

Supplemental Treaty between the United States of America and the Confederated Tribes and Bands of Indians of Middle Oregon; Concluded November 15, 1865; Ratification advised March 2, 1867; Proclaimed March 28, 1867.

ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING: Nov. 15, 1865.

WHEREAS, a supplemental Treaty was made and concluded at the Warm Springs Indian Agency, in the State of Oregon, on the fifteenth day of November, in the year of our Lord one thousand eight hundred and sixty-five, by and between J. W. Perit Huntington, Commissioner, on the part of the United States, and Mark, William Chinook, Kuck-up, and other chiefs and headmen of the confederated tribes and bands of Indians of Middle Oregon, on the part of said Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit:—

Preamble.

ARTICLES of agreement and convention entered into at the Warm Springs Agency, Oregon, by J. W. Perit Huntington, Sup't Indian affairs for Oregon, on behalf of the United States, and the undersigned, chiefs and headmen of the confederated tribes and bands of Middle Oregon, the same being amendatory of and supplemental to the treaty negotiated with the afore-said tribes on the twenty-fifth day of June