Article VIII. Annuities of the tribes 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 liquor or bring 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 Presit and Senate.

Copy 1864

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

Huntington &
Logan. Comrs

Copy

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 Moadoc Tribes and Ya-hoos-kin band of Snake Indians hereinafter named-to wit.

La-Lake, Chil-O-que-nas, Killogue, Mo-ghen-kas Kit, Blow, Le lu, Palmer, Jack, Que-as, Poo-sak-sult, Che-mult, No-ak-sum, Mooch-Kat-allick, Toon-tuc-te, Boos-ki-you, Ski-a-tic, Shol-las-loos, Ta-tet-pas, Muk-has, Herman-koos mam Chiefs Klamaths, Schon-chin, Stak-it-ut, Keint-poos, Chuck-e-i-ox Chiefs and Headmen of the and head-men of the Moddoc's and Kile-to-ak, and Sky-te-ock-et chiefs of the Ya koos 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 seperates 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 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 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 mountains to the place of beginning. And the tribes afore said 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, Employés of the Indian Department,

and Officers of the army of the United States,
Amendment. ~~guaranteed~~ and 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
Amendment. is ~~guaranteed~~ 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 ~~five~~ period of 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 IIII. 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 employées.

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 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 makers 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 teachers.

Article VII. The United States may in
their discretion, cause a part or the whole
of the Reservation provided for in Article
II. 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 benifitted 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

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 VIII. 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 VIIII. 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 govern= =ment 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 Peirt Huntington
Supt. Indian Affairs (Seal)

Wm Logan
U.S. Indian agt (Seal)

Schow-chin his x mark (Seal)
Stak-it-at his x mark (Seal)
Keint-poos his x mark (Seal)
Chuck-e-i-op his x mark (Seal)

Kilu-to-ak his x mark (Seal)
Sky-to-ock-et his x mark (Seal)

La Lake his x mark (Seal)
Chil-o-que-nas his x mark (Seal)
Kelloque his x mark (Seal)
Neo-ghew-kas kit his x mark (Seal)
Blow his x mark (Seal)
Le-lew his x mark (Seal)
Palmer his x mark (Seal)
Jack his x mark (Seal)
Lue-all his x mark (Seal)
Poo-sak-ault his x mark (Seal)
Che-mult his x mark (Seal)
No-ak-pum his x mark (Seal)
Mooch-kat-allick his x mark (Seal)
Joow-tuc-te his x mark (Seal)
Boss-ki-yow his x mark (Seal)
Ski-at-ic his x mark (Seal)
Shol-lal-loos. his x mark (Seal)

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Tat-tet-pas his x mark (Seal)

Muk-kas his x mark (Seal)

Herman-kus-maw his x mark (Seal)

Jackson his x mark (Seal)

Signed in presence of R. P. Earhart Secretary

Wm Kelly Capt. 1st cav.
Oregon Volunteers

James Halloran
2d Lieut 1st Inf. W.T. Vols.

Wm C. McKay M.D.

Robt " his x mark Biddle