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TREATY WITH THE DIEGUINO, 1852

4 KAPP 1127

January 7, 1852

**LENGTH:** 1409 words

**TEXT:**

TREATY MADE AND CONCLUDED AT THE VILLAGE OF SANTA YSABEL, CALIFORNIA, BETWEEN O. M. WOZENCRAFT, UNITED STATES INDIAN AGENT, AND THE CAPTAINS AND HEAD MEN OF THE NATION OF DIEGUINO INDIANS, JANUARY 7, 1852.

A treaty of peace and friendship made and concluded at the village of Santa Ysabel, California, between the United States Indian agent, O. M. Wozencraft, of the one part, and the captains and head men of the nation of Dieguino Indians, of the other part. nA.

----- Footnote Begin -----

nA. Unratified.

----- Footnote End -----

ARTICLE 1. The several tribes of the abovementioned nation do acknowledge the United States to be the sole and absolute sovereigns of all the soil and territory ceded to them by a treaty of peace made between them and the republic of Mexico.

ART. 2. The said nation of Indians and the several tribes thereof, acknowledge themselves, jointly and severally, under the exclusive jurisdiction, authority and protection of the United States, and hereby bind themselves hereafter to refrain from the commission of all acts of hostility and aggression towards the government or citizens thereof, and to live on terms of peace and friendship among themselves, and with all other Indian tribes which are now or may come under the protection of the United States; and, furthermore, bind themselves to conform to and be governed by the laws and regulations of the Indian bureau, made and provided therefor by the Congress of the United States.

ART. 3. To promote the settlement and improvement of said nations it is hereby stipulated and agreed that the following district of country, in the State of California, shall be and is hereby set apart forever, for the sole use and occupancy of the aforesaid nation of Indians, still reserving to the government of the United States all minerals found thereon, to wit: commencing at the southern line of the State at the eastern base of the Sierra Nevada mountain and on the desert, and running along the base northerly to the southeastern corner of the reservation set apart for the Kah-we-as, San Luis, and Co-con-cah-ra nations of Indians, thence following the southern lines of the same to the northwestern corner of the grant of the San Jose del Valle, thence following the boundaries thereof by south and east to the southeastern corner of it, thence on a right line to the northwestern corner of the San Fleipe grant, thence on the western line of the same to the southwestern corner thereof, thence southerly to the southern line of the State at a point twenty miles from the place of beginning, thence along said southern line to the place of beginning: To have and to hold the said district of country for the sole use and occupancy of the said Indian nation forever: Provided, that there is reserved to the government of the United States the right of way over any portion of said territory, and the right to establish and maintain any military post or posts, public buildings, school-houses, houses for agents, teachers, and such others as they may deem necessary for their use or the protection of the Indians.

The said nations and tribes and each of them, hereby engage that they will never claim any other lands within the boundaries of the United States, nor ever disturb the people of the United States in the free use and enjoyment thereof.

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ART. 4. To the said nation of Indians, in their subsistence while removing to and making their settlement upon the said reservation, the United States will furnish them, free of all charge, one thousand eight hundred head of beef cattle, to average in weight five hundred pounds, three hundred and fifty sacks of flour of one hundred pounds each, within the term of two years from the date of this treaty.

ART. 5. As early as convenient after the ratification of this treaty by the President and Senate, in consideration of the premises, and with a sincere desire to encourage said nation in acquiring the arts and habits of civilized life, the United States will also furnish them the following articles, to be divided among them by the agent according to their respective numbers and wants in the different tribes, during each of the two years succeeding the said ratification, viz: one pair strong pantaloons and one red flannel shirt for each man and boy, one linsey gown for each woman and girl, five thousand five hundred yards of calico, three thousand yards of brown sheeting, sixty pounds Scotch thread, four dozen pairs of scissors, fourteen dozen thimbles, five thousand needles, one 2/1/2 point Mackinaw blanket for each man and woman over fifteen years of age; six thousand pounds of iron and five

thousand five hundred pounds of steel; and in like manner in the first year for the permanent use of said nation, and as the joint property of the several tribes thereof, viz: one hundred and twenty brood-mares and six stallions, five hundred young cows and thirty bulls, fifteen yoke working oxen with yokes and chains, sixteen work mules or horses, thirty-two ploughs assorted sizes, and sixteen grindstones, and the necessary seeds of various kinds.

The stock enumerated above and the product thereof; and no part or portion thereof shall be killed, exchanged, sold or otherwise parted with, without the consent and direction of the agent.

ART. 6. The United States will also employ and settle among said nation, at or near their towns or settlements, one practical farmer, who shall superintend all agricultural operations, with two assistants, men of practical knowledge and industrious habits; one wheelwright, one carpenter, one blacksmith, one principal school-teacher, and as many assistant teachers as the President may deem proper to instruct said nations in reading, writing, &c., and in the domestic arts upon the manual-labor system. All the above-named workmen and teachers to be maintained and paid by the United States for the period of five years, and as long thereafter as the President shall deem advisable.

The United States will also erect suitable school-houses, shops and dwellings for the accommodation of the school teachers, mechanics, agriculturists and assistants above specified, and for the protection of the public property.

In testimony whereof, the parties have hereunto signed their names and affixed, their seals, this seventh day of January, one thousand eight hundred and fifty-two.

O. M. WOZENCRAFT,

United States Indian agent.

For and in behalf of the Dieguino Indians:

SANTIAGO, of Ha-coom, his x mark.

KWA-PI, of Ta-cah-tay, his x mark.

SOLDADO, of Matirom, his x mark.

NE-CAH, by Coo-LIM, of Wah-ti, his x mark. SURDO, of Sa-quan, his x mark.

AT-CHU-CAL, of Ha-soo-malc, his x mark.

TAH-CA-PAN, of Coquilt, his x mark.

LEANDRO, of San Diego mission, his x mark.

TADEO, of San Dieguito, his x mark.

LAZARO, of Santa Ysabel, his x mark.

TOMAS, of Santa Ysabel, his x mark.

AS-SO-TORE, of How-wee Vallcito, his x mark.

PANTHO, of San Pascual, his x mark.

JOSE APAN, of To-co-mac, his x mark.

JUAN PABLO, of Ca-ma-jal, his x mark.

MATEO (Co-nu-po-ip) of Tah-wee, his x mark.

LOENZO, (Cho-lo-pe), of Prickaway, his x mark.

TAMOUROO, of Too-weal, his x mark.

HEPERERA, of Mel-co-to-nac, San Felipe, his x mark. ELOO, of Mat-mak, La Puerta, his x mark

OON-AH-OON, of Lu-ah-pi, his x mark.

FELIPE (Am-coo-si) of Matajuai, his x mark.

Signed, sealed and delivered, after being fully explained, in presence of - -

DELAVIN DAVIDSON, Captain 2d infantry.

E. MURRAY, Lieutenant 2d infantry.

J. J. WARNER.

ADDENDA. - - From the above district of country, set apart for the Indians, is reserved to the present owner thereof, the Hon. J. J. Warner, one square leagueat Aqua Caliente, to be selected by him for the purpose of improving the warm springs at said place, in case the said ownership be adjudicated in his (Warner's) favor by the land commissioners of California. n1.

----- Footnote Begin -----

n1. Act referring claims of the California Indians to the Court of Claims, approved May 18, 1928 (45 Stat. 602)

----- Footnote End -----

J. HAMILTON,

Secretary of the Indian agency.

**LOAD-DATE:** September 28, 1998

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TREATY WITH THE SAN LOUIS REY, ETC., 1852

4 KAPP 1124

January 5, 1852

**LENGTH:** 1515 words

**TEXT:**

TREATY MADE AND CONCLUDED AT THE VILLAGE OF TEMECULA, STATE OF CALIFORNIA, JANUARY 5, 1852, BETWEEN THE UNITED STATES INDIAN AGENT, O. M. WOZENCRAFT, AND THE CHIEFS, CAPTAINS AND HEAD MEN OF THE SAN LOUIS REY, KAH-WE-AS, AND THE CO-COM-CAH-RAS TRIBES OF INDIANS.

A treaty of peace and friendship made and concluded at the village of Temecula, California, between the United States Indian Agent, O. M. Wozencraft, of the one part, and the captains and head men of the following nations, viz: The nation of San Louis Rey Indians, the Kah-we-as, and the tribe of Co-com-cah-ras. nA.

----- Footnote Begin -----

nA. Unratified.

----- Footnote End -----

ARTICLE 1. The several nations above mentioned do acknowledge the United States to be the sole and absolute sovereign of all the soil and territory ceded to them by a treaty of peace made between them and the republic of Mexico.

ART. 2. The said nations of Indians acknowledge themselves, jointly and severally, under the exclusive jurisdiction, authority and protection of the United States, and hereby bind themselves hereafter to refrain from the commission of all acts of hostility and aggression towards the government or citizens thereof, and to

live on terms of peace and friendship among themselves, and with all other Indian tribes which are now or may come under the protection of the United States; and furthermore bind themselves to conform to and be governed by the laws and regulations of the Indian bureau, made and provided therefor by the Congress of the United States.

ART. 3. To promote the settlement and improvement of said nations, it is hereby stipulated and agreed that the following district of country in the State of California shall be and is hereby set apart forever, for the sole use and occupancy of the aforesaid nations of Indians, still reserving to the government of the United States all minerals found thereon, to wit: commencing at the southwest corner of the San Jacinto grant, and running along the southern and eastern line of the same to the San Gorgonio grant; thence running along the southern and eastern line of the same to the northeastern corner thereof; thence due east to the eastern base of the Sierra Nevada mountain; thence on a southerly straight line in the general direction of the base of said mountain to a point due east of the northeastern corner of the grant of San Jose del Valle; thence due west to said corner; thence along the northeastern line of the same to the northwestern corner; thence on a direct line to the southern corner of the grant of Temecula; thence running around said grant, including it, by west, north and east, to its northeastern corner, and from thence on a straight line to the place of beginning. To have and to hold the said district of country for the sole use and occupancy of said Indian nations forever: Provided, That there is reserved to the government of the United States the right of way over any portion of said territory, and the right to establish and maintain any military post or posts, public buildings, school-houses, houses for agents, teachers, and school purposes, and such others as they may deem necessary for its uses or the protection of the Indians. The said nations and their tribes, and each of them, hereby engage that they will never claim any other lands within the boundaries of the United States, nor ever disturb the people of the United States in the free use and enjoyment thereof.

ART. 4. To aid the said nations of Indians in their subsistence while removing to and making their settlement upon the said reservation, the United States will furnish them, free of all charge, with two thousand five hundred head of beef-cattle to average in weight five hundred pounds, three hundred and fifty sacks of flour of one hundred pounds each, within the term of two years from the date of this treaty.

ART. 5. As early as convenient after the ratification of this treaty by the President and Senate, in consideration of the premises, and with a sincere desire to encourage said nations in acquiring the arts and habits of civilized life, the United States will also furnish them with the following articles, (to be divided among them by the agent according to their respective numbers and wants,) during each of the two years succeeding the said ratification, viz: one pair strong pantaloons and one red flannel shirt for each man and boy; one linsey gown for each woman and girl; seven thousand yards calico, seventeen hundred yards of brown sheeting, seventy pounds Scotch thread, four dozen pairs of scissors, fourteen dozen thimbles, five thousand needles, one two and a half point Mackinaw blanket for each man and woman over fifteen years of age; seven thousand pounds of iron and six thousand pounds of steel; and in like manner in the first year for the permanent use of said tribes, and as their joint property, viz: one hundred and thirty brood-mares and seven stallions, six hundred young cows, thirty-six bulls, twenty yoke of working oxen with yokes and chains, twenty work mules or horses, forty-two ploughs, assorted sizes, three hundred and forty corn hoes, one hundred and forty spades, and twenty grindstones. Of the stock enumerated above, and the product thereof, no part or portion shall be killed, exchanged, sold, or otherwise parted with, without the consent and direction of the agent.

ART. 6. The United States will also employ and settle among said nations, at or near their towns or settlements, one practical farmer, who shall superintend all agricultural operations, with two assistants, men of practical knowledge and industrious habits; one carpenter, one wheelwright, one blacksmith, one principal school-teacher, and as many assistant

teachers as the President may deem proper to instruct said nations in reading, writing, &c., and in the domestic arts upon the manual labor system; all the above named workmen and teachers to be maintained and paid

by the United States for the period of five years, and as long thereafter as the President shall deem advisable. The United States will also erect suitable schoolhouses, shops and dwellings for the accommodation of the school-teachers, mechanics, agriculturists and assistants above specified, and for the protection of the public property.

In testimony whereof, the parties have hereunto signed their names and affixed their seals, this fifth day of January, in the year of our Lord one thousand eight hundred and fifty-two.

O. M. WOZENCRAFT,

United States Indian Agent.

For and in behalf of the San Louis Rey Indians:

PEDRO, (Ka-wa-wish) of the Mission, his x mark.

CISTO, (Go-no-nish) of Las Flores, his x mark.

BICENTE, (Poo-clow) of Buena Vista, his x mark.

PABLINO, (Coo-hac-ish) of Pala, his x mark.

FRANCISCO, (Pah-hoo-vole) of Pauna, his x mark.

JOSE, (Cah-lac) of El Potrero, his x mark.

CALISTRO, (Chah-cwal-ish) of Yah-peet-cha, his x mark

SANTIAGO, (Yu-loke) of La Joya, his x mark.

PEDRO, (Pal-e-gish) of La Puerta, his x mark.

BRUNO, (Cwah-si-cat) of Puerta Cruz, his x mark.

YSIDRO, (To-sho-vwul) of Tovin, his x mark.

CERVANTES, (Ca-hal) of Ahuanga, his x mark.

LAURIANO, (Cah-par-ah-pish) of Temecula, his x mark.

JOSE NOCA, (Chan-gah-lang-ish) of Agua Caliente, his x mark.

JOSE YGNACIO, (Tesh-mah-ken-ma-wish) of San Ysidro, his x mark.

For and in behalf of the Kah-we-as nation of Indians:

JUAN ANTONIO, (Coos-woot-na) chief, his x mark.

LEONARDO, (Parlewit) of the people of Razon, his x mark.

For and in behalf of the people of Too-va:

FRANCISCO JAVIEL, ( - - ) of Tierra Seca, his x mark.

JOSE, (Coos-pa-om-nu-it) of Pah-nuc-say, the country of Cabezon, his x mark.

JUAN, (Kah-we-a) of Pal-se-wish, his x mark.

GINIO, ( - - ) of Wah-ne-pe-ah-pa, his x mark.

YLARIO, (Sahtoo) of Wah-kigh-na, his x mark.

TEODORO, (Chu-cal) alcalde of Juan Antonio and of Cah-be-nish, or Palma Seca, his x mark.

YGNACIO, (Chin-gal) of the people of Toro of Pal-kay-witch-ish, or Agua Corta, his x mark.

JUAN BAUTISTA, (Sah-at) of Pow-ky, his x mark.

GERONIMO, ( - - ) of Co-ro-vang-ang, his x mark.

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VICTORIANO, (Kwe-vish) of Sow-wah-wah, his x mark.

For and in behalf of the people or tribe of Cocom-cah-ras, alias Seranos:

EHETERIO, ( - - ) of Maronga, his x mark.

Signed, sealed and delivered, after being fully explained, in the presence of - -

J. J. WARNER,

G. WILLIAMS,

L. D. VINSONHALER,

R. SACKETT,

J. HAMILTON, Secretary.

ADDENDA. - - In case the government of the United States and the actual proprietor of the Temecula grant cannot agree upon its purchase, the said government agrees to add some other portion of territory of equal extent to the above described Indian grant.

J. J. WARNER, Witness.

L. D. VINSONHALER, Witness.

G. WILLIAMS, Witness.

R. SACKETT, Witness.

O. M. WOZENCRAFT,

United States Indian Agent.

**LOAD-DATE:** September 28, 1998

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TREATY WITH THE UPPER KLAMATH, SHASTA AND SCOTT'S RIVER, 1851

4 KAPP 1121

November 4, 1851

**LENGTH:** 2588 words

**TEXT:**

TREATY MADE AND CONCLUDED AT CAMP, IN SCOTT'S VALLEY, SHASTA COUNTY, STATE OF CALIFORNIA, NOVEMBER 4, 1851, BETWEEN REDICK M'KEE, ONE OF THE COMMISSIONERS ON THE PART OF THE UNITED STATES, AND THE CHIEFS, CAPTAINS AND HEAD MEN OF THE UPPER KLAMATH, SHASTA, AND SCOTT'S RIVER TRIBES OF INDIANS.

A treaty of peace and friendship made and concluded at camp, in Scott's valley, Shasta county, California, between Redick McKee, one of the Indian agents specially appointed to make treaties with the various Indian tribes in California, on the part of the United States, and the undersigned chiefs, captains and head men now in council at this camp, representing the Upper Klamath, Shasta, and Scott's river Indians, residing severally in twenty-four, nineteen, and seven rancherias or villages, and known as the O-de-i-lah tribe or band, I-shack chief, from the Upper Klamath river; I-ka-ruck tribe or band, Tso-hor-git-sko chief; Ko-se-tah tribe or band, Ada-war-how-ik chief; I-da-kar-i-waka-ha tribe or band, I-da-kar-i-waka-ha chief, from Shasta valley; Wat-sa-he-wa tribe or band, Ar-rats-a-cho-i-ca chief; E-eh tribe or band, An-na-nik-a-hok chief, from Scott's valley. nA.

----- Footnote Begin -----

nA. Unratified.

----- Footnote End -----

ARTICLE 1. The said tribes or bands acknowledge themselves jointly and severally under the exclusive jurisdiction, authority and protection of the United States, and hereby bind themselves to refrain hereafter from the commission of all acts of hostility or aggression towards the government or citizens thereof, to live on terms of peace and friendship among themselves and with all other Indian tribes which are now or may hereafter come under the protection of the United States.

ART. 2. To preserve the peace and friendship hereby established between the United States and the said tribes or bands, it is understood and agreed that for injuries received on either side, no private revenge or retaliation shall take place or be attempted; but instead thereof complaints shall be made by the party aggrieved to the other, through the Indian agent or sub-agent of the United States for their district, who shall investigate, and, if practicable, adjust the difficulty; and in case of acts of violence being committed upon the person or property of a citizen or citizens of the United States by an Indian or Indians belonging to or harbored by either of said tribes or bands, the party or parties charged with the commission of the crime shall be promptly delivered up when demanded of the chiefs by the said agent or a duly authorized officer of the county, to be tried for the alleged offence by the civil authorities of the State of California; and in case the crime has been committed by a citizen or citizens of the United States upon the person or property of an Indian or Indians of either of said tribes or bands, the agent shall take all proper measures to bring the offender or offenders to trial in the same way.

ART. 3. The said tribes or bands for and in consideration of the premises, and of the stipulations and promises hereinafter contained, hereby jointly and severally sell, cede, relinquish, and forever quit claim to the United States, all their right, title, claim or interest of any kind which they or either of them have to the lands they now occupy, and to all other lands or soil in California.

ART. 4. To promote the permanent settlement and improvement of said tribes or bands, it is hereby stipulated and agreed that the following described tract or district of country shall be appropriated and set apart as an Indian reservation, and the use and possession thereof forever guaranteed to the said tribes or bands and their successors, equally with such other Indian tribes or bands and their successors, as the United States may hereafter remove from the waters of the Klamath or Trinity rivers of elsewhere in northern California, and settle thereupon, to wit: commencing at a point on the easterly side of Scott's valley, about six miles above the cabin or improvement generally known as Watson, Gee & Company's ranch, where two cedar trees stand upon the southwest side of a bald hill, and midway between the said cedars; thence running in a southwesterly direction across the said valley to a point projecting into the same, behind which stands a conical peak called Seino's peak; thence over the same and over said peak to the summit of the dividing ridge between the waters of Scott's and Klamath rivers; thence following the same

to where a divide runs northward to a creek or large brook entering the Klamath from the northward next above the one entering at Murderer's bar, and known as Indian creek; thence along said divide and across the Klamath river to the mouth of said creek; thence up the main fork of said creek to the forty-second parallel of north latitude; thence eastward along said parallel to a point due north of a point where the ridge dividing the waters of Scott's river from the waters of Humbug creek terminates at or near the Klamath; thence due south, crossing the Klamath river, to said point; thence following said divide and the divide separating the waters of Scott's river from the waters of Shasta river to a point in a line with the place of beginning, and thence southwesterly to said place of beginning; said tract being by estimation twenty-four miles in length from northwest to southeast by fifteen miles in average width, and containing between four and five square miles of tillable land, Provided, however, That those citizen of the United States who are now engaged in mining, raising, or washing gold upon that part of Scott's river lying between the first creek entering the same from the north, above the town of Scott's bar and the mouth of said river, shall be permitted to hold and work the claims of which they are now in actual possession for the term of two years from the date of this instrument, unless sooner exhausted; and Provided further, That such other citizens of the United States as have already thrown up earth or raised ore on any other part of said reserve shall be allowed until the first day of June next to wash the same, and that those having cabins or other improvements already erected on said reservation shall be permitted to occupy and enjoy the same, free from molestation, until said first day of June, eighteen hundred and fifty-two, and no longer. It is also further provided, That the said tribes or bands shall never sell or alienate their right or claim to any part thereof except to the United States, nor shall they ever

lease to or permit white men to settle, work, or trade upon any part thereof without the written permission of the United States Indian agent for the district. It is agreed and understood, however, that the United States reserves the right of way over said lands, and of using for farming purposes any quantity thereof not exceeding one thousand acres; also the right to establish such military post or posts, erect such buildings, and make such other improvements for the accommodation of an Indian agent and other officers or servants as the President may direct.

ART. 5. The said tribes or bands agree and hereby bind themselves to remove to and settle permanently upon said reservation, within two years from the date hereof, or sooner if thereto required by the Indian agent of the United States; and whenever said removal and settlement shall take place, the United States with a desire to encourage them in acquiring a knowledge of letters, agriculture, and the mechanic arts, will employ and settle among them upon said reservation, one principal school-teacher, with three male and female assistant teachers to instruct said tribes in the different branches of a common-school education and in the domestic arts of sewing and house-keeping, upon the manual labor system; also one practical farmer who shall assist said tribes in cultivating the soil and act as superintendent of agricultural operations, with two assistant farmers, one carpenter or worker in wood who shall direct and aid in the construction of houses, repairing wagons, &c., and one blacksmith or worker in iron also to be employed for their assistance and convenience; all of the above teachers, farmers, and mechanics to be paid and maintained upon said reservation by the United States for the period of five years, and as long thereafter as the President may deem advisable; also that the United States will erect suitable dwellings, school-houses and shops for the accommodation of an agent, and of the teachers, farmers and mechanics above specified, and store-houses for the protection of the public property.

ART. 6. The United States will also appoint and settle among said tribes upon said reservation, an agent or sub-agent of the Indian department to carry out the stipulations of this treaty and the general laws and regulations of the Indian department pertaining to the government and improvement of said tribes; and until the United States shall have established a military post on or in the neighborhood of said reservation, with a regular physician or surgeon attached thereto, the United States Indian agent for the district shall be authorized, and is hereby directed to employ at the expense of the United States, an experienced physician to reside on said reservation, attend to the sick among either whites or Indians, and especially

to vaccinate the members of each tribe; and when said military post shall be established, the services of the surgeon thereto attached may be substituted by said agent for those of the physician first employed, allowing him therefor a reasonable compensation.

ART. 7. To aid said tribes or bands in their subsistence while removing to and making their settlement upon said reservation, the United States, in addition to twelve head of beef cattle, twenty sacks (one thousand pounds) of flour, and numerous other presents of blankets, shirts, &c., given to them at this camp, will furnish them free of charge, during each of the years 1852 and 1853, with two hundred head of beef cattle, to average in weight five hundred pounds net, and two hundred sacks (equal to twenty thousand pounds) of flour, five hundred pair of two and a half point Mackinaw blankets, five hundred pairs strong pantaloons, five hundred cotton (hickory) shirts, five hundred red flannel shirts, six hundred linsey gowns for women, and girls, three thousand yards of calico, three thousand yards 4-4 brown sheetings, twenty-five pounds of Scotch thread, five thousand needles, assorted, one gross of thimbles, ten pounds of pins, twelve dozen scissors, fifty dozen common size butcher knives, five hundred pea-jackets of heavy, strong cloth, assorted, one thousand pounds of salt, one hundred hatchets, all to be distributed among them by the agent, according to their respective numbers.

ART. 8. As early as convenient after the ratification of this treaty by the President and Senate, and the settlement of said tribes or bands upon said reservation, the United States will also furnish them with twenty-four brood mares and one stallion, thirty milch cows and one bull, fifty sheep, ten hogs (both sexes,) four yoke of work cattle, with yokes, chains, &c., two breaking ploughs, ten small ploughs, two ox wagons, one mule wagon, seeds of all proper kinds for sowing and planting, eight work mules or horses with harness, one hundred heavy spades, twelve mattocks, four hundred garden or corn hoes, two hundred chopping axes, common size, with handles, two hundred chopping axes, small size, with handles, two hundred sheet-iron camp-kettles, first size, two hundred sheet-iron camp-kettles, second size, four hundred tin pans, (two hundred large size, two hundred small size,) one set of blacksmithing tools, one set of carpenter's tools, three thousand pounds of iron, five hundred pounds of steel, assorted, fifty dozen pint tin cups, fifty dozen tin plates, fifty dozen iron-lined spoons, three United States. The stock enumerated above, and the product thereof, together with the farming utensils and mechanical tools to be held as the joint property of said tribes or bands, the former to be marked or branded with such letters or marks as will at all times designate the same to be their property, and no part or portion thereof shall be killed, exchanged, sold, or otherwise parted with, without the assent and direction of the agent.

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ART. 9. It is further agreed, that the United States will fence in with a good board or post and rail fence, preparatory to breaking up the soil for planting, one thousand acres of land; and if, by the year 1853, the said tribes or bands shall not be in a situation to provide themselves with food and clothing, and the agent for their district shall so recommend, the President, in his discretion, may order for their use, in the year 1854, a like or smaller quantity of the articles enumerated in article 7 to be provided for the years 1852 and 1853.

ART. 10. It is further understood and agreed that within the line of the reservation referred to and described in article 4, there shall be retained and set apart a belt or border of one mile in width on the eastern and southern sides or lines thereof, whereon it shall not be lawful for either Indians or white men to settle on or remain, or to pass over except by the highways or roads running through the same, but the same shall be exclusively within the jurisdiction of the United States.

ART. 11. The said tribes or bands hereby bind themselves to deliver up within sixty days from the date hereof, all horses, mules, or other property which may be in their possession, stolen from the whites, the claimants making proof of ownership before the agent or such person as he may designate to act in his absence, or before a magistrate or judge of the county of Shasta; all such property claimed but not clearly identified, to be returned to the Indians.

In testimony whereof, the parties have hereunto signed their names and affixed their seals, this fourth day of November, anno Domini eighteen hundred and fifty-one.

REDICK McKEE,

United States Indian Agent.

For and in behalf of the O-de-i-lah tribe or band from the Upper Klamath river:

I-SHACK, his x mark.

E-EH-NE-QUA, his x mark.

PI-O-KUKE, his x mark.

SA-NAK-A-HA, his x mark.

For and in behalf of the I-ka-ruck tribe or band in Shasta valley:

TSO-HOR-GIT-SKO, his x mark.

CHE-LE-NA-TUK, his x mark.

For and in behalf of the Ko-se-tah tribe or band in Shasta valley:

ADA-WAR-HOW-IK, his x mark.

QUAP-SOW-A-HA, his x mark.

For and in behalf of the Ida-kar-i-waka-ha tribe or band in Shasta valley:

A-LAT-SE-WAK-A-NA, his x mark.

IDA-KAR-I-WAK-A-HA, his x mark.

For and in behalf of the Wat-sa-he-wa tribe or band in Scott's valley:

AR-RATS-A-CHO-I-CA, his x mark.

For and in behalf of E-eh tribe or band in Scott's valley:

AN-NA-NIK-A-HOK, his x mark.

SUN-RISE, his x mark.

Signed, sealed and delivered, after being fully explained, in presence of - -

JOHN McKEE, Secretary.

GEORGE GIBBS, Interpreter.

LINDLEY ABEL, Interpreter.

W. T. SMITH.  
 F. H. McKINNEY.  
 C. McDERMIT.  
 SAMUEL FLEMING.  
 WALTER McDONALD.  
 C. FULTON.  
 WM. H. BURGESS.  
 EDWARD HICKS.  
 WILLIAM DAIN.  
 LIRY SWAN.  
 GEO. W. TAIT.

**LOAD-DATE:** September 28, 1998

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TREATY WITH THE POHLIK OR LOWER KLAMATH, ETC., 1851

4 KAPP 1117

October 6, 1851

**LENGTH:** 2131 words

**TEXT:**

TREATY MADE AND CONCLUDED AT CAMP KLAMATH, AT THE JUNCTION OF KLAMATH AND TRINITY RIVERS, STATE OF CALIFORNIA, OCTOBER 6, 1851, BETWEEN REDICK MCKEE, INDIAN AGENT ON THE PART OF THE UNITED STATES, AND THE CHIEFS, CAPTAINS AND HEAD MEN OF THE POHLIK OR LOWER KLAMATH &c., TRIBES OF INDIANS.

A treaty of peace and friendship made and concluded at Camp Klamath, at the junction of the Klamath and Trinity rivers, between Redick McKee, one of the Indian agents specially appointed to make treaties with the various Indian tribes in California, on the part of the United States, and the chiefs, captains, and head men of the tribes or bands of Indians now in council at this camp, representing the Poh-lik or lower Klamath, the Peh-tsick or upper Klamath, and the Hoo-pah or Trinity river Indians; containing also stipulations preliminary to future measures to be recommended for adoption, on the part of the United States. nA.

----- Footnote Begin -----

nA. Unratified.

----- Footnote End -----

ARTICLE 1. The said tribes or bands acknowledge themselves, jointly and severally under the exclusive jurisdiction, authority and protection of the United States; and hereby bind themselves to refrain hereafter from the commission of all acts of hostility or aggression towards the government or citizens thereof, and to live on terms of peace and friendship

among themselves, and with all other Indian tribes which are now or may hereafter come under the protection of the United States.

ART. 2. Lest the peace and friendship established between the United States and the said tribes should be interrupted by the misconduct of individuals, it is expressly agreed that, for injuries received on either side, no private revenge or retaliation shall take place or be attempted; but instead thereof, complaints shall be made by the party aggrieved to the other, through the Indian agent of the United States in their district, whose duty it shall be to investigate, and, if practicable, adjust the difficulty; or, in case of acts of violence being committed upon the person or property of a citizen of the United States by an Indian or Indians belonging to or harbored by either of said tribes or bands, the party or parties charged with the commission of the crime shall be promptly delivered up when demanded, to the civil authorities of the State of California for trial; and in case the crime has been committed by a citizen or citizens of the United States upon the person or property of an Indian or Indians of either of said tribes, the agent shall take all proper measures to bring the offender or offenders to trial in the same way.

ART. 3. The said tribes or bands hereby jointly and severally relinquish, cede, and forever quit claim to the United States, all their right, title, claim or interest of any kind which they or either of them have to lands or soil in California.

ART. 4. To promote the settlement and improvement of said tribes or bands, it is hereby stipulated and agreed, on the part of the United States, that the following tract of district of land shall be appropriated and set apart as an Indian reservation, and the use and possession thereof forever guaranteed to the said tribes, their successors, and to such other tribes as the United States may hereafter remove from other parts of the valleys of the Trinity or Klamath rivers, or the country adjacent, and settle thereupon, to wit: commencing at the mouth of a stream called John's creek, emptying into Trinity river on the north side thereof, about fourteen miles above this camp; thence running up the middle of the same with its windings, to a distance of five miles; thence north to the summit of the dividing ridge between the waters of the Trinity and Klamath rivers; thence northwestwardly in a straight line to a point on said Klamath river opposite the lower end of what is now known as "Red Cap's" bar; thence due west to the summit of the first ridge lying beyond the Klamath river; thence southwestwardly along the summit of said ridge to a point due north of the mouth of Pine creek; thence south to the mouth of Sand creek; thence up Pine creek with its windings, to a point due south of the place of beginning; and thence north to said place of beginning. The said reservation including, by estimation, a tract twenty miles in length by twelve miles in width, and containing in all six or seven square miles of farming land. It is, however, understood and agreed that the United States reserves the right of way over said lands, and of using for farming purposes any quantity thereof not exceeding one thousand acres; also the right to establish such military posts, erect such buildings, and make such improvements for the accommodation of their agent and other officers or servants as the President may direct; also that said tribes or bands shall never sell or alienate their right or claim to any part thereof, except to the United States, nor shall they ever lease to or permit white men to settle, work or trade upon any part thereof without the written permission of the United States Indian agent for the district.

ART. 5. It is further stipulated and agreed that the said tribes or bands shall, within three years from the date hereof, or sooner, if thereto required by the United States, remove to and settle upon said reservation; and that whenever said removal and settlement shall be ordered by the United States or made by said tribes, such farmers, mechanics, and school-teachers to instruct them in the language, arts, and agriculture of the whites as the President may deem expedient and proper, shall be assigned, provided for, and settled among them, so as to place the Indians on said reservation in a situation as favorable for their improvement (being in like manner supplied with facilities for farming, stock-raising, &c.,) as by the treaty of Lu-pi-yu-ma on the 20th day of August, 1851, is stipulated to be assigned to and provided for the Clear Lake Indians. It is understood, however, that if upon examination by the Indian agent it is found that any of the articles or supplies provided in said treaty for the Clear Lake Indians shall be unnecessary for or unsuited to the Indians on the Trinity and Klamath, the President may in his discretion withhold the same, and invest the value thereof in other and more suitable goods. And it is further expressly agreed and understood that if either of said tribes or bands, or other Indians harbored by them shall be guilty of theft, robbery or murder, either upon the persons and property of Indians or whites, the United States may exclude such tribe or band from all the benefits of this treaty.

ART. 6. As early as convenient after the ratification of this treaty by the President and Senate, the United States will deliver to the said Klamath and Trinity Indians, through their agent, during each of the years 1852 and 1853, viz: five hundred pairs two and a half point Mackinaw blankets, five hundred pairs strong cotton pantaloons, five hundred cotton (hickory) shirts, five hundred red flannel shirts, five hundred strong cotton or linsey gowns, three thousand yards of calico, three thousand yards of four-fourths brown sheetings, thirty pounds Scotch thread, five thousand needles, six dozen pairs scissors, two gross thimbles, ten pounds pins, ten dozen nine-inch flat files, thirty-five dozen large size butcher knives, ten mattocks, one hundred garden or corn hoes, two hundred chopping axes, handled, common size, two hundred chopping

## 4 KAPP 1117

axes, handled, small size; one hundred sheetiron camp kettles, large size; one hundred sheet-iron camp kettles, second size.

It is understood, however, that the agent shall use a sound discretion as to the time when, and the tribes or persons to whom the said goods shall be distributed, having reference to their peaceful disposition and good conduct.

ART. 7. In consideration of the premises, the United States, in addition to the numerous presents of beef, bread, sugar, blankets, shirts, &c., &c., made to said tribes at this camp, will, within sixty days from the date hereof, furnish them free of charge at the ferry of C. W. Durkee, in Klamath river, to enable them to rebuild the houses recently destroyed by the whites, with four dozen chopping axes, handled, ten sacks of hard bread, and four bullocks, sixteen pairs heavy blankets, to be distributed among them by said Durkee, according to their respective losses.

ART. 8. These articles to be binding upon the contracting parties when ratified by the President and Senate of the United States.

In testimony whereof the parties have hereunto signed their names and affixed their seals this sixth day of October, anno Domini 1851.

REDICK McKEE,

United States Indian Agent for California.

For and in behalf of the Wetch-peck tribe, living at mouth of Trinity:

WUCK-UG-GRA, his x mark.

WA-PE-SHAW, his x mark.

SA-SA-MICH, his x mark.

EN-QUA or AMOS, his x mark.

For and in behalf of Wuh-si tribe, living three miles below mouth of Trinity river:

MO-RU-KUS, his x mark.

For and in behalf of the Cap-pel tribe:

MAH-ON, his x mark.

For and in behalf of the Mor-ri-ahs:

MAH-ON, his x mark.

WUS-SUR, his x mark.

UP-PER-GASH, his x mark.

For and in behalf of the Ser-a-goines:

UP-LA-GO-PUS, his x mark.

MOO-ROO-KUS, his x mark.

SA-ET-MA-GEHL, his x mark.

For and in behalf of the Pak-wan tribe:

CAP-PEL-LA-WAH, his x mark.

For and in behalf of the Ut-cha-pah tribe, living near the mouth of Bluff creek:

E-NE-NUCK, his x mark.

MOW-WEIGHT, his x mark.

For and in behalf of the Up-pa-goines, living near "Red Cap's" bar, on Klamath river:

KEE-CHAP, his x mark.

## 4 KAPP 1117

RED CAP or MIK-KU-REE his x mark.

For and in behalf of the Sa-von-ra tribe:

SA-VON-RA, his x mark.

UP-PA-GRAH, his x mark.

EX-FIN-E-PAH, his x mark.

For and in behalf of Cham-ma-ko-nee tribe:

KA-TOP-KO-RISH, his x mark.

For and in behalf of the Coc-ko-man tribe:

PA-NA-MO-NEE, his x mark.

For and in behalf of the Chee-nah tribe, living ten miles below mouth of Salmon river:

AK-KA-REE-TA, his x mark.

For and in behalf of the Hoo-pahs or Trinity river Indians, residing in twelve rancherias or villages:

Principal chief, AH-ROOK-KOS, his x mark.

TE-NAS-TE-AH or JOHN, his x mark.

MET-POOKA-TA-MAH, his x mark.

NIC-A-WA-EN-NA, his x mark.

WASH-TEN, his x mark.

Signed, sealed and delivered, after being duly explained, in presence of - -

JOHN MCKEE, Secretary.

C. W. DURKEE, Interpreter.

GEORGE GIBBS, Interpreter.

H. W. WESSELLS, Brevet Major, U.S.A., commanding escort

WALTER VAN DYKE, Interpreter.

GEO. W. ELLSWORTH, Interpreter.

MORRIS S. THOMPSON, Interpreter.

WALTER MCDONALD, Interpreter. A TREATY SUPPLEMENTARY TO THE FOREGOING TREATY

The undersigned chiefs, captains and head men of the Si-wah, Op-pe-o, He-ko-neck and In-neck tribes or bands of Indians, residing at and near to the mouth of the Cor-a-tem or Salmon river, having had the terms and stipulations of the foregoing treaty, concluded at Durkee's ferry on the 6th instant, fully explained to them by Redick McKee, Indian agent of the United States, having expressed an earnest desire to become parties to the said treaty in all its articles and stipulations, it is therefore agreed by and between the said agent and the said chiefs, &c., that the said bands be and hereby are admitted as parties to the same, and to the advantages thereof, and become bound by the stipulations therein contained as fully in all respects as if they had been parties thereto originally.

In testimony whereof the parties have hereunto signed their names and affixed their seals at Camp Cor-a-tem, near mouth of Salmon river, this twelfth day of October, anno Domini, 1851.

REDICK McKEE,

United States Indian Agent

For and in behalf of the Si-wah band:

ESSE-PISH-I-A, his x mark.

4 KAPP 1117

RES-SOW, his x mark.

CHEE-FEE-CHA, his x mark.

PI-RA-TEEM, his x mark.

For and in behalf of the Op-pe-o band:

CA-POR-U-PUCK, his x mark.

PEEK-NEETS, his x mark.

For and in behalf of the He-ko-neck band:

YAH-FEE-PAH, his x mark.

HON-A-PUCK-IF-MA, his x mark.

For and in behalf of the In-neck band:

SISH-KAH, his x mark.

Signed, sealed and delivered after the foregoing treaty of 6th instant, and this addenda had been fully explained in presence of - -

JOHN MCKEE, Secretary.

C. W. DURKEE, Interpreter.

GEORGE GIBBS.

H. W. WESSELLS, Brevet Major U.S.A., commanding escort

JOHN S. GRIFFIN, Assistant Surgeon U.S.A.

WALTER MCDONALD.

**LOAD-DATE:** September 28, 1998

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TREATY WITH THE CU-LU, YAS-SI, ETC., 1851

4 KAPP 1115

September 18, 1851

**LENGTH:** 1069 words

**TEXT:**

TREATY MADE AND CONCLUDED AT THE FORK OF THE COSUMNES RIVER, SEPTEMBER 18, 1851, BETWEEN O. M. WOZENCRAFT, UNITED STATES INDIAN AGENT, AND THE CHIEFS, CAPTAINS, AND HEAD MEN OF THE CU-LU, YAS-SI, ETC., TRIBES OF INDIANS.

A treaty of peace and friendship made and concluded at the fork of Cosumnes river, between the United States Indian Agent, O. M. Wozencraft, of the one part, and the chiefs, captains, and head men of the following tribes, viz: Cu-lu, Yas-si, Loc-lum-ne, and Wo-pum-nes. nA.

----- Footnote Begin -----

nA. Unratified.

----- Footnote End -----

ARTICLE 1. The several tribes or bands above mentioned do acknowledge the United States to be the sole and absolute sovereign of all the soil and territory ceded to them by a treaty of peace between them and the republic of Mexico.

ART. 2. The said tribes or bands acknowledge themselves jointly and severally under the exclusive jurisdiction, authority and protection of the United States, and hereby bind themselves hereafter to refrain from the commission of all acts of hostility and aggression towards the government or citizens thereof, and to live on terms of peace and friendship among themselves and with all other Indian tribes which are now or may come under the protection of the United States; and furthermore bind themselves to conform to, and be governed by the laws and regulations of the Indian Bureau, made and provided therefor by the Congress of the United States.

ART. 3. To promote the settlement and improvement of said tribes or bands, it is hereby stipulated and agreed that the following district of country in the State of California shall be and is hereby set apart forever for the sole use and occupancy of the aforesaid tribe of Indians, to wit: commencing at a point on the Cosumnes river, on the western line of the county, running south on and by said line to its terminus, running east on said line twenty-five miles, thence north to the middle fork of the Cosumnes river, down said stream to the place of beginning; to have and to hold the said district of country for the sole use and occupancy of said Indian tribes forever. Provided, That there is reserved to the government of the United States the right of way over any portion of said territory, and the right to establish and maintain any military post or posts, public buildings, school-houses, houses for agents, teachers, and such others as they may deem necessary for their use or the protection of the Indians. The said tribes or bands, and each of them, hereby engage that they will never claim any other lands within the boundaries of the United States, nor ever disturb the people of the United States in the free use and enjoyment thereof.

ART. 4. To aid the said tribes or bands in their subsistence, while removing to and making their settlement upon the said reservation, the United States, in addition to the few presents made them at this council, will furnish them, free of charge, with five hundred (500) head of beef cattle, to average in weight five hundred (500) pounds, two hundred (200) sacks of flour, one hundred (100) pounds each, within the term of two years from the date of this treaty.

ART. 5. As early as convenient after the ratification of this treaty by the President and Senate, in consideration of the premises, and with a sincere desire to encourage said tribes in acquiring the arts and habits of civilized life, the United States will also furnish them with the following articles, to be divided among them by the agent, according to their respective numbers and wants, during each of the two years succeeding the said ratification, viz: one pair of strong pantaloons and one red flannel shirt for each man and boy, one linsey gown for each woman and girl, four thousand yards of calico and one thousand yards brown sheeting, forty pounds Scotch thread, two dozen pairs of scissors, eight dozen thimbles, three thousand needles, one two and a half point Mackinaw blanket for each man and woman over fifteen (15) years of age, four thousand pounds of iron and four hundred pounds of steel, and in like manner in the first year, for the permanent use of the said tribes, and as their joint property, viz: seventy-five brood mares and three stallions, three hundred milch cows and eighteen bulls, twelve yoke of work cattle with yokes and chains, twelve work mules or horses, twenty-five ploughs, assorted sizes, two hundred garden or corn hoes, eighty spades, twelve grindstones. Of the stock enumerated above, and the product thereof, no part or portion shall be killed, exchanged, sold, or otherwise parted with, without the consent and direction of the agent.

ART. 6. The United States will also employ and settle among said tribes, at or near their towns or settlements, one practical farmer, who shall superintend all agricultural operations, with two assistants, men of practical knowledge and industrious habits, one carpenter, one wheelwright, one blacksmith, one principal school-teacher, and as many assistant teachers as the President may deem proper to instruct said tribes in reading, writing, &c., and in the domestic arts, upon the manual labor system; all the above-named workmen and teachers to be maintained and paid by the United States for the period of five years, and as long thereafter as the President shall deem advisable. The United States will also erect suitable school-houses, shops and dwellings, for the accommodation of the school teachers and mechanics above specified, and for the protection of the public property.

In testimony whereof, the parties have hereunto signed their names and affixed their seals this eighteenth day of September, in the year of our Lord one thousand eight hundred and fifty-one.

O. M. WOZENCRAFT,  
United States Indian Agent.

4 KAPP 1115

For and in behalf of the Cu-lu:

MI-ON-QUISH, his x mark.

For and in behalf of the Yas-si:

SAN-TEA-GO, his x mark.

For and in behalf of the Loc-lum-ne:

POL-TUCK, his x mark.

For and in behalf of the Wo-pum-nes:

HIN-COY-E, his x mark.

MAT-TAS, his x mark.

HOL-LOH, his x mark.

BOY-ER, his x mark.

Signed, sealed and delivered, after being fully explained, in presence of - -

FLAVEL BELCHER.

J. B. MCKINNIE.

WILLIAM RHOAD.

**LOAD-DATE:** September 28, 1998

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TREATY WITH THE COLUS, WILLAYS, ETC., 1851

4 KAPP 1114

September 9, 1851

**LENGTH:** 1161 words

**TEXT:**

TREATY MADE AND CONCLUDED AT CAMP COLUS, ON SACRAMENTO RIVER, CALIFORNIA, SEPTEMBER 9, 1851, BETWEEN O. M. WOZENCRAFT, UNITED STATES INDIAN AGENT, AND THE CHIEFS, CAPTAINS, AND HEAD MEN OF THE COLUS, WILLAYS, &C., TRIBES OF INDIANS.

A treaty of peace and friendship made and concluded at Camp Colus, on the Sacramento river, California, between the United States Indian Agent O. M. Wozencraft, of the one part, and the chiefs, captains and head men of the following tribes or bands, viz: Colus, Willays, Co-ha-na, Tat-nah, Cha, Doc-duc, Cham-net-co, Toc-de. nA.

----- Footnote Begin -----

nA. Unratified.

----- Footnote End -----

## 4 KAPP 1114

ARTICLE 1. The several tribes or bands above mentioned do acknowledge the United States to be the sole and absolute sovereign of all the soil and territory ceded to them by a treaty of peace made between them and the republic of Mexico.

ART 2. The said tribes or bands acknowledge themselves, jointly and severally, under the exclusive jurisdiction, authority and protection of the United States, and hereby bind themselves hereafter to refrain from the commission of all acts of hostility and aggression toward the government or citizens thereof, and to live on terms of peace and friendship among themselves, and all other Indians which are now or may come under the protection of the United States.

ART 3. To promote the settlement and improvement of said tribes or bands, it is hereby stipulated and agreed that the following districts of country in the State of California shall be and is hereby set apart forever, for the use and occupancy of the aforesaid tribes or bands, to-wit: commencing on the east bank of the Sacramento river, at a point where the northern line of Sutter's claim is said to strike said river, running out in said line in an easterly direction three miles; thence in a southeasterly direction fifteen miles to a point within three miles of the Sacramento river; from said point in a line due west to the Sacramento river, and from said point up said river to the point of beginning. It is furthermore understood and agreed upon by both parties that the tribes or bands of Indians living upon the adjacent coast range, on the Sacramento river from the mouth of Stone creek to the junction of Feather and Sacramento rivers, and on Feather river to the mouth of Yuba river, shall be included in the said reservation; and should said bands not come in, then the provisions, &c., as set apart in this treaty, to be reduced in a ratio commensurate with the numbers signing the treaty. Provided, That there is reserved to the United States government the right of way over any portion of said territory, and the right to establish and maintain any military post, public building, school-house, houses for agents, teachers, and such others as they may deem necessary for their use or the protection of the Indians. The said tribes or bands, and each of them, hereby engage that they will never claim any other lands within the boundaries of the United States, nor ever disturb the people of the United States in the free use and enjoyment thereof.

ART. 4. To aid the said tribes or bands in their subsistence while removing to and making allotments upon the said reservation, the United States, in addition to the few presents made to them at this council, will furnish them, free of charge, with two hundred and fifty (250) head of beef-cattle to average in weight five hundred (500) pounds, seventy-five (75) sacks flour one hundred (100) pounds each, within the term of two years from the date of this treaty.

ART. 5. As early as convenient after the ratification of this treaty by the President and Senate, in consideration of the premises, and with a sincere desire to encourage said tribes in acquiring the arts and habits of civilized life, the United States will also furnish them with the following articles, (to be divided among them by the agent according to their respective numbers and wants,) during each of the two years succeeding the said ratification, viz: one pair strong pantaloons and one red flannel shirt for each man and boy; one linsey gown for each woman and girl, one thousand yards calico, and two hundred and fifty yards brown sheeting, ten pounds Scotch thread and five hundred needles, three dozen thimbles and one dozen pairs of scissors, one two and a half point Mackinaw blanket for each man and woman over fifteen years of age; five hundred pounds iron and fifty pounds steel; and in like manner

in the first year for the permanent use of said tribes, and as their joint property, viz: forty brood-mares and three stallions, one hundred and fifty milch cows and eight bulls, two yoke of work cattle with yokes and chains, five work mules or horses, eleven ploughs assorted sizes, forty-five garden or corn hoes, thirteen spades, and two grindstones. Of the stock enumerated above, and the product thereof, no part or portion shall be killed, exchanged, sold, or otherwise parted with, without the consent and direction of the agent.

ART. 6. The United States will also supply and settle among said tribes, at or near their towns or settlements, one practical farmer, who shall superintend all agricultural operations, with two assistants, men of practical knowledge and industrious habits; one carpenter, one wheelwright, one blacksmith, one principal school-teacher, and as many assistant teachers as the President may deem proper to instruct said tribes, in reading, writing, &c., and in the domestic arts upon the manual labor system; all the above named workmen and teachers to be maintained and paid by the United States for the period of five years, and as long thereafter as the President shall deem advisable. The United States will also erect suitable school houses, shops and dwellings for the accommodation of the schools, teachers and mechanics above mentioned, and for the protection of the public property.

In testimony whereof, the parties have hereunto signed their names and affixed their seals, this ninth day of September, in the year of our Lord one thousand eight hundred and fifty-one.

O. M. WOZENCRAFT,  
United States Indian Agent.

4 KAPP 1114

For and in behalf of the Colus:

SCI-OAC, his x mark.

For and in behalf of the Willays:

HO-OAK, his x mark.

For and in behalf of the Co-he-na:

LOUIS, his x mark.

For and in behalf of the Tat-nah:

HOO-KA-TA, his x mark.

For and in behalf of the Cha:

LA-LOOK, his x mark.

For and in behalf of the Doc-duc:

MI-KA-LA, his x mark.

For and in behalf of the Cham-met-co:

WI-TE-BUS, his x mark.

For and in behalf of the Toc-de:

CO-NE, his x mark.

Signed, sealed, and delivered, after being fully explained, in presence of - -

THOMAS WRIGHT, Second Lieutenant, 2d Infantry, Commanding escort.

C. D. SEMPLE.

**LOAD-DATE:** September 28, 1998

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TREATY WITH THE SAI-NELL, YU-KI-AS, ETC., 1851

4 KAPP 1112

August 22, 1851

**LENGTH:** 1165 words

**TEXT:**

TREATY MADE AND CONCLUDED AT CAMP FERNANDO FELIZ, ON RUSSIAN RIVER, IN THE STATE OF CALIFORNIA, AUGUST 22, 1851, BETWEEN REDICK MCKEE, INDIAN AGENT, ON THE PART OF THE UNITED STATES, AND THE CHIEFS, CAPTAINS, AND HEAD MEN OF THE SAI-NELL, YU-KI-AS, ETC., ETC., TRIBES OF INDIANS.

A treaty of peace and friendship made and concluded at Camp Fernando Feliz, on Russian River, California, between Redick McKee, one of the Indian agents specially appointed to make treaties with the various Indian tribes in California, on the part of the United States, and the undersigned chiefs, captains, and head men of the tribes or bands of Indians now in council at this camp, known as the Sai-nell tribe, represented by the chief Chas-kan and Captains; Yu-ki-as tribe, represented by the chief Ko-yo-to-was-sa and captains; Mas-su-ta-ka-ya tribe, represented by the chief Cal-pel-la and captains; Po-mo tribe, represented by the chief Chi-bem. nA.

----- Footnote Begin -----

nA. Unratified.

----- Footnote End -----

ARTICLE 1. The said tribes or bands acknowledge themselves jointly and severally under the exclusive jurisdiction, authority and protection of the United States, and hereby bind themselves to refrain hereafter from the commission of all acts of hostility or aggression towards the government or citizens thereof, and to live on terms of peace and friendship among themselves and with all other Indian tribes which are now or may hereafter come under the protection of the United States.

ART. 2. Lest the peace and friendship hereby established between the United States and the said tribes should be interrupted by the misconduct of individuals, it is expressly agreed that, for injuries received on either side, no private revenge or retaliation shall take place or be attempted, but instead thereof complaint shall be made by the party aggrieved to the other, through the Indian agent of the United States, in their district, whose duty it shall be to investigate, and if practicable adjust the difficulty; or in case of acts of violence being committed upon the property or citizens of the United States by an Indian or Indians belonging to or harbored by either of said tribes or bands, the party or parties charged with the commission of the crime, shall be promptly delivered up, when demanded, to the civil authorities of the State of California for trial; and in case the crime has been committed by a citizen or citizens of the United States upon the person or property of an Indian or Indians of either of said tribes, the agent shall take all proper measures to bring the offender of offenders to trial in the same way.

ART. 3. The said tribes or bands hereby jointly and severally relinquish, cede, and forever quit claim to the United States, all their rights, title, claim, or interest of any kind which they or either of them have to lands or soil in California.

ART. 4. It is hereby further agreed by the said Indian tribes or bands, that at the expiration of one year from the execution of this treaty, or at such time previously, or thereafter, as the United States shall require, they will remove with their families and property from the lands they now occupy on Russian river, to the Indian reservation on Clear lake, made and reserved by the treaty concluded at Camp Lu-pi-yu-ma, on the 20th day of August, 1851, and there abide and remain; and it is stipulated and agreed on behalf of the United States, that the said government will defray the necessary expenses of such removal, which shall be conducted under the authority of the Indian agent, and that the said tribes shall thereupon receive and enjoy all the advantages and rights secured by said treaty to Indians removing thereto; and for the maintenance and support of said tribes, until they shall be in condition to maintain themselves; that is to say, during the present year (1851) the United States will furnish them with one hundred head of beef-cattle, and two hundred sacks of flour, equal to ten thousand pounds, and a like quantity of the same for two years after their said removal and settlement upon said reservation, and for their permanent use besides the provisions, clothing, &c. given them at this camp, such brood stock, farming implements, mechanics, instructors in agriculture and learning,

as their numbers may, when ascertained, entitle them to, upon a fair and just equality with the Indians now residing on Clear lake, as stipulated in the aforesaid treaty of Camp Lu-pi-yu-ma; and it is expressly understood and agreed that the said tribes or bands are to observe, fulfill, and be governed by all and singular the requirements, stipulations, and articles of the said treaty of Lu-pi-yu-ma, as fully as if the same were incorporated and formally expressed in this treaty.

ART. 5. It is also agreed that until the United States shall have established a military post on said reservation, with a regular physician or surgeon attached thereto, the Indian agent shall be authorized and is hereby directed to employ at the expense of the United States, an experienced physician to reside on said reservation, attend to the sick among either whites or Indians, and especially to vaccinate the members of such tribes; and when said military post shall be established, the services of the surgeon thereto attached may be substituted by the agent for those of the physician first employed, allowing him therefor a reasonable compensation.

In testimony whereof, the parties have hereunto signed their names and affixed their seals this twenty-second day of August, anno Domini eighteen hundred and fifty-one.

REDICK McKEE,

United States Indian Agent.

For and in behalf of the Sai-nell tribe:

CHAS-KAN, his x mark.

OUS-TIN, his x mark.

CAL-VI-HA, his x mark.

KA-WA-LOW, his x mark.

SA-KEM, his x mark.

KE-YO-HOM, his x mark.

KA-E-SU-A, his x mark.

YO-KI-AM, his x mark.

For and in behalf of the Yu-ki-as tribe:

KO-YO-TO-WAS-SA, his x mark.

CAL-NO-YA, his x mark.

KA-A-TAN, his x mark.

CHA-O-LA, his x mark.

LA-WIN, his x mark.

KA-BA-DIM, his x mark.

For and in behalf of the Mas-su-ta-ka-ya tribe:

CAL-PEL-LA, his x mark.

CAL-LEEL-TEM, his x mark.

POR-DIM, his x mark.

For and in behalf of the Po-mo tribe:

CHI-BEM, his x mark.

Signed, sealed and delivered in the presence of the undersigned witnesses; the above-mentioned articles, and the several articles, and stipulations of the treaty of Camp Lu-pi-yu-ma, having been first fully explained.

JOHN MCKEE, Secretary.

GEORGE GIBBS, Interpreter.

GEORGE WHITEHORN, Interpreter.

H. W. WESSELS, Brevet major, U.S.A. commanding escort.

JOHN S. GRIFFIN, Assistant Surgeon U.S. army.

EDWARD C. KENNEDY.

WALTER MCDONALD.

JAMES A. CLARKE.

SASHEL WOODS.

GEORGE PARKER ARMSTRONG.

**LOAD-DATE:** September 28, 1998

4 KAPP 1108

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TREATY WITH THE CA-LA NA-PO, ETC., 1851

4 KAPP 1108

August 20, 1851

**LENGTH:** 1938 words

**TEXT:**

TREATY MADE AND CONCLUDED AT CAMP LU-PI-YU-MA, AT CLEAR LAKE, STATE OF CALIFORNIA, AUGUST 20, 1851, BETWEEN REDICK MCKEE, INDIAN AGENT ON THE PART OF THE UNITED STATES, AND THE CHIEFS, CAPTAINS AND HEAD MEN OF THE CA-LA NA-PO, HA-BI-NA-PO, ETC., ETC., TRIBES OF INDIANS.

A treaty of peace and friendship made and concluded at Camp Lu pi-yu-ma, on the south side of Clear Lake, between Redick McKee, one of the Indian agents specially appointed to make treaties with the various Indian tribes in California, on the part of the United States, and the undersigned chiefs, captains and head men of the tribes or bands of Indians now in council at this camp, known as the Ca-la-na po tribe, represented by the chief, Ju-lio and captains; Ha-bi-na-po tribe, represented by the chief, Pri-e-to and his captains; Da-no-ha-bo tribe, represented by the chief, Ku-kee; Mo-al-kai nA.

----- Footnote Begin -----

nA. Unratified.

----- Footnote End -----

tribe, represented by the chief, Moh-shan and his captains; Che-com tribe, represented by the chief, Cal-i-a-him and his captains, How-ku-ma tribe, represented by the chief, Chi vec and his captains; Cha-nel-kai tribe, represented by the chief, Con chu; and the Me-dam-a-dec tribe, represented by the chief, Co-e-u-e.

ARTICLE 1. The said tribes or bands acknowledge themselves, jointly and severally, under the exclusive jurisdiction, authority, and protection of the United States, and hereby bind themselves to refrain hereafter from the commission of all acts of hostility and aggression towards the government or citizens thereof, and to live on terms of peace and friendship among themselves and with all other Indian tribes which are now or may hereafter come under the protection of the United States.

ART. 2. Lest the peace and friendship established between the United States and the said tribes should be interrupted by the misconduct of individuals, it is expressly agreed that for injuries received on either side, no private revenge or retaliation shall take place, or be attempted; but instead thereof, complaint shall be made by the party aggrieved to the other, through the Indian agent of the United States in their district, whose duty it shall be to investigate, and, if practicable, adjust the difficulty; or in case of acts of violence being committed upon the person or property of a citizen of the United States by an Indian or Indians belonging to or harbored by either of said tribes or bands, the party or parties charged with the commission of the crime shall be promptly delivered up when demanded, to the civil authorities of the State of California for trial; and in case the crime has been committed by a citizen or citizens of the United States upon the person or property of an Indian or Indians of either of tribes, the agent shall take all proper measures to bring the offender or offenders to trial in the same way.

ART. 3. The said tribes or bands hereby jointly and severally relinquish, cede, and forever quit claim to the United States, all their right, title, claim, or interest of any kind, which they or either of them have to lands or soil in California.

ART. 4. To promote the permanent settlement and improvement of said tribes or bands, it is hereby stipulated and agreed on the part of the United States, that the following tract or district of land shall be appropriated and set apart as an Indian reservation, and the use and possession thereof forever guaranteed to the said tribes, their successors, and to such other tribes as the United States may hereafter remove from the valley of the Russian river or elsewhere, and settle the-

reupon, to wit: commencing at a point on Clear Lake, where a spur from Mount McKee (heretofore called the Chemical mountain) juts into the same; thence along a line running southwardly over said mountain and over the hills behind the same to the summit level of the mountains dividing the Clear lake valley from the waters of the Rio Dolores; thence westwardly along the same and along the summit of those dividing said valley from the waters of Russian river, to where said mountains meet those dividing said valley from the waters of Eel river; thence along said ridge to a point where said last-mentioned mountains meet those dividing said valley from the waters of the Sacramento; thence along the summit of the same to a point due north of the place of beginning; thence south to the said point. Containing all that part of the valley of Clear lake lying westward of said Mount McKee, the habitable part of said tract being by estimation about twelve miles in length by about six miles in width, together with the exclusive right of fishing in that part of said lake included within the foregoing boundaries. It is however expressly understood and agreed that the United States reserves the right of way over said lands, and of using for farming purposes any quantity thereof not exceeding one thousand acres; also the right to establish such military posts, erect such buildings, and make such improvements for the accommodation of their agent and other officers or servants as the President may direct; also, that said tribes or bands shall never sell or alienate their right or claim to any part thereof, except to the United States, nor shall they ever lease to or permit white men to settle, work, or trade upon any part thereof without the written permission of the United States Indian agent for the district. And it is further understood and agreed that, if the tribe or band of Indians known as the Cho-tam-o-man-as, now living near the lower end of Clear lake, but not directly represented in this council, shall so desire, the said tribe or band may remove to, and settle upon said reservation without further stipulation, and thereby become

entitled to a just proportion of the land and other benefits contemplated in this treaty, as fully, according to their numbers, as if they were present and parties to this compact.

ART. 5. To aid the said tribes or bands in their subsistence with removing to and making their settlement upon the said lands, the United States, in addition to the presents of ten head of beef cattle, three sacks of bread, and sundry clothing, made to them at this council, will also furnish them, free of charge, at or near Vallejo, or elsewhere, as may be most convenient, with one hundred (100) head of beef-cattle, to average in weight five hundred pounds net, and two hundred (200) sacks of flour of fifty pounds each in all ten thousand pounds, during the present year (1851), and a like quantity in each of the years 1852 and 1853, to be divided among them by the agent according to their respective numbers.

ART. 6. As early as convenient after the ratification of this treaty by the President and Senate, in consideration of the premises, and with a sincere desire to encourage said tribes in acquiring the arts and habits of civilized life, the United States will also furnish them with the following articles, to be divided among them by the agent according to their respective numbers and wants, during each of the two years succeeding the said ratification, viz: four hundred pairs strong pantaloons, four hundred cotton (hickory) shirts, three hundred linsey gowns, assorted, generally small, three thousand yards calico, three thousand yards brown sheeting, thirty pounds Scotch thread, six dozen pairs scissors, assorted, twelve dozen thimbles, five thousand needles, assorted, five hundred pairs two and a half point Mackinaw blankets, one thousand pounds iron, two hundred pounds steel; and in like manner in the first year for the permanent use of the said tribes, and as their joint property, viz: twenty-five brood mares and one stallion, fifty milch cows and two bulls, eight yoke of work-cattle with yokes, chains, &c., two large wagons, eight pair work-mules or horses, (one pair for each tribe) four breaking ploughs, eight small ploughs, eight sets harness for plough horses or mules, seeds of all proper kinds for planting and sowing, one hundred chopping axes, small size, with handles, one hundred axes, half-size, with handles, twelve mattocks, thirty dozen butcher knives, two hundred garden or corn hoes, fifty heavy spades, four grindstones, one United States flag. The stock enumerated above and the product thereof, shall be marked or branded "U.S." and with such other letter or letters as will at all times designate the same to be the property of the said tribes; and no part or portion thereof shall be killed, exchanged, sold or other wise parted with without the assent and direction of the agent.

ART. 7. The United States will also employ and settle among said tribes, at or near their principal town or settlement, one practical farmer, who shall act as superintendent or director of all agricultural operations, to reside among them, with two assistants, all of practical knowledge and industrious habits; one carpenter or worker in wood, to direct and aid in the construction of houses, repairing ploughs, wagons, etc.; one blacksmith; one principal school-teacher, with two male and two female assistant teachers to instruct said tribes in reading and writing the English language, &c., upon the manual-labor system, as well as in the domestic arts of housekeeping; all the above-named teachers, farmers and mechanics to be maintained and paid by the United States for the period of five years, and as long thereafter as the President shall deem advisable. The government of the United States will also erect suitable schoolhouses, dwellings, and shops for the accommodation of the teachers, farmers, and mechanics above specified, and for the protection of the public property.

ART. 8. These articles to be binding on the contracting parties when ratified and confirmed by the President and Senate of the United States.

In testimony whereof, the parties have hereunto signed their names and affixed their seals this twentieth day of August, anno Domini eighteen hundred and fifty-one.

REDICK McKEE,

United States Indian Agent.

For and in behalf of the Ca-la-na-po tribe:

JU-LIO, his x mark, chief.

CHA-CO-DA-NO, his x mark.

PE-BOR-QUOR-TO, his x mark.

MAH-CO-ME-A, his x mark.

KOY-WY-NOL-YO, his x mark.

KAI-A-DAN-O, his x mark.

For and in behalf of the Ha-bi-na-po tribe:

PRI-E-TO, his x mark, chief.

CHEE-NO, his x mark.

KAH-LOOSE, his x mark.

For and in behalf of the Da-no-ha-bo tribe:

KU-KEE, his x mark, chief.

For and in behalf of the Mo-al-kai tribe:

MOH-SHAN, his x mark, chief.

YAH-TZA, his x mark.

TEE-BEE, his x mark.

For and in behalf of the Che-com tribe:

CAL-I-A-HIM, his x mark, chief.

HAL-LE-TOC, his x mark.

CO-TO-LO-YAH, his x mark.

CHU-TE-YAN, his x mark.

For and in behalf of the How-ku-ma tribe:

CHI-BEC, his x mark, chief.

SAC-CON, his x mark.

CHE-KAI, his x mark.

For and in behalf of the Cha-nel-kai tribe:

CON-CHU, his x mark, chief.

For and in behalf of the Me-dam-a-dec tribe:

CO-E-U-E, his x mark, chief.

Signed, sealed, and delivered, after being fully explained, in presence of - - JOHN MCKEE, Secretary.

Witnesses - -

GEO. WHITEHOUSE.

GEORGE GIBBS.

E. D. SHIRLAND.

H. W. WESSELS, Brevet Major U.S. Army, commanding escort.

J. M. ESTILL, Maj. Gen. 2d div. Cal. militia.

F. D. KOHLES.

M. H. N. KENDIG.

W. A. CORNWALL.

JAS. M. M. BROWN SMITH.

T. F. W. PRICE

WALTER MACDONALD.

**LOAD-DATE:** September 28, 1998

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TREATY WITH THE NOE-MA, ETC., 1851

4 KAPP 1107

August 16, 1851

**LENGTH:** 1124 words

**TEXT:**

TREATY MADE AND CONCLUDED AT READING'S RANCH, ON COTTON WOOD CREEK, STATE OF CALIFORNIA, AUGUST 16, 1851, BETWEEN O. M. WOZENCRAFT, UNITED STATES INDIAN AGENT, AND THE CHIEFS, CAPTAINS AND HEAD MEN OF THE NOE-MA, &c., TRIBES OF INDIANS.

A treaty of peace and friendship made and concluded at Reading's ranch, on Cotton Wood creek, California, between the United States Indian agent, O. M. Wozencraft, of the one part, and the chiefs, captains and head men of the following tribes or bands, viz: Noi-ma, Noe-ma, Y-lac-ca, No-me, Noi-me. nA.

----- Footnote Begin -----

nA. Unratified.

----- Footnote End -----

ARTICLE 1. The several bands or tribes above mentioned do acknowledge the United States to be the sole and absolute sovereign of all the territory ceded to them by a treaty of peace, made between them and the Republic of Mexico.

ART. 2. The said tribes or bands acknowledge themselves, jointly and severally, under the exclusive jurisdiction, authority and protection of the United States, and hereby bind themselves hereafter to refrain from the commission of all acts of hostility and aggression towards the government or citizens thereof, and to live on terms of peace and friendship among themselves, and with all other Indian tribes which are now or may come under the protection of the United States; and, furthermore, bind themselves to conform to and be governed by the laws and regulations of the Indian bureau, made and provided therefor by the Congress of the United States.

## 4 KAPP 1107

ART. 3. To promote the settlement and improvement of said tribes or bands, it is hereby stipulated and agreed that the following district of country, in the State of California, shall be and is hereby set apart forever, for the sole use and occupancy of the aforesaid tribes or bands, to wit: commencing at a point at the mouth of Ash creek, on the Sacramento river, running up the east branch of said river twenty-five miles, thence on a line due north to the Pitt fork of the said river, thence down said river to the place of beginning.

It is further understood and agreed upon by both parties, that the tribes or bands of Indians living upon the Shasta, Nevada, and Coast ranges, shall be included in the said reservation; and should said bands not come in, then the provisions &c. as set apart in this treaty, to be reduced in a ratio commensurate with the number signing said treaty; Provided, that there is reserved to the United States government the right of way over any portion of said territory, and the right to establish any military post, or posts, public buildings, schoolhouses, houses for agents, teachers, and such others as they may deem necessary for their use or the protection of the Indians.

The said tribes or bands, and each of them, hereby engage that they will never claim any other lands within the boundaries of the United States, nor ever disturb the people of the United States in the free use and enjoyment thereof.

ART. 4. To aid the said tribes or bands in their subsistence while removing to and making their settlement upon the said reservation, the United States, in addition to the few presents made them at this council, will furnish them, free of charge, with five hundred head of beef-cattle to average in weight five hundred pounds, and seventy-five sacks of flour of one hundred pounds each, within the term of two years from the date of this treaty.

ART. 5. As early as convenient after the ratification of this treaty by the President and Senate, in consideration of the premises, and with a sincere desire to encourage said tribes in acquiring the arts and habits of civilized life, the United States will also furnish them with the following articles, to be divided among them by the agent according to their respective numbers and wants, during each of the two years succeeding the said ratification, viz: one pair strong pantaloons and one red flannel shirt for each man and boy, one linsey gown for each woman and girl, two thousand yards calico and five hundred yards brown sheeting, twenty pounds Scotch thread and one thousand needles, six dozen thimbles, two dozen pairs scissors, one 2/1/2-point Mackinaw blanket for each man and woman over fifteen years of age; one thousand pounds iron, one hundred pounds steel; and in like manner in the first year for the permanent use of said tribes, and as their joint property, viz: seventy-five broodmares and four stallions, three hundred milch cows and sixteen bulls,

four yoke work-cattle with yokes and chains, ten work-mules or horses, twelve ploughs assorted sizes, seventy-five garden or corn hoes, twenty-five spades and four grindstones.

The stock enumerated above and the product thereof; and no part or portion thereof shall be killed, exchanged, sold or otherwise parted with, without the consent and direction of the agent.

ART. 6. The United States will also employ and settle among said tribes, at and near their towns or settlements, one practical farmer, who shall superintend all agricultural operations, with two assistants, men of practical knowledge and industrious habits; one wheelwright, one carpenter, one blacksmith, one principal school teacher, and as many assistant teachers as the President may deem proper to instruct said tribes in reading, writing, &c., and in the domestic arts upon the manual labor system. All the above named workmen and teachers to be maintained and paid by the United States for the period of five years, and as long thereafter as the President may deem advisable.

The United States will also erect suitable school-houses, shops and dwellings for the accomodation of the school teachers and mechanics above mentioned, and for the protection of the public property.

In testimony whereof, the parties have hereunto signed their names and affixed their seals this sixteenth day of August, one thousand eight hundred and fifty-one.

O. M. WOZENCRAFT, United States Indian Agent.

For and in behalf of the Noi-ma:

OIS-NO, his x mark.

For and in behalf of the Noe-ma:

CHIP-CHIN, his x mark.

For and in behalf of the Y-lac-ca:

CHA-OO-SA, his x mark.

4 KAPP 1107

For and in behalf of the No-me:

CHIP-CHO-CHI-CAS, his x mark.

For and in behalf of the Noi-me:

NEM-KO-DE, his x mark.

For and in behalf of the Oy-lac-ca:

NUM-TE-RA-RE-MAN, his x mark.

PAN-TE-LAS, his x mark.

DO-HI-WI-CKA-LA, his x mark.

NUM-TE-RE-MUCK, his x mark.

Signed, sealed and delivered, after being fully explained in the presence of - -

J. MCKINSTRY, Brevet major U.S. Army.

S. B. SHELDEN,

ALEXANDER LOVE.

**LOAD-DATE:** September 28, 1998

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TREATY WITH THE MI-CHOP-DA, ES-KUIN, ETC., 1851

4 KAPP 1105

August 1, 1851

**LENGTH:** 1153 words

**TEXT:**

TREATY MADE AND CONCLUDED AT BIDWELL'S RANCH, ON CHICO CREEK, AUGUST 1, 1851, BETWEEN O. M. WOZENCRAFT, UNITED STATES INDIAN AGENT, AND THE CHIEFS, CAPTAINS, AND HEAD MEN OF THE MI-CHOP-DA, ES-KUIN, ETC., TRIBES OF INDIANS.

A treaty of peace and friendship made and concluded near Bidwell's Ranch, on Chico creek, between the United States Indian agent, O. M. Wozencraft, of the one part, and the chiefs, captains, and head men of the following tribes, viz: Mi-chop-da, Es-kuin, Ho-lo-lu-pi, To-to, Su-nus, Che-no, Batsi, Yut-duc, Sim-sa-wa, tribes, of the other part. nA.

ARTICLE 1. The several tribes or bands above mentioned, do acknowledge the United States to be the sole and absolute sovereign of all the soil and territory ceded to them by a treaty of peace made between them and the republic of Mexico.

----- Footnote Begin -----

nA. Unratified.

----- Footnote End -----

ART. 2. The said tribes or bands acknowledged themselves, jointly and severally, under the exclusive jurisdiction, authority, and protection of the United States, and hereby bind themselves hereafter to refrain from the commission of all acts of hostility and aggression towards the government or citizens thereof, and to live on terms of peace and friendship

## 4 KAPP 1105

among themselves and with all other Indian tribes which are now or may come under the protection of the United States. And furthermore bind themselves to conform to and be governed by the laws and regulations of the Indian bureau, made and provided therefor by the Congress of the United States.

ART. 3. To promote the settlement and improvement of said tribes or bands it is hereby stipulated and agreed that the following district of country, in the State of California, shall be and is hereby set apart for the sole use and occupancy of the aforesaid tribes of Indians, to wit: commencing at a point on Feather river, two miles above the town of Hamilton, and extending thence northwesterly to the northeast corner of Neal's grant, thence northwesterly along the boundaries of Neal's, Hensley's and Bidwell's grant to the northeast corner of the last named grant, thence northeasterly six miles, thence southeasterly parallel with the line extending from the beginning point to the northeast corner of Bidwell's grant to Feather river, and thence down said river to the place of beginning. Provided, That there is reserved to the government of the United States the right of way over any portion of said territory, and the right to establish and maintain any military post or posts, public building, school houses, houses for agents, teachers, and such others as they may deem necessary for their use or the protection of the Indians. The said tribes or bands, and each of them, hereby engage that they will never claim any other lands within the boundaries of the United States, nor ever disturb the people of the United States in the free use and enjoyment thereof.

ART. 4. To aid the said tribes or bands in their subsistence while removing to and making their settlement upon the said reservation, the United States, in addition to the few presents made them at this council, will furnish them, free of charge, with two hundred (200) head of beef-cattle, to average in weight five hundred (500) pounds each, seventy-five sacks of flour one hundred (100) pounds each, within the term of two years from the date of this treaty.

ART. 5. As early as convenient after the ratification of this treaty by the President and Senate, in consideration of the premises, and with a sincere desire to encourage said tribes in acquiring the arts and habits of civilized life, the United States will also furnish them with the following articles, to be divided among them by the agent according to their respective numbers and wants, during each of the two years succeeding the said ratification, viz: one pair strong pantaloons and one red flannel shirt for each man and boy, one linsey gown for each woman and girl, two thousand

yards calico and five hundred yards brown sheeting, twenty pounds Scotch thread and one thousand needles, six dozen thimbles and two dozen pairs scissors, one two and a half point Mackinaw blanket for each man and woman over fifteen (15) years of age, one thousand pounds of iron, one hundred pounds of steel; and in like manner in the first year for the permanent use of the said tribes, and as their joint property, viz: twenty-five brood mares and one stallion, one hundred milch cows and six bulls, four yoke work-cattle with yokes and chains, six work-mules or horses, twelve ploughs assorted sizes, seventy-five garden or corn hoes, twenty-five spades, four grindstones. The stock enumerated above and the product thereof; and no part or portion thereof shall be killed, exchanged, sold or otherwise parted with without the consent and direction of the agent.

ART. 6. The United States will also employ and settle among said tribes, at or near their towns or settlements, one practical farmer, who shall superintend all agricultural operations, with two assistants, men of practical knowledge and industrious habits; one carpenter, one wheelwright, one blacksmith, one principal school-teacher, and as many assistant teachers as the President may deem proper to instruct said tribes in reading, writing, &c., and in the domestic arts upon the manual labor system; all the above-named workmen and teachers to be maintained and paid by the United States for the period of five years, and as long thereafter as the President shall deem advisable. The United States will also erect suitable school-houses, shops and dwelling for the accommodation of the school-teachers and mechanics above specified, and for the protection of the public property.

In testimony whereof, the parties have hereunto signed their names and affixed their seals this first day of August, in the year of our Lord one thousand eight hundred and fifty-one.

O. M. WOZENCRAFT, United States Indian Agent.

For and in behalf of the Mi-chop-da:

LUCK-Y-AN, his x mark.

For and in behalf of the Es-kuin:

MO-LA-YO, his x mark.

For and in behalf of Ho-lo-lu-pi:

4 KAPP 1105

WIS-MUCK, his x mark.

For and in behalf of the To-to:

WE-NO-KE, his x mark.

For and in behalf of the Su-nus:

WA-TEL-LI, his x mark.

For and in behalf of the Che-no:

YO-LO-SA, his x mark.

For and in behalf of the Bat-si:

YON-NI-CHI-NO, his x mark.

For and in behalf of the Yut-duc:

SO-MIE-LA, his x mark.

For and in behalf of the Simsa-wa:

PO-MA-KO, his x mark.

Signed, sealed, and delivered, after being fully explained, in presence of - -

EDW. H. FITZGERALD, Brevet major first dragoons. GEORGE STONEMAN, Lieutenant first dragoons.

THOMAS WRIGHT, second lieutenant second infantry.

J. BUDWELL.

**LOAD-DATE:** September 28, 1998

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TREATY WITH THE DAS-PIA, YA-MA-DO, ETC., 1851

4 KAPP 1103

July 18, 1851

**LENGTH:** 1185 words

**TEXT:**

TREATY MADE AND CONCLUDED AT CAMP UNION, NEAR YUBA RIVER, JULY 18, 1851, BETWEEN O. M. WOZENCRAFT, UNITED STATES INDIAN AGENT, AND THE CHIEFS, CAPTAINS, AND HEAD MEN OF THE DAS-PIA, YA-MA-DO, ETC., TRIBES OF INDIANS.

A treaty of peace and friendship made and concluded at Camp Union, near the Yuba river, between the United States Indian Agent, O. M. Wozencraft, of the one part, and the chiefs, captains, and head men of the following tribes, viz: Das-pia, Ya-ma-do, Yol-la-mer, Wai-de-pa-can, On-o-po-ma, Mon-e-da, Wan-muck, Nem-shaw, Bem-pi, Ya-cum-na tribes, of the other part. nA.

----- Footnote Begin -----

nA. Unratified

----- Footnote End -----

ARTICLE 1. The several tribes or bands above-mentioned do acknowledge the United States to be the sole and absolute sovereign of all the soil and territory ceded to them by a treaty of peace between them and the republic of Mexico.

ART. 2. The said tribes or bands acknowledge themselves jointly and severally under the exclusive jurisdiction, authority and protection of the United States, and hereby bind themselves hereafter to refrain from the commission of all acts of hostility and aggression towards the government or citizens thereof, and to live on terms of peace and friendship among themselves and with all other Indian tribes which are now or may come under the protection of the United States; and furthermore bind themselves to conform to, and be governed by the laws and regulations of the Indian bureau, made and provided therefor by the Congress of the United States.

ART. 3. To promote the settlement and improvement of said tribes or bands, it is hereby stipulated and agreed that the following district of country in the State of California, shall be, and is hereby set apart forever for the sole use and occupancy of the aforesaid tribes of Indians, to wit: commencing on Bear River, at the western line or boundary of Camp Far West; from thence up said stream twelve miles in a due line; from thence on a line due north to the Yuba river; thence down said stream twelve miles on a due line of the river; from thence south to the place of beginning, to have and to hold the said district of country for the sole use and occupancy of said Indian tribes forever. Provided, That there is reserved to the government of the United States the right of way over any portion of said territory, and the right to establish and maintain any military post or posts, public building school houses, houses for agents, teachers, and such others as they may deem necessary for their use or the protection of the Indians. The said tribes or bands, and each of them, hereby engage that they will never claim any other lands within the boundaries of the United States, nor ever disturb the people of the United States in the free use and enjoyment thereof.

ART. 4. To aid the said tribes or bands in their subsistence, while removing to and making their settlement upon the said reservation, the United States, in addition to the few presents made them at this council, will furnish them, free of charge, with five hundred (500) head of beef cattle, to average in weight five hundred (500) pounds two hundred (200) sacks of flour, one hundred (100) pounds each, within the term of two years from the date of this treaty.

ART. 5. As early as convenient, after the ratification of this treaty by the President and Senate, in consideration of the premises, and with a sincere desire to encourage said tribes in acquiring the arts and habits of civilized life, the United States

will also furnish them with the following articles, to be divided among them by the agent, according to their respective numbers and wants, during each of the two years succeeding the said ratification, viz: one pair of strong pantaloons and one red flannel shirt for each man and boy, one linsey gown for each woman and girl, four thousand yards of calico and one thousand yards brown sheeting, forty pounds Scotch thread, two dozen pairs of scissors, eight dozen thimbles, three thousand needles, one two and a half point Mackinaw blanket for each man and woman over fifteen (15) years of age, four thousand pounds of iron and four hundred pounds of steel, and in like manner in the first year, for the permanent use of the said tribes, and as their joint property, viz: seventy-five brood mares and three stallions, three hundred milch cows and eighteen bulls, twelve yoke of work cattle with yokes and chains, twelve work mules or horses, twenty-five ploughs, assorted sizes, two hundred garden or corn hoes, eighty spades, twelve grindstones. Of the stock enumerated above, and the product thereof, no part or portion shall be killed, exchanged, sold, or otherwise parted with without the consent and direction of the agent.

ART. 6. The United States will also employ and settle among said tribes, at or near their towns or settlements, one practical farmer, who shall superintend all agricultural operations, with two assistants, men of practical knowledge and industrious habits, one carpenter, one wheelwright, one blacksmith, one principal school-teacher, and as many assistant teachers as the President may deem proper, to instruct said tribes in reading, writing, &c., and in the domestic arts, upon the manual labor system; all the above-named workmen and teachers to be maintained and paid by the United States for the period of five years, and as long thereafter as the President shall deem advisable. The United States will also erect suitable school-houses, shops and dwellings, for the accommodation of the school teachers and mechanics above specified, and for the protection of the public property.

In testimony whereof, the parties have hereunto signed their names and affixed their seals this eighteenth day of July, anno Domini one thousand eight hundred and fifty-one.

O. M. WOZENCRAFT, United States Indian Agent.

## 4 KAPP 1103

For and in behalf of the Das-pia:

WEE-MAR, his x mark.

For and in behalf of the Ya-ma-do:

OI-TA, his x mark.

Yo-la-mir:

WAL-LE-PIE, his x mark.

Wai-de-pa-can:

KA-MA-LA, his x mark.

On-o-po-ma:

MAN-ARCK, his x mark.

Mon-e-da:

WAL-LEM-HOOK, his x mark.

Wan-nuck:

YU-ME-AN, his x mark.

Nem-Shaw:

WAS-HI-MA, his x mark.

Ben-pi:

TI-CO-LA, his x mark.

Sa-cum-na:

YO-LO, his x mark.

Signed, sealed, and delivered, after being fully explained, in presence of - - GEORGE STONEMAN, Lieutenant first dragoons, Commanding escort to Indian Commissioner.

JOHN CAMPBELL, Assistant Surgeon, Escort to Indian Commissioner. A. T. STIRLING.

E. S. LOWELL, Secretary, U.S. Indian Agency.

ADDENDA. - - It is understood that the above-named boundary, running north from Bear River, will pass between Rough and Ready and Penn Valley; and in the event that a line due north from said point on said river should fail to do so, it will deviate so far as to include said valley in the reservation, and exclude Rough and Ready.

**LOAD-DATE:** September 28, 1998

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TREATY WITH THE CASTAKE, TEXON, ETC., 1851

4 KAPP 1101

June 10, 1851

**LENGTH:** 1208 words

**TEXT:**

TREATY MADE AND CONCLUDED AT CAMP PERSIFER F. SMITH, AT THE TEXAN PASS, STATE OF CALIFORNIA, JUNE 10, 1851, BETWEEN GEORGE W. BARBOUR UNITED STATES COMMISSIONER, AND THE CHIEFS, CAPTAINS AND HEAD MEN OF THE "CASTAKE," "TEXON," &c., TRIBES OF INDIANS.

A treaty of peace and friendship made and entered into at Camp Persifer F. Smith at the Texon pass, in the State of California, on the tenth day of June, eighteen hundred and fifty-one, between George W. Barbour, one of the commissioners appointed by the President of the United States to make treaties with the various Indian tribes in the State of California, and having full authority to act, of the first part, and the chiefs, captains and head men of the following tribes of Indians, to wit: Castake, Texon, San Imirio, Uvas, Carises, Buena Vista, Sena-hu-ow, Holo-cla-me, Soho-nuts, To-ci-a, and Hol-mi-uh, of the second part. nA.

----- Footnote Begin -----

nA. Unratified.

----- Footnote End -----

ARTICLE 1. The said tribes of Indians jointly and severally acknowledge themselves to be under the exclusive jurisdiction, control, and management of the government of the United States, and undertake and promise on their part, to live on terms of peace and friendship with the government of the United States and the citizens thereof, with each other, and with all Indian tribes at peace with the United States.

ART. 2. It is agreed between the contracting parties, that for any wrong or injury done individuals of either party, to the person or property of those of the other, no personal or individual retaliation shall attempted, but in all such cases the party aggrieved shall apply to the proper civil authorities for a redress of such wrong or injury; and to enable the civil authorities more effectually to suppress crime and punish guilty offenders, the said Indian tribes jointly and severally promise to aid and assist in bringing to justice any person or persons that may be found at any time among them, and who shall be charged with the commission of any crime or misdemeanor.

ART. 3. It is agreed between the parties that the following district of country be set apart and forever held for the sole use and occupancy of said tribes of Indians, to wit: beginning at the first forks of Kern river, above the Tar springs, near which the road travelled by the military escort, accompanying said commissioner to this camp crosses said river, thence down the middle of said river to the Carises lake, thence to Buena Vista lake, thence a straight line from the most westerly point of said Buena Vista lake to the nearest point of the Coast range of mountains, thence along the base of said range to the mouth or westerly terminus of the Texon pass or Canon, and from thence a straight line to the beginning; reserving to the government of the United States and to the State of California, the right of way over said territory, and the right to erect any military post or posts, houses for agents, officers and others in the service or employment of the government of said territory. In consideration of the foregoing, the said tribes of Indians, jointly and severally, forever quit claim to the government of the United States to any and all other lands to which they or either of them now have or may ever had any claim or title whatsoever.

ART. 4. In further consideration of the premises and for the purpose of aiding in the subsistence of said tribes of Indians for the period of two years from this date, it is agreed by the party of the first part to furnish said tribes jointly, (to be distributed in proper proportions among them,) with one hundred and fifty beef cattle, to average five hundred pounds each, for each year. It is further agreed that as soon after the ratification of this treaty by the President and Senate of the United States, as may be practicable and convenient, the said tribes shall be furnished jointly (to be distributed as aforesaid) and free of charge, with the following articles of property, to wit: six large and six small ploughs, twelve sets of harness complete, twelve work mules or horses, twelve yoke of California oxen, fifty axes, one hundred hoes, fifty spades or shovels, fifty mattocks or picks, all necessary seeds for sowing and planting for one year, one thousand pounds of iron, two hundred pounds of steel, five hundred blankets, two pairs of coarse pantaloons and two flannel shirts for each man and boy over fifteen years old, one thousand yards of linsey cloth, same of cotton

cloth, and the same of coarse calico, for clothing for the women and children, twenty-five pounds of thread, three thousand needles, two hundred thimbles, six dozen pairs of scissors, and six grindstones.

ART. 5. The United States agree further to furnish a man skilled in the business of farming, to instruct said tribes and such others as may be placed under him, in the business of farming; one blacksmith, and one man skilled in working

## 4 KAPP 1101

wood, (wagon maker or rough carpenter;) one superior and such assistant school-teachers as may be necessary; all to live among, work for, and teach said tribes and such others as they may be required to work for and teach. Said farmer, blacksmith, worker in wood and teachers to be supplied to said tribes, and continued only so long as the President of the United States shall deem advisable; a school house and other buildings necessary for the persons mentioned in this article, to be erected at the cost of the government of the United States.

This treaty to be binding on the contracting parties when ratified and confirmed by the President and Senate of the United States of America.

In testimony whereof, the parties have hereto signed their names, and affixed their seals, this the day and year first written.

G. W. BARBOUR.

Texon:

VINCENTE, his x mark, chief.

CHICO, his x mark, chief.

PABLO, his x mark.

JOSE ANTONIO, his x mark.

MARTIN, his x mark.

FRANCISCO, his x mark.

Castake:

RAFAEL, his x mark, chief.

FRANCISCO, his x mark.

MANUEL, his x mark.

San Imirio:

JOSE MARIA, his x mark, chief.

FRANCISCO, his x mark.

Uvas:

ANTONIO, his x mark.

Carises:

RAYMUNDO, his x mark, chief.

JUAN, his x mark.

JUAN DE DIOS, his x mark.

Buena Vista:

APOLONIO, his x mark, chief.

Sena-hu-ow:

JOAQUIN, his x mark, chief.

EMITERIO, his x mark, chief.

NICOLAS, his x mark.

BENANCIO, his x mark.

Holo-cla-me:

URBANO, his x mark, chief.

4 KAPP 1101

OLORICO, his x mark.

Soho-nuts:

JOSE, his x mark, chief.

MARIANO, his x mark.

To-ci-a:

FELIPPE, his x mark, chief.

PEDRO, his x mark.

URBANO, his x mark.

Hol-mi-uh:

FRANCISCO, his x mark, chief.

TOMAS, his x mark.

Signed and sealed in duplicate, after having been read and fully explained in the presence of - - H. S. BURTON, Interpreter.

KIT BARBOUR, Secretary. W. S. KING, Assistant Surgeon, United States Army.

J. H. LENDRUM, Brevet captain, third artillery.

J. HAMILTON, Lieutenant, third artillery.

H. G. J. GIBSON, Second lieutenant, third artillery. WALTER M. BOOTH.

**LOAD-DATE:** September 28, 1998

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TREATY WITH THE CHU-NUTE, WO-WOL, ETC., 1851

4 KAPP 1099

June 3, 1851

**LENGTH:** 1123 words

**TEXT:**

TREATY MADE AND CONCLUDED AT CAMP BURTON, ON PAINT CREEK, STATE OF CALIFORNIA, JUNE 3, 1851, BETWEEN GEORGE W. BARBOUR, UNITED STATES COMMISSIONER, AND THE CHIEFS, CAPTAINS AND HEAD MEN OF THE CHU-NUTE, WO-WOL, &c., TRIBES OF INDIANS.

A treaty of peace and friendship, formed and concluded at Camp Burton, on Paint Creek, in the State of California, on the third day of June, eighteen hundred and fifty-one, between George W. Barbour, one of the commissioners appointed by the President of the United States, to make treaties with the various Indian tribes in the State of California, and having full authority to act, of the first part, and the chiefs, captains and head men of the following tribes of Indians, to wit: Chu-nute, Wo-wol, Yo-lum-ne, Co-ye-tie, of the second part. nA.

----- Footnote Begin -----

nA. Unratified.

----- Footnote End -----

ARTICLE 1. The said tribes of Indians jointly and severally acknowledge themselves to be under the exclusive jurisdiction, control and management of the government of the United States, and undertake and promise on their part, to live on terms of peace and friendship with the government of the United States and the citizens thereof, with each other, and with all Indian tribes at peace with the United States.

ART. 2. It is agreed between the contracting parties, that for any wrong or injury done by individuals of either party to the person or property of those of the other, no personal or individual retaliation shall be attempted, but in all such cases the party aggrieved shall apply to the proper civil authorities for a redress of such wrong or injury; and to enable the civil authorities more effectively to suppress crime and punish guilty offenders, the said Indian tribes jointly and severally promise to aid and assist in bringing to justice any person or persons that may be found at any time among them, and who shall be charged with the commission of any crime or misdemeanor.

ART. 3. It is agreed between the parties that the following districts of country be set apart and forever held for the sole use and occupancy of said tribes of Indians, to wit: To the Chu-nute and Wo-wol tribes, all that district of country lying between the head of the Tulare or Tache lake and Kern or Buena Vista lake; to the Ya-lum-ne and Co-ye-tie tribes, all that district of country lying between the Tule River and Paint Creek, and between the Emigrant road (being the same over which the military escort accompanying the said commissioner passed to this camp) and the Sierra Nevada, running the lines from the head of Tule river and Paint Creek in the same general direction of said streams to the nearest points of the Sierra Nevada, reserving to the government of the United States and to the State of California the right of way over said territories and the right to erect any military post or posts, houses for agents, officers, and others in the service or employment of the government in each of said territories. In consideration of the foregoing, the said tribes of Indians jointly and severally forever quit claims to the government of the United States to any and all lands to which they or either of them now or may ever have had any claim or title whatsoever.

ART. 4. In further consideration of the premises, and for the purpose of aiding in the subsistence of said tribes of Indians, for the period of two years from this date, it is agreed by the party of the first part to furnish said tribes jointly (to be distributed in proper proportions among them) with two hundred beef cattle to average five hundred pounds each, for each year. It is further agreed, that as soon after the ratification of this treaty by the President and Senate of the United States as may be practicable and convenient, the said tribes shall be furnished jointly (to be distributed as aforesaid) and free of charge, with the following articles of property, to wit: thirty cows and two bulls, six large and six small ploughs, twelve sets of harness complete, twelve work mules or horses, twelve yoke of California oxen, fifty axes, one hundred hoes, fifty spades or shovels, fifty mattocks or picks, all necessary seeds for sowing and planting for one year, one thousand pounds of iron, two hundred pounds of steel, five hundred blankets, two pairs of coarse pantaloons and two flannel shirts for each man and boy over fifteen years old, one thousand yards of linsey cloth, same of cotton cloth, and the same of coarse calico, for clothing for the women and children, twenty-five pounds of thread, two thousand needles, two hundred thimbles, six dozen pairs of scissors, and six grindstones.

ART. 5. The United States agree further to furnish to each of said districts, a man skilled in the business of farming, to instruct said tribes and such others as may be placed under him, in the business of farming; one blacksmith, and one man skilled in working in wood (wagon maker or rough carpenter); one supervisor and such assistant school-teachers as may be necessary, all to live among, work for, and teach said tribes and such others as they may be required to work for and teach; said farmer, blacksmith, worker in wood, and teachers, to be supplied to said tribes and continued only so long as the President of the United States shall deem advisable; a school-house and other buildings necessary for the persons mentioned in this article to be erected at the cost of the government of the United States.

This treaty to be binding on the contracting parties when ratified and confirmed by the President and Senate of the United States of America.

In testimony whereof, the parties have hereto signed their names and affixed their seals, this the day and year first written.

G. W. BARBOUR.

Chu-nute:

JUAN, his x mark, chief.

CALISTRO, his x mark.

GASPER, his x mark.

NICOLAS, his x mark.

Ya-lum-ne:

JOAQUIN, his x mark, chief.

JOSE MARIA, his x mark.

JUAN ANTONIO, his x mark.

Ka-ye-te:

JOSE ANTONIO, his x mark, chief.

JUAN MARIA, his x mark.

MANUEL, his x mark.

Wo-wol:

ANTONIO, his x mark, chief.

BI-TAR, his x mark.

ZA-CA-RI-AH, his x mark.

CO-MI-TES, his x mark, chief.

Signed and sealed in duplicate, after having been read and fully explained, in presence of - -

H. S. BURTON, Interpreter.

KIT BARBOUR, Secretary.

E. D. KEYES, Captain third artillery.

J. C. FREMONT.

W. S. KING, Assistant surgeon, U.S. Army.

I. H. LENDRUM, Brevet captain, U.S. Army.

J. HAMILTON, Lieutenant 3d artillery.

H. G. J. GIBSON, Second Lieutenant 3d artillery.

**LOAD-DATE:** September 28, 1998

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TREATY WITH THE KO-YA-TE, WO-A-SI, ETC., 1851

4 KAPP 1094

May 30, 1851

**LENGTH:** 1230 words

**TEXT:**

TREATY MADE AND CONCLUDED AT CAMP KEYES, ON THE CAH-WAI RIVER, IN THE STATE OF CALIFORNIA, MAY 30, 1851, BETWEEN GEORGE W. BARBOUR, UNITED STATES COMMISSIONER, AND THE CHIEFS, CAPTAINS AND HEAD MEN OF THE KO-YA-TE, WO-A-SI, ETC., TRIBES OF INDIANS.

A treaty of peace and friendship made and entered into at Camp Keyes, on the Cahwai river, in the State of California, on the thirteenth day of May, eighteen hundred and fifty-one, between George W. Barbour, one of the commissioners appointed by the President of the United States to make treaties with the various Indian tribes in the State of California, and having full authority to do so, of the first part, and the chiefs, captains and head men of the following tribes of Indians, to wit: Ko-ya-te, Wo-la-si, Nu-chow-we, Wack-sa-che, Pal-wisha, Po-ken-welle, and Ya-wil-chine, of the second part. nA.

----- Footnote Begin -----

nA. Unratified.

----- Footnote End -----

ARTICLE 1. The said tribes of Indians, jointly and severally acknowledge themselves to be under the exclusive jurisdiction, control, and management of the United States, and undertake, and promise on their part, to live on terms of peace and friendship with the government of the United States, and the citizens thereof, with each other, and with all Indian tribes.

ART. 2. It is agreed between the contracting parties, that for any wrong or injury done by individuals of either party, to the person or property of those of the other, no personal or individual retaliation shall be attempted, but in all such cases, the party aggrieved shall apply to the proper civil authorities for a redress of such

wrong or injury; and to enable the civil authorities more effectually to suppress crime, and punish guilty offenders, the said Indian tribes, jointly and severally, promise to aid and assist in bringing to justice any person or persons that may be found at any time among them, and who shall be charged with the commission of any crime or misdemeanor.

ART. 3. It is agreed between the parties that the following districts of country be set apart and forever held for the sole use and occupancy of said tribes of Indians, to wit: beginning on the Cahwai river, where the northeastern line of the lands set apart for the Indians, at the treaty concluded at Camp Barbour, on the San Joaquin river, intersects said Cahwai river, thence up the middle of the said river to the two ponds, or small lakes, at the head of said river, thence a straight line to the nearest point on King's river, thence down said river to where said northeastern line aforesaid crosses said river thence with said line to the beginning. The other tract to commence at the northwestern terminus of Tulare or Tache lake, near the mouth of King's river, thence a straight line to the San Joaquin river, so as to intersect said river at the mouth of the slough that empties into said river on the south side, at or near what is known as the big bend of said river, thence up the middle of said river to where the southwestern line of the lands, set apart for the Indians at the treaty made and concluded at Camp Belt, on King's river, crosses the San Joaquin, thence with said line to King's river, and down said King's river to the lake, and to the beginning, reserving to the government of the United States the right of way, and the right to erect any military post or posts, houses for agents, officers, and others in the service or employment of the government, in each of said territories.

ART. 4. In consideration of which the said tribes of Indians, jointly and severally, forever quit claim to the government of the United States to any and all lands to which they, or either of them now have, or may ever have had any claim or title whatsoever.

ART. 5. In further consideration of the premises, and for the purpose of aiding in the subsistence of said tribes of Indians during the years eighteen hundred and fifty-one and eighteen hundred and fifty-two, it is agreed by the party of the first part, to furnish said tribes jointly, (to be distributed in proper proportions among them) with two hundred beef-cattle, to average five hundred pounds each, and two hundred sacks of flour, of one hundred pounds each, for each year.

ART. 6. It is further agreed, that as soon after the ratification of this treaty by the President and Senate of the United States, as may be practicable and convenient, the said tribes shall be furnished jointly, and free of charge, with the following articles of property, to wit: ten brood mares and one stallion, twenty cows and a bull, five large ploughs and five small ones, ten sets of harness complete, ten work mules or horses, ten yoke of California oxen, fifty axes, one hundred

hoes, fifty spades or shovels, fifty picks or mattocks, all necessary seeds for sowing and planting for one year, one thousand pounds of iron, two hundred pounds of steel, five hundred blankets, two pairs of coarse pants and two flannel shirts for each man and boy over fifteen years old, one thousand yards of linsey cloth, the same of cotton, and the same of coarse calico for clothing for the women and children, twenty pounds of thread, two thousand needles, two hundred thimbles, five dozen pairs of scissors, and seven grindstones.

ART. 7. The United States agrees further to furnish a man skilled in the business of farming, to instruct said tribes and such others as may be placed under him, in the business of farming; one blacksmith, and one skilled in working in wood, (wagon maker or rough carpenter,) one superior and such assistant school teachers as may be necessary, all to live among, work for, and teach said tribes and such others as they may be required to work for and teach; said farmer, blacksmith, worker in wood, and teachers, to be supplied by said tribe, and continued only so long as the President of the United States shall deem advisable; a school-house and other buildings necessary for the persons mentioned in this article to be erected by the government of the United States.

This treaty to be binding on the contracting parties when ratified and confirmed by the President and Senate of the United States of America.

In testimony whereof, the parties have hereto signed their names and affixed their seals, this day and year first written.

G. W. BARBOUR.

Ko-ya-te:

PEDRO, his x mark.

JOSE ANTONIO, his x mark.

JOSE, his x mark.

SANTIAGO, his x mark.

Nu-chow-we:

CHULOGIUS, his x mark.

CARLOS, his x mark.

PABLO, his x mark.

Wo-las-si:

IGNACIA, his x mark.

ALEJO, his x mark.

MARIANO, his x mark.

Wack-sa-che:

CHO-O-PO, his x mark.

JUAN, his x mark.

JOSE ANTONIO, his x mark.

Pal-wish-a:

TU-TROP, his x mark.

GUADELUPE, his x mark.

JUAN ANTONIO, his x mark.

Po-kow-welle:

BO-CA, his x mark.

IGNORIO, his x mark.

ILARION, his x mark.

Ya-wil-chi-ne:

ANTONIO, his x mark.

JOAQUIN, his x mark.

JOSE, his x mark.

Signed and sealed in duplicate, after being read and explained, in the presence of - -

H. S. BURTON, Interpreter,

KIT BARBOUR, Secretary,

E. D. KEYES, Captain third artillery,

J. C. FREMONT,

J. H. LENDRUM, Brevet captain, third artillery.

**LOAD-DATE:** September 28, 1998

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TREATY WITH THE IOU-OL-UMNES, WETHILLAS, ETC., 1851

4 KAPP 1096

May 28, 1851

**LENGTH:** 1658 words

**TEXT:**

TREATY MADE AND CONCLUDED AT DENT & VANTINE'S CROSSINGS, MAY 28, 1851, BETWEEN O. M. WOZENCRAFT, UNITED STATES COMMISSIONER, AND THE CHIEFS AND HEAD MEN OF IOU-OL-UMNES, WETHILLAS, &c. TRIBES OF INDIANS.

A treaty of peace and friendship, made and concluded at Dent & Vantine's Crossings, on the Stanislaus river, California between the commissioner plenipotentiary of the United States of America, of the one part, and the chiefs, captains and head men of the Iou-ol-umne, We-chilla, Su-caah, Co-to-planemis, Chap-pah-sims and Sage-wom-nes tribes, of the other part. nA.

----- Footnote Begin -----

nA. Unratified.

----- Footnote End -----

ARTICLE 1. The several tribes or bands above mentioned do acknowledge the United States to be the sole and absolute sovereign of all the soil and territory ceded to them by a treaty of peace made between them and the republic of Mexico.

ART. 2. The said tribes or bands acknowledge themselves, jointly and severally, under the exclusive jurisdiction, authority and protection of the United States, and hereby bind themselves hereafter to refrain from the commission of all acts of hostility and aggression towards the government or citizens thereof, and to live on terms

## 4 KAPP 1096

of peace and friendship among themselves, and with all other Indian tribes which are now or may come under the protection of the United States.

ART. 3. Lest the peace and friendship hereby established between the United States and the said tribes be interrupted by the misconduct of individuals, it is expressly agreed that for injuries on either side no private revenge or retaliation shall take place, but instead thereof complaint shall be made by the party aggrieved to the other through the Indian agent of the United States in their district, whose duty it shall be to investigate and, if practicable, to adjust the difficulty; or, in case of acts of violence being committed upon the person or property of a citizen of the United States by an Indian or Indians belonging to or harbored by either of said tribes, the party charged with the commission of the crime shall be promptly delivered up to the civil authorities of the State of California for trial; and in case the crime has been committed by a citizen or citizens of the United States upon the person or property of an Indian or Indians of either of said tribes, the agent shall take all proper measures to bring the offender or offenders to justice in the same way.

ART. 4. To promote the settlement and improvement of said tribes or bands, it is hereby stipulated and agreed that the following districts of country in the State of California shall be and is hereby set apart forever, for the sole use and occupancy of the aforesaid tribes, to wit: beginning at an acute bend of the river about half a mile distant from and above this place, running thence in a due line to the elbows of Toulumne, opposite the point fixed in the former treaty, and running down in a straight line eight miles on said river, from thence across the Stanislaus river on a line parallel with the first, thence up the middle of said river to place of beginning, to have and to hold the said district of country for the sole use and occupancy of said Indian tribes forever: Provided, that there is reserved to the government of the United States the right of way over any portion of said territory, and the right to establish and maintain any military post or posts, public buildings, school-houses, houses for agents, teachers, and such others as they may deem necessary for their use or the protection of the Indians. The said tribes or bands, and each of them, hereby engage that they will never claim any other lands within the boundaries of the United States, nor ever disturb the people of the United States in the free use and enjoyment thereof. It is expressly understood and stipulated, that the right of way heretofore specified does not include the right of ferriage free of toll on the rivers within or bounding said reservation to persons other than those in the service or employ of the United States; the latter, however, shall pass free of toll; the said ferries to be under the control of the agent for the use and benefit of said bands and tribes of Indians.

ART. 5. To aid the said tribes or bands in their subsistence while removing to and making their settlement upon the said reservation, the United States, in addition to the numerous and valuable presents made to them at this council, will furnish them, free of charge, with four hundred head of beef-cattle to average each five hundred pounds, two hundred sacks flour of one hundred pounds each, and two hundred head of goats, within the term of two years from the date of this treaty.

ART. 6. As early as convenient after the ratification of this treaty by the President and Senate, in consideration of the premises, and with a sincere desire to encourage said tribes in acquiring the arts and habits of civilized life, the United States will also furnish them with the following articles, (to be divided among them by the agent according to their respective numbers and wants) during the two years succeeding the said ratification, viz: one pair of strong pantaloons and one red flannel shirt for each man and boy; one linsey gown for each woman and girl, one thousand yards calico, one thousand yards brown sheetings, ten pounds Scotch thread, two dozen pairs assorted scissors, four dozen thimbles, three thousand needles, one 2/1/2 Pt.M. blanket for each man and woman over fifteen years of age; one thousand pounds iron and two hundred pounds steel; and in like manner for the first year for the permanent use of the said tribes, and as their joint property, viz: twenty-five brood-mares and one stallion, one hundred and fifty milch cows and nine bulls, four yoke of work cattle with yokes and chains, four work mules or horses, ten ploughs assorted sizes, ten sets harness for plough horses, seeds of all proper kinds for planting, thirty-five chopping axes, ten mattocks or picks, thirty-five hatchets, one hundred garden or corn hoes, thirty-five spades, and six grindstones. The stock enumerated above and

the product thereof shall be marked or branded with such letters as will at all times designate the same to be property of said tribe, and no other portion thereof shall be killed, exchanged, sold, or otherwise parted with, without the consent and direction of the agent.

ART. 7. The United States will also employ and settle among said tribes at or near their towns or settlements, one practical farmer, who shall superintend all agricultural operations, with two assistants, men of practical knowledge and industrious habits; one carpenter, one wheelwright, one blacksmith, one principal school-teacher, and as many assistant teachers as the President may deem proper to instruct said tribes, in reading, writing, &c., and in the domestic arts upon the manual labor system; all the above named workmen and teachers to be maintained and paid by the United States for the period of five years, and as long thereafter as the President shall deem advisable. The United States will also erect suitable

school houses, shops and dwellings for the accommodation of the schools, teachers and mechanics above specified, and for the protection of the public property.

ART. 8. The chiefs and captains aforesaid, for themselves and their respective tribes, stipulate to be active and vigilant in preventing the retreating to or passing through the district of country assigned them, of any absconding slaves or fugitives from justice; and further agree to use all necessary exertion to apprehend and deliver the same to the agent, who shall receive orders to compensate them agreeably to the trouble and expenses incurred. ADDITIONAL.

ART. 9. For and in consideration of the uniform friendly, honest and meritorious deportment of Captain Cornelius towards the American citizens, it is agreed and stipulated that the tract of land on which he now resides is hereby set apart for the sole use and occupancy of himself and his people, but not as a grant in fee simple, bounded as follows: beginning at a point on the northeast side of the Toasuolumne river, one quarter of a mile below How's ferry, running thence down said river three miles, thence out and back to the place of beginning, embracing a square of three miles; and in further consideration of his appreciation of our republican form of government, we hereby present him with an American flag, it being the first request made by him to us.

These articles to be binding on the contracting parties when ratified and confirmed by the President and Senate of the United States.

In testimony whereof, the parties have hereunto signed their names and affixed their seals, this twenty-eighth day of May, in the year of our Lord one thousand eight hundred and fifty-one.

O. M. WOZENCRAFT,

For and in behalf of the Iou-ol-umnes:

CORNELIUS, his x mark.

SALA-DO-NIA, his x mark.

For and in behalf of the We-Chillas:

WE-CHILLA, his x mark.

JOSE-TRIN-I-DAD, his x mark.

LU-TEE-MA, his x mark.

FRANCISCO, his x mark.

NEN-TU-IA, his x mark.

MANUEL, his x mark.

IRAN-KA-LINO, his x mark.

MANUEL, his x mark. (Grande.)

For and in behalf of the Suc-caahs:

SUC-CAAH-KE, his x mark.

YOU-IT-KA, his x mark.

For and in behalf of the Co-to-pla-ne-mis:

PA-KI-NO, his x mark.

FE-RE-SETO, his x mark.

For and in behalf of the Chap-pah-sims:

FE-LIPPE, his x mark.

NI-CO-LAS, his x mark.

For and in behalf of the Sage-wom-nes:

YO-MIL-LO, his x mark.

Signed, sealed and delivered, after being fully explained, in presence of - -

E. S. LOWELL, Secretary.

A. JOHNSON, Agent.

F. BELCHER,

JOHN C. DENT, S. DENT.

**LOAD-DATE:** September 28, 1998

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TREATY WITH THE TACHES, CAH-WAI, ETC., 1851

4 KAPP 1092

May 13, 1851

**LENGTH:** 1387 words

**TEXT:**

TREATY MADE AND CONCLUDED AT CAMP BELT, ON KING'S RIVER, IN THE STATE OF CALIFORNIA, MAY 13, 1851, BETWEEN GEORGE W. BARBOUR, COMMISSIONER ON THE PART OF THE UNITED STATES, AND THE CHIEFS, CAPTAINS, AND HEAD MEN OF THE TACHES, CAH-WAI, ETC., ETC., TRIBES OF INDIANS.

A treaty of peace and friendship made and entered into at Camp Belt, on King's river, in the State of California, on the thirteenth day of May, eighteen hundred and fifty-one, between George W. Barbour, one of the commissioners appointed by the President of the United States to make treaties with the various Indian tribes in the State of California, and having full authority to do so, of the first part, and the chiefs, captains, and head men of the following tribes of Indians, to wit: the Ta-ches, Cah-wai, Yo-kol, Ta-lum-ne, Wic-chum-ne, Hol-cu-ma, To-e-neche, Tu-huc-mach, In-im-peach, Choi-nuck, We-mil-ches, and Mo-ton-toes, of the second part. nA.

----- Footnote Begin -----

nA. Unratified.

----- Footnote End -----

ARTICLE 1. The said tribes of Indians jointly and severally acknowledge themselves to be under the exclusive jurisdiction, control, and management of the government of the United States, and undertake and promise on their part to live on terms of peace and friendship with the government of the United States and the citizens thereof, with each other, and with all Indian tribes.

ART. 2. It is agreed between the contracting parties that for any wrong or injury done by individuals of either party to the person or property of those of the other, no personal or individual retaliation shall be attempted, but in all such cases the party aggrieved shall apply to the proper civil authorities for a redress of such wrong or injury; and to enable the civil authorities more effectively to suppress crime and punish guilty offenders, the said Indian tribes jointly and severally promise to aid and assist in bringing to justice any person or persons that may be found at any time among them, and who shall be charged with the commission of any crime or misdemeanor.

ART. 3. It is agreed between the parties that a district of country between the Cah-wai river, or the first of the four creeks, and the Chou-chille river, to be laid off as follows, to wit: beginning at the point in the Cah-wai river where the

southwestern line of the lands set apart for the Indians at the treaty made and concluded at Camp Barbour on the San Joaquin river, leaves said river for the Chou-chille river; running thence down the middle of the Cah-wai river to the Tulare or Tache lake; thence along the same in the direction of and to the mouth of King's river; thence up said river to a point six miles below where the said southwestern line of the lands set apart for the Indians at the treaty made at Camp Barbour on the San Joaquin river as aforesaid, crosses said King's river; thence a line to the Chou-chille river to be run parallel to the aforesaid line crossing the San Joaquin and Fresno rivers, and intersecting the Chou-chille at the distance of six miles from said southwestern line; thence up the Chou-chille to said line and with it to the beginning on the Cah-wai river, shall be set apart and forever held for the sole use and occupancy of said tribes of Indians; in consideration of which, and the further consideration of permitting said tribes to hunt wild game and gather wild fruit, nuts, &c., in the hills and mountains between the Cah-wai and Chou-chille rivers, the said tribes hereby forever quit claim to the government of the United States to any and all lands to which they or either of them may ever have had any claim or title.

ART. 4. In further consideration of the premises, and for the purpose of aiding in the subsistence of said tribes of Indians during the years eighteen hundred and fifty-one and two, it is agreed by the party of the first part to furnish said tribes jointly (to be distributed in proper proportions among them), with six hundred head of beef-cattle, to average five hundred pounds each, and five hundred sacks of flour, to average one hundred pounds each, for each year.

ART. 5. It is further agreed, that as soon after the ratification of this treaty by the President and Senate of the United States as may be practicable and convenient, the said tribes shall be furnished jointly and free of charge with the following articles, to wit: fifty brood mares and two stallions, sixty cows and five bulls, twenty-four ploughs, twelve sets of harness complete, twenty-four work mules or horses,

twenty-four yoke of California oxen, two hundred axes, two hundred hoes, one hundred spades or shovels, one hundred picks, all the necessary seeds for sowing and planting for one year, three thousand pounds of iron and six hundred pounds of steel, two thousand blankets, two flannel shirts and two pairs of coarse pants for each man and boy over fifteen years of age, three thousand yards of lindsey cloth and the same quantity of cotton cloth, and the same of coarse calico for clothing for the women and children, fifty pounds of thread, five thousand needles, five hundred thimbles, and twelve dozen pairs of scissors, and one dozen good grindstones.

ART. 6. The United States agree further to furnish a man skilled in the business of farming, to instruct said tribes and such others as may be placed under him, in the business of farming, one blacksmith, and one skilled in working in wood, (wagon maker or rough carpenter,) one superior and such assistant school teachers as may be necessary, all to live among and work for, and teach said tribes and such others as they may be required to work for and teach; said farmer, blacksmith, worker in wood, and teachers to be supplied to said tribes and continued only so long as the President of the United States shall deem advisable; a school-house, and all other buildings necessary for the persons mentioned in this article to be furnished by the government, and for that purpose the government of the United States hereby retains and reserves to herself in the lands herein set apart for the Indians, not only the right to erect said buildings, but also the right to erect any military post or posts, houses for agents, officers, and others in the service or employment of the government, and the right of way over any portion of said territory.

This treaty to be binding on the contracting parties when ratified and confirmed by the President and Senate of the United States of America.

In testimony whereof, the contracting parties have hereto signed their names and affixed their seals this thirteenth day of May, anno Domini eighteen hundred and fifty-one.

G. W. BARBOUR.

Taches:

QUINTIN, his x mark, chief.

JOSE ANTONIO, his x mark.

SU-LIO, his x mark.

ELARION, his x mark.

GREGORIOR, his x mark.

Notontors:

MANUEL, his x mark, chief.

SANTIAGO, his x mark.

INOCENTE, his x mark.

ESTANISLAN, his x mark.

JOSE QUINTIN, his x mark.

JUAN, his x mark.

We-mil-ches:

JULIANO, his x mark, chief.

JOSE MARTIN, his x mark.

PEDRO, his x mark.

JOSE ANTONIO NICOLAS, his x mark.

Choi-nues:

VALENTINE, his x mark.

JOSE, his mark.

EBON, his x mark.

FRANCISCO, his x mark.

SATRONINE, his x mark.

Intimpeaches:

ANTONIO, his x mark, chief. SISTO, his x mark.

Tu-huc-maches:

SYLVISTER, his x mark, chief.

CERVANTES, his x mark.

Tor-neches:

CASTRO, his x mark, chief

JOSE ANTONIO, his x mark.

Holcumas:

HAMUCH, his x mark, chief.

TOMAS, his x mark.

Wic-chum-nes:

EAHAL, his x mark.

MANUEL, his x mark.

IGNACIO, his x mark.

CHILO, his x mark.

To-lum-nes:

TO-HIL-NA, his x mark.

JOAQUIN, his x mark.

Cah-wais:

FRANCISCO, his x mark.

BAUTISTA, his x mark.

RAFAEL, his x mark.

Yo-kols:

ECHA, his x mark. JUAN TAMATO, his x mark.

JOSE MARIA, his x mark.

Signed and sealed in duplicate, after being read and explained, in the presence of - -

H. S. BURTON, Interpreter.

N. H. McLEAN, Secretary.

W. S. KING, Assistant surgeon, U.S. Army.

T. MOORE, Second lieutenant 2d infantry.

H. G. J. GIBSON, Second lieutenant 3d artillery.

**LOAD-DATE:** September 28, 1998

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TREATY WITH THE HOWECHEES, ETC., 1851

4 KAPP 1085

April 29, 1851

**LENGTH:** 2249 words

**TEXT:**

TREATY MADE AND CONCLUDED AT CAMP BARBOUR, ON THE SAN JOAQUIN RIVER, STATE OF CALIFORNIA, APRIL 29, 1851, BETWEEN REDICK MCKEE AND OTHERS, COMMISSIONERS ON THE PART OF THE UNITED STATES, AND THE CHIEFS, CAPTAINS AND HEAD MEN OF THE HOW-ECH-EES, &C., TRIBES OF INDIANS.

A treaty of peace and friendship made and concluded at Camp Barbour, on the San Joaquin river, California, between Redick McKee, George W. Barbour, and O. M. Wozencraft, commissioners thereto specially appointed, on the part of the United States, and the undersigned chiefs, captains and head men of the tribes or bands of Indians now in council at this camp, known as the How-ech-ees, Chook-cha-nees, Chow-chil-lies, Po-ho-nee-chees, and Nook-choos, which five tribes or bands acknowledge Nai-yak-qua as their nA.

----- Footnote Begin -----

nA. Unratified.

----- Footnote End -----

## 4 KAPP 1085

principal chief; also the Pit-cat-chees, Cas-sons, Toom-nas, Tallin-chees and Poskesas; which five tribes or bands acknowledge Tom-quit as their principal chief; also the Wa-chaets, Itachees, Cho-e-nem-nees, Cho-ki-men-as, We-mal-ches, and No-to-no-tos, which six tribes or bands acknowledge Pas-qual as their principal chief.

ART. 1. The said tribes or bands acknowledge themselves jointly and severally, under the exclusive jurisdiction, authority and protection of the United States; and hereby bind themselves to refrain hereafter from the commission of all acts of hostility, or aggression towards the government or citizens thereof, and to live on terms of peace and friendship among themselves, and with all other Indian tribes which are now or may hereafter come under the protection of the United States.

ART. 2. Lest the peace and friendship hereby established between the United States and the said tribes should be interrupted by the misconduct of individuals, it is expressly agreed that, for injuries on either side, no private revenge or retaliation shall take place or be attempted; but instead thereof complaints shall be made by the party aggrieved to the other through the Indian agent of the United States in their district, whose duty it shall be to investigate, and, if practicable, adjust the the difficulty; or, in case of acts of violence being committed upon the person or property of a citizen of the United States by an Indian or Indians belonging to or harbored by either of said tribes or bands, the party or parties charged with the commission of the crime shall be promptly delivered up to the civil authorities of the State of California for trial; and in case the crime has been committed by a citizen or citizens of the United States upon the person or property of an Indian or Indians of either of said tribes, the agent shall take all proper measures to bring the offender or offenders to trial in the same way.

ART. 3. The said tribes or bands hereby jointly and severally relinquish, and forever quit claim to the United States all the right, title, claim or interest of any kind they or either of them have or ever had to lands or soil in California.

ART. 4. To promote the settlement and improvement of said tribes or bands, it is hereby stipulated and agreed that the following district of country in the State of California, shall be, and is hereby, set apart forever for the sole use and occupancy of the aforesaid tribes of Indians, to wit: - - Beginning at a point in the middle of the Chonchille river, near an old Indian rancheria, called Ta-ha-leel, and immediately at the junction of the two first main forks of said river, in the foothills; running thence a straight line in a southwesterly direction, to the top of the point of the Table mountain, on the San Joaquin river, being the first high hill or mountain

above and adjoining the valley in which the camp known as camp Barbour is established, on the south side of the San Joaquin river, continuing thence on the top of said mountain a straight line in the same southwesterly direction to the eastern base of what is known as the lone or lost mountain, on the south side of King's river; continuing thence a line in the same direction to the middle of the Cowier river, generally known as the first of the Four creeks; thence down the middle of said stream to a point fifteen miles in a straight line from where the first line strikes it, thence back to the middle of the Chonchille river to a point fifteen miles distant, on a straight line from the starting point, as aforesaid, on said river; the said line from the Cowier river, or first of the Four creeks, to be so run to cross King's San Joaquin, and Frenzo rivers at the distance of fifteen miles in a straight line from where the first line herein mentioned crosses each one of said rivers, and from where the last mentioned line strikes the Chonchille river, up the middle of said stream to the beginning: To have and to hold the said district of country for the sole use and occupancy of said Indian tribes forever: Provided, That there is reserved to the government of the United States the right of way over any portion of said territory, and the right to establish and maintain any military post or posts, public buildings, school houses, houses for agents, teachers, and such others as they may deem necessary for their use, or the protection of the Indians: And provided further, That said tribes of Indians, or any portion of them, shall at all times have the privilege of the country east of the aforesaid district, and between the waters of the Chonchille and Cowier rivers (or first of the Four creeks) to the foot of the Sierra Nevada Mountains, to hunt and to gather fruits, acorns, &c.; but in no event are they or any of them to remove or settle their families beyond the limits of the first described district or boundary of land without the permission of the government of the United States through their duly authorized agent; and also that the said tribes shall never sell or dispose of their right or claim to any part thereof, except to the United States, nor shall they ever lease to, or permit white men to settle, work, or trade upon any part thereof, without the written permission of the Indian agent for the district. And it is also expressly understood that the mona or wild portion of the tribes herein provided for, which are still out in the mountains, shall, when they come in, be incorporated with their respective bands, and receive a fair and equal interest in the land and provisions hereinafter stipulated to be furnished for the whole reservation;

and the tribes above named pledge themselves to use their influence and best exertions to bring in and settle the said monas at the earliest possible day; and when the Yo-semi-te tribe come in they shall in like manner be associated with the tribes or bands under the authority or control of Nai-yak-qua.

## 4 KAPP 1085

ART. 5. To aid the said tribes or bands in their subsistence, while removing to and making their settlement upon the said reservation, the United States, in addition to the numerous and valuable presents made to them at this council, will furnish them free of charge, with five hundred head of beef cattle, (to average in weight five hundred pounds) and two hundred and sixty sacks of flour, (one hundred pounds each) during each of the years 1851 and 1852, to be divided among them by the agent, according to their respective numbers.

ART. 6. As early as convenient after the ratification of this treaty by the President and Senate, in consideration of the premises, and with a sincere desire to encourage said tribes in acquiring the arts and habits of civilized life, the United States will also furnish them with the following articles, to be divided among them by the agent, according to their respective numbers and wants, during each of the two years succeeding the said ratification, viz:

Two pairs strong pantaloons and two red flannel shirts for each man and boy, one linsey gown for each woman and girl; three thousand yards calico, and three thousand yards brown sheetings, thirty pounds Scotch thread, six dozen pairs scissors, assorted, one gross thimbles and five thousand needles, assorted, one two and a half-point Mackinaw blanket for each man and woman over fifteen years of age; three thousand pounds iron, and five hundred pounds steel. And in like

manner, in the first year, for the permanent use of the said tribes, and as their joint property, viz:

Seventy-five brood mares and three stallions, one hundred and fifty milch cows and three bulls, twelve yoke of work cattle, with yokes, chains, &c., twelve work mules or horses, thirty ploughs, (ten large and twenty small) thirty set harness for plough horses or mules; seeds of all proper kinds, for planting and sowing; one hundred chopping axes, one hundred hatchets, thirty mattocks or picks, three hundred garden or corn hoes, one hundred spades, fifteen grindstones, three United States flags, (one for each principal chief).

The stock enumerated above, and the product thereof, shall be marked or branded with such letters as will at all times designate the same to be the property of the said tribes, and no part or portion thereof shall be killed, exchanged, sold, or otherwise parted with, without the consent and direction of the agent.

ART. 7. The United States will also employ and settle among said tribes, at or near their towns or settlements, one practical farmer, who shall act as superintendent or director of agricultural operations, to reside at some central point, and to have two assistants, also men of practical knowledge and industrious habits; one carpenter or worker in wood, to direct and aid in the construction of houses, repairing plows, &c.; one blacksmith, to reside at some central point; three principal school teachers, and as many assistant teachers as the President may deem proper, to instruct said tribes in reading, writing, &c., and in the domestic arts of sewing, housekeeping, &c., upon the manual-labor system; all the above-named workmen and teachers to be maintained and paid by the United States, for the period of five

years, and as long thereafter as the President shall deem advisable. The United States will also erect suitable school houses, shops, and dwellings for the accommodation of the schools, teachers and mechanics above specified, and for the protection of the public property.

These articles to be binding on the contracting parties, when ratified and confirmed by the President and Senate of the United States.

In testimony whereof, the parties have hereunto signed their names and affixed their seals, this twenty-ninth day of April, in the year of our Lord one thousand eight hundred and fifty-one.

REDICK McKEE.

G. W. BARBOUR.

O. M. WOZENCRAFT.

For and in behalf of the How-ech-ees:

NAI-YAK-QUA, his x mark.

NO-CHEEL, his x mark.

CHAL-WAK-CHEE, his x mark.

PAR-SA, his x mark.

PO-YAI, his x mark.

For and in behalf of the Chook chanees:

CO-TUM-SI, his x mark.

TI-MOH, his x mark.

SA-WA-LAU, his x mark.

A-CHAT-A-NA, his x mark.

MI-E-WAL, his x mark.

For and in behalf of the Chow-chil-lies:

PO-HO-LEEL, his x mark.

E-KEENO, his x mark.

KAY-O-YA, his x mark.

A-PEM-SHEE, his x mark.

CHO-NO-HAL-MA, his x mark.

For and in behalf of the Po-ho-nee-chees:

PO-TOL, his x mark.

CHEE-KO, his x mark.

MOOCH-CAT-E, his x mark.

HO-HAS-SEE, his x mark.

COW-WAL, his x mark.

For and in behalf of the Nook-choos:

PAN-WACH-EE, his x mark.

KET-TA, his x mark.

MUL-LU-CE, his x mark.

TAW-WICH, his x mark.

WAL-LIN, his x mark.

For and in behalf of the Pit-ca-chees:

TOM-QUIT, chief, his x mark.

YA-KO-WAL, his x mark.

TOO-TRO-MI, his x mark.

CHO-LUL, his x mark.

NE-SA-PLO, his x mark.

For and in behalf of the Cas-sons:

DOMINGO-PEREZ, his x mark.

TOM-MAS, his x mark.

JOSE-ANTONIO, his x mark.

For and in behalf of the Toom-nas:

HAT-CHU-LOO, his x mark.

TAP-PA, his x mark.

PO-SHA, his x mark.

For and in behalf of the Tallinchees:

CHO-KETE, his x mark.

PAL-LO-KOOSH, his x mark.

HOW-IL-ME-NA, his x mark.

SO-KUCH, his x mark.

For and in behalf of Pos-ke-sas:

KO-SHISH, his x mark.

KO-ITCH, his x mark.

COP-PI, his x mark.

WO-WAL, his x mark.

For and in behalf of the Wacha-ets:

PAS-QUAL, chief, his x mark.

WA-KEEN, his x mark.

JOSE ANTONIO, his x mark.

For and in behalf of the Itachees:

WA-TOO, his x mark.

A-POR-TRIA, his x mark.

TO-NAI-CHEE, his x mark.

For and in behalf of the Cho-e-nem-nees:

WAU-TOE-KI, his x mark.

HO-LET-TEE, his x mark.

TA-WEEN, his x mark.

For and in behalf of the Cho-ki-men-as:

KO-HEEL, his x mark.

TRA-TRA-IT-SE, his x mark.

WOH-TON, his x mark.

For and in behalf of the No-to-no-tos:

PAS-QUAL, his x mark.

For and in behalf of the We-mal-ches:

PAS-QUAL, his x mark.

Signed sealed and delivered, after being fully explained, in presence of - -

JOHN McKEE, Secretary.

JOHN HAMILTON, Interpreter.

ADAM JOHNSTON, Agent.

4 KAPP 1085

E. D. KEYES, Captain third artillery, commanding escort.

W. S. KING, Assistant surgeon, U.S. Army.

I. M. LENDRUM, First lieutenant 3d artillery.

H. G. J. GIBSON, Second lieutenant 3d artillery.

N. H. McLEAN, Second lieutenant 2d infantry.

I. F. A. MARR.

**LOAD-DATE:** September 28, 1998

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TREATY WITH THE SI-YAN-TE, ETC., 1851

4 KAPP 1081

March 19, 1851

**LENGTH:** 7756 words

**TEXT:**

TREATY MADE AND CONCLUDED AT CAMP FREMONT, STATE OF CALIFORNIA, MARCH 19, 1851, BETWEEN REDICK MCKEE AND OTHERS, COMMISSIONERS ON THE PART OF THE UNITED STATES, AND THE CHIEFS, CAPTAINS, AND HEAD MEN OF THE SI-YAN-TE, ETC., TRIBES OF INDIANS. n1.

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n1. WASHINGTON, June 1, 1852 To the Senate of the United States: I communicate to the Senate herewith, for its constitutional action thereon, eighteen treaties negotiated with Indian tribes in California, as described in the accompanying letter of the Secretary of the Interior, dated the 22d ultimo, with a copy of the report of the Superintendent of Indian Affairs for the State of California, and other correspondence in relation thereto. MILLARD FILLMORE. The eighteen treaties with Indian tribes in California received on the 7th and reported without amendment the 28th June, were severally read the second time, and considered as in Committee of the Whole; and no amendment being made thereto, they were severally reported to the Senate. On the question being stated on each treaty, to wit, Will the Senate advise and consent to the ratification of this treaty? It was unanimously determined in the negative by the following vote on each treaty: Those who voted in the negative are, Messrs. Adams, Atchison, Bayard, Borland, Bradbury, Brodhead, Brooke, Charlton, Clarke, Cooper, Dawson, De Saussure, Dodge of Wisconsin, Dodge of Iowa, Douglas, Felch, Foot, Geyer, Gwin, Hamlin, Hunter, Jones of Iowa, Mallory, Mangum, Miller, Norris, Pratt, Rusk, Shields, Smith, Soule, Spruance, Sumner, Toucey, Upham, Wade, Walker. So it was respectively determined as follows, to wit: Resolved, That the Senate do not advise and consent to the ratification of the treaty of peace and friendship made and entered into at Camp Belt, on King's River, in the State of California, on the thirteenth day of May, eighteen hundred and fifty-one, between George W. Barbour, one of the commissioners appointed by the President of the United States to make treaties with the various Indian tribes in the State of California, and having full authority to do so, of the first part, and the chiefs, captains, and head men of the following tribes of Indians, to wit, the Ta-ches, Cah-wai, Yo-kol, Ta-lum-me, Wic-chum-ne, Hol-cu-ma, To-e-neche, Tu-hue-masch, In-tim-peach, Chol-nuck, We-mil-ches, and Mo-ton-toes, of the second part. Resolved, That the Senate do not advise and consent to the ratification of the treaty of peace and friendship made and entered into at Camp Keyses, on the Cahwai River, in the State of California, on the thirtieth day of May eighteen hundred and fifty-one, between George W. Barbour, one of the commissioners appointed by the President of the United States to make treaties with the various Indian tribes in the State of California, and having full authority to do so, of the first part, and the chiefs, captains and head men of the following tribes of Indians, to wit, Ko-ya-te, Wo-la-si, Nu-chow-we, Wach-sa-che, Pal-wisha, Po-ken-welle, and Ya-wil-chine, of the second part. Resolved, That the Senate do not advise and consent to the ratification of the treaty of peace and friendship formed and concluded at Camp Burton, on Paint Creek, in the State of

California, on the third day of June, eighteen hundred and fifty-one, between George W. Barbour, one of the commissioners appointed by the President of the United States to make treaties with the various Indian tribes in the State of California, and having full authority to act, of the first part, and the chiefs, captains, and head men of the following tribes of Indians, to wit, Chu-nute, Wo-wol, Yo-lum-ne, Co-ye-tie, of the second part. Resolved, That the Senate do not advise and consent to the ratification of the treaty of peace and friendship made and entered into at Camp Persifer F. Smith, at the Texon Pass, in the State of California, on the tenth day of June, eighteen hundred and fifty-one, between George W. Barbour, one of the commissioners appointed by the President of the United States to make treaties with the various Indian tribes in the State of California, and having full authority to act, of the first part, and the chiefs, captains, and head men of the following tribes of Indians, to wit, Cas-take, Texon, San-Imirio, Uvas, Carises, Buena Vista, Sena-hu-ow, Ho-lo-cla-me, Soho-nuts, To-cia-a, and Hol-mi-uh, of the second part. Resolved, That the Senate do not advise and consent to the ratification of the treaty of peace and friendship made and concluded at Dent and Vantine's Crossings, on the Stanislaus River, California, between the commissioner plenipotentiary of the United States of America, of the one part, and the chiefs, captains, and head men of the Iou-ol-umne, We-chilla, Su-caah, Co-to-planemis Chap-pah-sims and Sage-room-nes, tribes of the other part. Resolved, That the Senate do not advise and consent to the ratification of the treaty of peace and friendship made and concluded at Camp Union, near the Yaba River, between the United States Indian agent, O. M. Wozencraft, of the one part, and the chiefs, captains and head men of the following tribes, viz, Daspia, Ya-ma-do, Yol-la-mer, Wai-de pa can, On-o-po-ma, Mon-e da, Wau-muck, Nem-shaw, Bem-pi, Ya-cum-na, of the other part. Resolved, That the Senate do not advise and consent to the ratification of the treaty of peace and friendship made and concluded, near Bedwell's Ranch, on Chico Creek, between the United States Indian agent, O. M. Wozencraft, of the one part, and the chiefs captains and head men of the following tribes, viz, Mi-chop-da, Es-kuin, Ho-lo lu-pi, To-to, Su-mus, Che-no, Bat-si, Yut-duc, Sim-sa-wa, of the other part. Resolved, That the Senate do not advise and consent to the ratification of the treaty of peace and friendship made and concluded at Reading's Ranch, on Cottonwood Creek, California, between the United States Indian agent, O. M. Wozencraft, of the one part, and the chiefs, captains and head men of the following tribes or bands, viz, Noi-ma, Noe-ma, Y-lac-ca, No-me, Noi-ma, of the other part. Resolved, That the Senate do not advise and consent to the ratification of the treaty of peace and friendship made and concluded at Camp Colus, on the Sacramento River, California, between the United States Indian agent, O. M. Wozencraft, of the one part, and the chiefs, captains, and head men of the following tribes or bands, viz, Colus, Wil-lays, Co-ha-na, Tat-nah, Cha-doc-duc, Cham-net-co, Toc-de, of the other parts. Resolved, That the Senate do not advise and consent to the ratification of the treaty of peace and friendship made and concluded at the fork of Cosumnes River, between the United States Indian agent, O. M. Wozencraft, of the one part, and the chiefs, captains, and head men of the following tribes, viz, Cu-lus, Yas-si, Loc-lum-ne, and Wo-pum-nes, of the other part. Resolved, That the Senate do not advise and consent to the ratification of the treaty of peace and friendship made and concluded at the village of Temecula, California, between the United States Indian agent, O. M. Wozencraft, of the one part, and the captains and head men of the following nations, viz, The nation of Sa Louis Rey Indians, the Kah-we-as and the tribe of Co-com-cah-ras, of the other part. Resolved, That the Senate do not advise and consent to the ratification of the treaty of peace and friendship made and concluded at the village of Santa Ysabel, California, between the United States Indian agent, O. M. Wozencraft, of the one part, and the captains and head men of the nation of Diequino Indians of the other part. Resolved, That the Senate do not advise and consent to the ratification of the treaty made and concluded on the nineteenth day of March, in the year eighteen hundred and fifty-one, at Camp Fremont, near the Little Mariposa River, in the State of California, between Redick McKee, George W. Barbour, and Oliver M. Wozencraft, commissioners appointed by the President of the United States to treat with the various tribes of Indians in the State of California, of the one part, and the chiefs, captains, and head men of the Si-yan-te, Po-to-yan-te, Co-co-noon, Apang-as-se, Aplache, and A-wal-a-che, tribes of Indians, of the other part. Resolved, That the Senate do not advise and consent to the ratification of the treaty of peace and friendship made and concluded at Camp Barbour, on the San Joaquin River, California, between Redick McKee, George W. Barbour, and O. M. Wozencraft, commissioners thereto specially appointed, on the part of the United States, and the undersigned chiefs, captains, and head men of the tribes or bands of Indians now in council at this camp, known as the How-ech-ees, Chook-chnees, Chow-chil-lies, Po-honee-chees, and Nook-choos, which five tribes or bands acknowledge Nai-yah-qua as their principal chief, also the Pit-cat-chees, Cas-sous, Toom-nas, Tallin-chees, and Pos-kesa, which five tribes or bands acknowledge Tom-quit as their principal chief; also the Wa-cha-ets, Itachees, Cho-e-nem-nees, Cho-e-nem-as, We-mal-ches, and No-to-no-tos, which six tribes or bands acknowledge Pasqual as their principal chief, of the other part. Resolved, That the Senate do not advise and consent to the ratification of the treaty of peace and friendship made and concluded at Camp Lu-pi-yu-ma, on the south side of Clear Lake, between Redick McKee, one of the Indian agents specially appointed to make treaties with the various Indian tribes in California, on the part of the United States, and the undersigned chiefs, captains, and head men of the tribes or bands of Indians now in council at this camp, known as the Ca-la-na-po tribe, represented by the Julio and captains; Na-bi-no-po tribe, represented by the chief, Pri-e-to, and his captains; Da-do-ha-bo tribe, represented by the

chief, Ku-kee; Mo-al-kai tribe, represented by the chief, Moh-shaw, and his captains; Che-com tribe, represented by the chief, Cal-i-a-him and his captains; How-ku-ma tribe, represented by the chief, Chi-bec, and his captains; Cha-nel-kai tribe, represented by the chief, Cou-chu, and the Mo-dam-a-dec tribe, represented by the chief, Co-e-u-re, of the other part. Resolved, That the Senate do not advise and consent to the ratification of the treaty of peace and friendship made and concluded at Camp Fernando Felix, on Russian River, California, between Redick McKee, one of the Indian agents specially appointed to make treaties with the various Indian tribes in California, on the part of the United States, and the undersigned chiefs, captains and headmen of the tribes or bands of Indians now in council at this camp, known as the Sai-nell tribe, represented by the chief, Chas-kan and captains; Ya-ki-as tribe, represented by the chief Ko-yo-to-was-sa and captains; Mas-su-ta-ka-ya tribe, represented by the chief Cal-pel-la and captains; Po-mo tribe, represented by the chief Chi-bem, of the other part. Resolved, That the Senate do not advise and consent to the ratification of the treaty of peace and friendship made and concluded at Camp Klamath, at the junction of the Klamath and Trinity Rivers, between Redick McKee, one of the Indian agents specially appointed to make treaties with the various Indian tribes in California, on the part of the United States, and the chiefs, captains, and headmen of the tribes or bands of Indians now in council at this camp, representing the Poh-likor Lower Klamath, the Pehtsick or Upper Klamath and the Hoo-pah or Trinity River Indians; containing also stipulations preliminary to future measures to be recommended for adoption on the part of the United States. Resolved, That the Senate do not advise and consent to the ratification of the treaty of peace and friendship made and concluded at camp in Scott's Valley, Shasta County, California, between Redick McKee, one of the Indian agents specially appointed to make treaties with the various Indian tribes in California, on the part of United States, and the undersigned chiefs, captains, and headmen now in council at this camp, representing the Upper Klamath, Shasta, and Scott's River Indians, residing severally in twenty-four-nineteen, and seven rancherias or villages, and known as the O-de-i-lah tribe or band, I-shak, chief, from the Upper Klamath River; I-ka-ruck tribe or band, Tso-hor-get-sho, chief; Kose-tah tribe or band, Ada-wai-how-ik, chief; I-da-kai-i-waka-ha tribe or band, I-da-kai-i-waka-ha, chief, from Shasta Valley; Wat-sa-he-wa tribe or band, Ar-rats-a-cho-i-ca, chief; E-en tribe or band, An-na-tik-a-hok, chief, from Scott's Valley, on the other part. Ordered, That the Secretary lay the said resolutions, respectively, before the President of the United States. (Senate Executive Journal, July 8, 1852, vol. 8, pp., 417, 418, 419.)

DEPARTMENT OF THE INTERIOR, May 22, 1852 SIR: I have the honor to transmit herewith, sundry treaties negotiated with various Indians in California, together with a report from the Commissioner of Indian Affairs, accompanied by a mass of documents relating to the subject. It was my wish to bring these treaties to your notice at as early a day as practicable, but most of them, it will be perceived, were not received until after the middle of February; and as they involved important principles and large expenditures of money, and as I learned that there was much opposition to them among the people of California, I did not feel justified in submitting them to you officially, until I could inform myself as to their merits, and be prepared to express myself with some degree of confidence as to the propriety of recommending their ratification or rejection. A slight examination of the treaties and accompanying documents will suffice to show that it is impossible to form such an opinion from the information now in possession of the department. Hence it seemed to be proper, considering the importance of the subject, and the serious consequences likely to result from mistaken action, that the treaties should be committed to some suitable agent of the government, with instructions to examine them thoroughly, and make full report upon the expediency of ratifying, rejecting, or amending them. This course, I was gratified to believe at the time, met the approval of a portion at least of the delegation in Congress from the State of California. The duty of making the desired examination and report devolved on the Superintendent of Indian Affairs for California; but he has been prevented from attending to this and other important business of his office in the manner contemplated, in consequence of the unexpected delay in passing the deficiency bill, now before the Senate. He has, however, made a report, predicated on his general knowledge of the Indians of California and of the country, in which he expresses himself decidedly in favor of the ratification of the treaties: and inasmuch as the department has no present means of obtaining further or more reliable information, and as one of the senators from the State more immediately interested has complained in his place, that the treaties have been improperly withheld from the Senate, I now submit them for your consideration, and respectfully recommend that they be communicated to the Senate, to be disposed of in such way as that body in its wisdom shall direct. I am, sir, with much respect, your obedient servant, ALEX. H. H. STUART, Secretary. P.S. The treaties herein referred to are particularly described in the schedule. To the PRESIDENT OF THE UNITED STATES. SCHEDULE. A. Treaty at Camp Belt, May 13, 1851, made and concluded by George W. Barbour and the chiefs and headmen of the Ta-ches, Cah-wia, Yo-kol, Ta-lum-ne, wic-chum-ne, hol-cu-ma, To-e-neche, To-huc-mach, In-tim-peach, Choi-nuck, We-mil-ches, and Mo-ton-toes of California. B. Treaty at Camp Keyes, May 30, 1851, made and concluded between George W. Barbour and the chiefs, captains and headmen of the Ko-ya-tes, Wo-la-si, Nu-chow-we, Wack-sa-che, Pal-wisha, Po-ken-welle, and Ya-wil-chine tribes of Indians in California. C. Treaty at Camp Burton, June 3, 1851, made and concluded between George W. Barbour and the chiefs, captains and head men of the Chu-nute, Wo-wol, Yo-lum-ne, and Co-ye-tie tribes of Indians in California. D. Treaty at Camp Persifer F. Smith, June 10, 1851, made and concluded between George W.

Barbour and the chiefs, captains and headmen of the Castake, Texon, San Imirio, Uvas, Carises, Buena Vista, Sena-hu-ow, Holo-cla-me, Soho-nuts, To-ci-a, and Hol-mi-uh tribes of Indians in California. E. Treaty at Dent's and Van-tine's Crossings, May 28, 1851, made and concluded between O. M. Wozencraft and the chiefs and headmen of the Iou-ol-umne, We-chilla, Sucaah, Co-to-plammis, Chap-pah-sims, and Sage-wom-nes tribes of Indians in California. F. Treaty at Camp Union, July 18, 1851, made and concluded between O. M. Wozencraft and the chiefs, headmen and captains of the Das-pia, Ya-ma-do, Yol-la-mer, Wai-de-pa-can, On-o-po-ma, Mon-e-da, Wan-nuck, Nem-shaw, Bem-pi, and Ya-cum-na tribes of Indians. G. Treaty at Bidwell's Ranch, August 1, 1851, made and concluded between O. M. Wozencraft, and the chiefs, captains and headmen of the Mi-chop-da, Es-kuin, Ho-lo-lu-pi, To-to, Su-nus, Che-no, Bat-si, Yut-duc, and Sim-sa-wa tribes of Indians in California. H. Treaty at Reading's Ranch, August 16, 1851, made and concluded between O. M. Wozencraft, and the chiefs, captains and headmen of the Noe-ma-noe-ma, Y-lac-ca, and Noi-me-noi-me tribes of Indians in California. I. Treaty at Camp Colus, September 9, 1851, made and concluded between O. M. Wozencraft, and the chiefs, captains and headmen of the Colus-Willeys, Co-ha-na, Tat-nah, Cha-doc-duc, Cham-net-co, and Toc-de tribes of Indians in California. J. Treaty at the fork of Cosumnes river, September 18, 1851, made and concluded between O. M. Wozencraft and the chiefs, captains and headmen of the Co-lu, Yas-si, Loc-lum-ne, and Wo-pum-nes tribes of Indians in California. K. Treaty at the village of Temecula, California, January 5, 1852, made and concluded between O. M. Wozencraft and the chiefs, headmen and captains of the San Luis Rey, Kah-we-as nations, and the Co-com-cah-ras tribes of Indians. L. Treaty at the village of Santa Isabel, California, January 7, 1852, made and concluded between O. M. Wozencraft and the chiefs, captains and headmen of the Diequinos nation of Indians. M. Treaty at Camp Fremont, March 19, 1851, made and concluded between Redick McKee, George W. Barbour, and O. M. Wozencraft, and the chiefs, captains and headmen of the Si-yan-te, Po-to-yun-te, Co-co-nood, Apang-as-se, Aplache, and A-wal-a-che tribe of Indians in California. N. Treaty at Camp Barbour, April 29, 1851, made and concluded between Redick McKee, G. W. Barbour, and O. M. Wozencraft, and the chiefs, captains, and headmen of the How-ech-ees, Chook-chances, Chow-chil-lies, Po-ho-nu-chus and Nook-choos, which five tribes acknowledge Nai-yak-qua as their principal chief; also the Pit-cat-chees, Cas-sons, Toom-nas, Tallin-chees, and Pos-kesas, which five tribes acknowledge Tom-quit as their principal chief; also the Wa-cha-et, Itachees, Cho-e-mem-nees, Cho-ki-men-as, We-mal-ches, and No-to-no-tos, which six tribes acknowledge Pas-qual as their principal chief. O. Treaty at Camp Lu-pi-yu-ma, August 20, 1851, made and concluded between Redick McKee, and the chief, captains and headmen of the Ca-la-na-po, Ha-bi-na-po, Da-no-ha-bo, Mo-al-kai, Che-com, How-ku-ma, Cha-nel-kai, and the Me-dam-a-dec tribes of Indians in California. P. Treaty at Camp Fernando Feliz, August 22, 1852, made and concluded between Redick McKee and the Sai-nell, Yu-ki-as, Mas-su-ta-ka-ya and Pomo tribes of Indians in California. Q. Treaty at Camp Klamath, October 6, 1851, made and concluded between Redick McKee and the chiefs, captains and headmen of the Poh-lik, or lower Klamaths, Peh-tsick, or upper Klamath, and Hoo-pah, or Trinity river tribes of Indians in California. R. Treaty at camp in Scott's Valley, November 4, 1851, made and concluded between Redick McKee, and the chiefs, captains and headmen of the O-de-i-lah, I-ka-ruck, Ko-se-tah, I-da-kar-i-waka-ha, Wat-sa-he-wa, and E-eh tribes of Indians in California. DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS, May 14, 1852 SIR: I have the honor to acknowledge the receipt of your letter of the 7th instant, requiring me to report any information in my possession in relation to the treaties negotiated with the Indians in California, transmitted to you on the 13th ultimo, when they were respectively received here; the causes which induced me to delay their transmission; whether they embraced any new principle; whether, in my judgment, the public interests would be promoted or impaired by their ratification, and any facts within my knowledge tending to elucidate the merits of these treaties. In reply, I would most respectfully state that the correspondence already sent to you, and the copies and extracts herewith of communications since received from the agents in California, and the Superintendent of Indian Affairs for that State, contain, it is believed, all the material information in relation to the treaties which has reached this office. The dates at which the treaties were respectively received here are as follows: 1. Those negotiated by the board of commissioners were received February 18, 1852 2. Those negotiated by Agent McKee were received on the same day. 3. Those negotiated by Agent Barbour were received February 2, 1852 4. Those negotiated by Agent Wozencraft were received - - one July 9; two September 22; three November 3, 1851, and two on February 18, 1852 The one received July 9 was represented in the letter enclosing it as a "copy," and it was not until recently that it was discovered to be an original. The treaties were not transmitted to you at an earlier day because it was desirable to consider them all in connexion, and some of them, as above shown, were not received until recently, and because it was believed that further information was necessary to enable the department to judge correctly as to their merits and the action required in regard to their final disposition. It was known that the delegation in Congress from California were opposed to the treaties, and that there was violent opposition to them in the legislature of that State, where they were undergoing investigation. The final action of that body on the subject has not yet been ascertained. Under these circumstances it seemed to be prudent to take full time for inquiry and deliberation, especially as there was, and is, in my judgment, good reason to apprehend that the hasty rejection of the treaties would be followed by a general Indian war in California, disastrous to the

interests of the State and the country at large. Some of the stipulations of these treaties are regarded as new, the most important of which is that providing for an entire relinquishment of title by some of the tribes, and their permanent settlement within the limits of a State on lands not previously owned by them. This provision, as far as I know, is without precedent; but I am by no means prepared to say it is wrong. On the contrary, I am inclined to consider it both necessary and proper in consequence of the impracticability of removing the Indians beyond the limits of the State, and of the expediency of withdrawing them from their intermixture with the white population. Another peculiarity of these treaties is that they stipulate for no annuities to be paid in perpetuity or for a series of years, according to the common practice heretofore. In view of the probable necessity for future negotiations with these Indians, it is fortunate that a knowledge of the annuity system has not been introduced among them. It is a system fraught with evil, and when once adopted it is impossible to get rid of it. The treaties also provide that all difficulties between different tribes or members of the same tribe shall be adjusted by the agent of the Government, and that controversies between Indians and whites shall be settled by the civil tribunals of the State. Should these provisions be energetically and faithfully enforced they would doubtless be productive of the most salutary results. There are some other features of these treaties that might be characterized as novel, but they are not of sufficient importance to require particular notice. With respect to the question whether the public interest would be promoted or impaired by their ratification I would respectfully refer to the accompanying communication from Superintendent Beale, whose remarks on this point appear to me to be reasonable and just. I entirely concur with him in opinion that a rejection of the treaties without the adoption of precautionary measures guarding against a general outbreak on the part of the Indians would be hazardous and unwise. The papers heretofore and now communicated contain, I believe, all the facts within my knowledge calculated to elucidate the merits of the treaties. In considering this important and perplexing question it should not be forgotten that our Indian affairs in California, like everything else pertaining to that country, are in an extraordinary and anomalous condition. Those entrusted with their management have had to contend with manifold embarrassments and difficulties. That they have made mistakes or fallen into errors is by no means a matter of surprise; it would be strange if they had not. Their conduct in some respects has been improper; I allude particularly to their making contracts for fulfilling treaties in advance of their ratification. In this they certainly acted without authority, but it is equally certain that they did not act without precedent. How far precedent and the pressure of the circumstances by which they were surrounded should excuse their unauthorized proceedings it is difficult, without more perfect information than I possess, to determine; not is it material to the present inquiry, as the merits of the treaties can not be affected by the subsequent action of the agents by whom they were negotiated. Very respectfully, your obedient servant, L. LEA, Commissioner. Hon. A. H. H. STUART, Secretary of the Interior. REPORT OF E. F. BEALE, ESQ., SUPERINTENDENT OF INDIAN AFFAIRS FOR THE STATE OF CALIFORNIA. WASHINGTON CITY, D.C., May 11, 1852 SIR: In compliance with your directions of yesterday to report to you at my earliest convenience my views as to the merits of the treaties recently negotiated with the Indians of California, and particularly as to the expediency of ratifying or rejecting them I have the honor to submit the following statement: With reference to my views as to the merits of the treaties I state that I regard the general line of policy pursued by the commissioners and agents in negotiating with the Indians as proper and expedient under the circumstances. My own personal knowledge and experience in Indian affairs, and particularly in reference to the tribes within the State of California, incline me to the opinion that to secure their peace and friendship no other course of policy, however studied or labored it may have been, could have so readily and effectually secured the objects in view. My experience in Indian affairs has also convinced me of the fact that those who best understand the Indian character are exceedingly cautious and deliberate in their negotiations with them, and that precipitate counsels are invariably the results of ignorance, and generally terminate deplorably to both parties. The Indian by nature is suspicious, and although easily governed when his confidence has been obtained, it becomes almost impossible to treat with him after his suspicions have been aroused. A wise reference to these facts and considerations has doubtless influenced the commissioner in their negotiations, and it is proper that they should be duly considered on the present occasion. The system of reservations as adopted in these treaties, is but the natural result and consequence of the policy pursued throughout, and may be stated to involve two important considerations, viz: whether the Indians are to have any lands set apart for them, and if so, whether those already selected for them may be justly considered as suitable and appropriate. Humanity and justice alike urge acquiescence in the former, while the following considerations suggest themselves to our attention in connection with the subject. It is evident that if allowed to roam at pleasure, their early extinction is inevitable, and I am slow to believe that the Government, recognizing as it does, their possessory right to all the soil inhabited by them, would deny them the occupancy of a small portion of the vast country from which such extraordinary benefits are in progress of receipt. The impracticability of removing them east of the mountains, or so far north or south as to avoid the evils which their proximity to the whites may induce, is apparent from the following considerations. Much has been said of late in relation to an entire removal of the Indians to the eastward of the Sierra Nevada, and this fact is a painful proof of the entire ignorance of those who advocate the practicability of the measure. When we consider that our topographical knowledge of the interior of Africa is quite as extensive and definite as that which we

possess of the eastern slope of this range, it is not difficult to imagine how vastly mistaken are those who look only upon the level surface of a map for information. It is vain to expect that they could be forced in this direction, since all the information which we have of that region of country (and theirs is presumed to be more extensive than our own) is directly opposed to the idea of assigning them to a location supposed to be at best a waste and barren desert. Those individuals who have attempted the exploration of this country have but partially succeeded. They report it as abounding with vast deserts, almost unrelieved by verdure of any description, and that any spot boasting any species of vegetation is already occupied by other Indians. The only known river of any size within this section of the country is the Colorado. The valley of this river is reported by the few bold and hardy trappers of the Rocky Mountains, from whom our only information is derived, as abounding with Indians as far as any have had the courage to explore it, and it is this valley, already filled with an Indian population, which has been suggested as a location for the Indians of California. To move them north would be but to add one hundred thousand Indians to the already overflowing Indian population of the territory of Oregon. To remove them south is but to place them directly in the line of our southern emigration; thus exposing the lives and property of our citizens, for it requires no vivid imagination to picture the results of a meeting between savages, infuriated by a forcible removal from the homes of their fathers, and an emigration wearied by a march of two thousand miles over a trackless wilderness. In addition to this, it may be well to consider that our treaty stipulations of 1848 with Mexico, forbid our colonizing them on her borders, and to move them in this direction would, to some extent at least, impair the obligations thus solemnly imposed. It may also add insurmountable difficulties to those already existing in opposition to the projected railroad to the Pacific in this direction. With reference to the character or quality of the land reserved by the treaties for the Indians, I can only speak from personal observation with regard to those selected in the southern portion of the State. They are such as only a half-starved and defenceless people would have consented to receive, and, as a general thing, embrace only such lands as are unfit for mining or agricultural purposes. Admitting, however, that some of these reservations contain gold enough to add a few thousands even, to the many millions taken from the soil, I ask, is it not expedient and politic to permit them to take them, especially since the rejection of the treaties will have a tendency to bring discredit upon the Government and render futile all subsequent attempts at negotiation? The reservations made in the southern portion of the State are undoubtedly composed of the most barren and sterile lands to be found in California, and any change must, of necessity, be of advantage to the Indians. Those persons who complain of the reservations in the south have, in no instance, been able to point out other locations less objectionable or valuable than those already selected, and I am disposed to believe that, in no case of reservations under these treaties, will the lands reserved compare favorably with the agricultural and valuable portions of the State. The necessity of reservations, and of protection to the Indians thus located, is strikingly set forth in a communication of a recent date, from R. McKee, esq., agent, addressed to yourself, and to which I have had access, in which he refers to the recent massacre of two or three villages by the whites, in which neither age nor sex were spared inhuman butchery. The communication closes with some wholesome advice on the subject of reservations, which I can not refrain from recommending to your attention. The stipulations contained in these treaties which appear to me to be objectionable, are those which refer especially to the supply of agricultural implements, and the establishment of schools among them. With regard to the first, I am of the opinion that the tribes and bands treated with are not disposed, nor can they be induced at the present time, to engage in agricultural pursuits; and that if the articles necessary for this purpose were furnished to them as stipulated, they would find their way into the possession of the whites without a consideration of value. I would suggest the expediency, therefore, of delegating authority to the agents in whose charge they may be placed, to deliver such articles of this character at the request only of such individuals of the tribes as manifest a desire to engage in this pursuit. I am likewise of the opinion that the establishment of schools among them at the present time would not subserve their interests; their present state of civilization and advancement being such as to preclude the possibility of their appreciating the benefits to be derived from such instruction. I regard the other provisions of the treaties, although they may be considered novel in their character, as both suitable and appropriate to the wants and desires of the Indians. The supply of beef-cattle for their present or temporary subsistence being limited, the comparative consideration given them for the extinguishment of their title to their lands, may be justly considered as trifling in amount, and especially so, if the objectionable features above stated are stricken out. Those provisions of the treaties stipulating brood-stock, have been wisely inserted, with a view, doubtless, to possess them of the means of subsisting and sustaining themselves after the period for the supply of beef-cattle shall have expired. From the foregoing remarks you will perceive that my views of the merits of the treaties, as well as of the general policy pursued by the commissioners and agents in their negotiations, are favorable. With reference to the expediency of ratifying or rejecting the treaties, I remark that, in my opinion, it would be unwise and injudicious in the extreme to reject them, even should it be deemed expedient and necessary hereafter, without previously preparing the minds of the Indians for such an event, and the offering, at once, of some suitable and proper substitute. To reject them outright without an effort to retain their confidence and friendship, as already secured, by inducements of an equally advantageous character with those already held out to them, would undoubtedly involve the State in a long and bloody war - - disastrous and ruinous to her mining and commercial interests,

and affecting more or less the prosperity of our whole country. During the Indian war of last spring, whole mining districts were abandoned, and, although unacquainted with the statistics of the State, I will venture the remark that the exports of gold were less by millions during that period than during the months immediately succeeding. If this was the result of a war with a very few tribes, what may be considered as the effects of a war with the entire Indian population of California? Popular feeling prejudicial to the treaties has been assigned as a reason for their rejection, and can not the question be properly and naturally asked, will popular feeling point out a substitute? I venture the prediction in this matter, that an entire change in popular feeling will take place, at least among such as regard the Indians as having a right even to a bare and scanty living. To those who regard the stipulations of these treaties as novel, I would simply remark that beef and flour are but substitutes for annuities in money, powder, lead, and guns, and that while the treasury is being drawn upon annually to fulfill the obligations of other treaties, these supplies are to cease after the short term of two or three years. In conclusion, I would remind the Department that economy may be ill-timed in the present case, and prove but the certain cause of great and extraordinary expenditure; for it is not an easy matter to estimate the cost of an Indian war in California; the late report of the Quartermaster General of the Army, however, affords a faint outline, which economy warns us not to fill. Very respectfully, your obedient servant, EDWARD F. BEALE, Superintendent Indian Affairs for California. HON. L. LEA, Commissioner of Indian Affairs.

----- Footnote End -----

A treaty made and concluded on the nineteenth day of March, in the year eighteen hundred and fifty-one, at Camp Fremont, near the little Mariposa river, in the State of California, between Redick McKee, George W. Barbour, and Oliver M. Wozencraft, commissioners appointed by the President of the United States to treat with the various tribes of Indians in the nA.

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nA. Unratified.

----- Footnote End -----

State of California, of the one part, and the chiefs, captains, and head men of the Si-yan-te, Po-to-yun-te, Co-co-noon, Apang-as-se, Aplache, and A-wal-a-che tribes of Indians, of the other part.

ARTICLE 1. The said tribes of Indians severally acknowledge themselves to be under the jurisdiction, control and authority of the government of the United States, and as such, that they severally agree and pledge themselves to refrain in future from the commission of any act of hostility or aggression towards the government of the United States, or any of the citizens thereof, and to live on terms of peace and friendship, not only with the citizens of the United States, but with all Indian tribes.

ART. 2. The said tribes hereby severally relinquish, and forever quit claim to the government of the United States all the right, title, claim, or interest, of whatsoever character, that they, or either of them may have had, or now hold, in an to any lands in the limits of the State of California, or the United States.

ART. 3. It is agreed between the contracting parties, that the district of land lying between the Mercede and Touolumne rivers, to wit: commencing at a point on the Mercede river, opposite the mouth of a small stream emptying into said river, on the south side of said river, about one mile above what was formerly known as Ford's ferry, now known as Stone and Company's ferry; running thence a direct line to the Tuolumne river, striking or intersecting said river at the mouth of a gulch emptying into said river at a bend about two miles above Spark's old ferry, being at or near the foot of the first fall or rapids of said river, above said Spark's ferry; thence down the middle of said stream to a point one-half of one mile above Harr's ferry; thence a straight line across, so as to intersect the Mercede river at a point about one-quarter of one mile above the present residence of Dr. Lewis, on said stream; thence up the middle of said Mercede river to place of beginning; the said district, supposed to contain about four full townships of land, is hereby and shall be forever set apart and held for the occupancy of said tribes of Indians; and it is further stipulated, that said tribes shall have free access to all the country between the Mercede and Tuolumne rivers, extending above said described district to the Sierra Nevada mountains, for the purpose of hunting and collecting fruits, nuts, &c.; but in no event shall they remove their women and

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children from the lands hereby set apart for their occupancy. The government of the United States reserving the right to establish a military post, and to erect the necessary buildings for an agent or other officers, within the limits of said land.

ART. 4. In further consideration of the aforesaid premises, and for the purpose of aiding in the subsistence of said tribes of Indians during the years eighteen hundred and fifty-one and two, it is agreed by the party of the first part to supply said tribes jointly with one hundred head of good beef steers, and one hundred sacks or barrels of flour, each year.

ART. 5. It is further agreed, that as soon after the ratification of this treaty by the President and Senate of the United States as may be practicable and convenient, the said tribes shall be furnished jointly and free of charge by the government of

the United States, the following articles of property, to be divided among said Indian tribes, according to their respective numbers, to wit: ten brood mares and one jack or stallion, twenty-five cows and one bull, five large and five small ploughs, ten sets of gear or harness complete, one hundred axes, one hundred hatchets, one hundred hoes, ten mattocks or picks, all necessary seeds for sowing and planting for one year, eight hundred pounds of iron, two hundred pounds of steel, two hundred pairs of two and a half point blankets, two flannel shirts and two pairs of coarse pants for each man and boy, one linsey gown for each woman and girl, two thousand yards of brown sheeting, two thousand yards of calico, twenty-five dollars worth of thread, needles, buttons, scissors, &c.

ART. 6. The United States agree further to furnish a man skilled in the art of farming, to live among and instruct said tribes, and such others as may be placed under his supervision, in the business of farming, one blacksmith, one man skilled in working in wood, (wagon maker or rough carpenter,) one superintendent, and such assistant school teachers as may be necessary, all to live among and work for, and teach said tribes and such other tribes as they may be required to work for and teach; said farmer, blacksmith, worker in wood and teachers to be supplied to said tribes as aforesaid, for the period of five years, and as long thereafter as the President of the United States shall deem advisable; a school-house and other necessary buildings for the accommodation of the persons named in this article to be erected at the cost of the government of the United States.

ART. 7. It is further agreed between the parties, that for any violence done by individuals to the person or property of any citizen of the United States, by an Indian or Indians, of either of said tribes, or if done by a citizen or citizens of the United States, to the person or property of any of said tribes, or any of the members thereof no personal retaliation shall be attempted, but the party aggrieved shall apply to the civil authorities of the country for a proper redress of their grievances: each party pledging themselves to bring, if possible, all guilty offenders to justice, by delivering them up to the officers of the law when in their power.

ART. 8. These articles of agreement to be binding on the contracting parties when ratified and confirmed by the President and Senate of the United States of America.

In testimony whereof, the said parties have hereunto signed their names and affixed their seals upon the day and date above written.

REDICK McKEE,

G. W. BARBOUR,

O. M. WOZENCRAFT.

For and in behalf of the Si-yan-te tribe:

TRAI-PAX-E, chief, his x mark.

HABITO, his x mark.

CO-TOS, his x mark.

E-LI-UM, his x mark.

AN-GOT, his x mark.

HO-MO-LUCK, his x mark.

PE-TE-LA, his x mark.

MA-LA-TIA, his x mark.

A-WAS-SA, his x mark.

For and in behalf of the Po-to-yun-te:

BAU-TIS-TA, chief, his x mark.

LA-WACK-NO, his x mark.

LE-KEN-A, his x mark.

US-SA, his x mark.

FELIZ, his x mark.

MAN-TU-PA, his x mark.

WA-LIL, his x mark.

HE-WO-WEE, his x mark.

CHUCUS, his x mark.

For and in behalf of the Co-co-noon:

MEN-O-LO, chief, his x mark.

MAN-LIN-O, his x mark.

JO-SE, his x mark.

WAS-SAL-IS-CO, his x mark.

JOSE VEN-TU-RA, his x mark.

For and in behalf of the A-wal-a-che:

CY-PRI-ANO, chief, his x mark.

WOO-MA-ACK, his x mark.

AT-CA-NA, his x mark.

AC-TON, his x mark.

IO-TO-CO-NO, his x mark.

HA-MA-CHA, his x mark.

For and in behalf of the A-pang-as-se, or Appang-assa, tribe:

NU-MAS-E-CA-NO, chief, his x mark.

CO-NO-TO, his x mark.

PON-SIL-LO, his x mark.

LO-PE-AC, his x mark.

For and in behalf of the Aplache tribe:

HAW-HAW, chief, his x mark.

OU-TU-PI-TU, his x mark.

IN-TE-A-TA, his x mark.

TAS-SE-O, his x mark.

OU-MA, his x mark.

WA-PA-TA, his x mark.

Signed, sealed, and delivered, after being fully explained, in presence of - -

JOHN MCKEE, Secretary.

ADAM JOHNSON, Agent.

H. S. BURTON, Interpreter.

E. D. KEYES, Captain third artillery, commanding escort.

I. H. LENDRUM, First lieutenant 3d artillery.

J. HAMILTON, Lieutenant 3d artillery.

T. MOORE, Lieutenant, 2d infantry.

H. G. J. GIBSON, Second lieutenant 3d artillery.

N. H. MCLEAN, Second lieutenant 2d infantry.

JOHN E. DURIVAGE.

THOS. J. ROACH.

**LOAD-DATE:** September 28, 1998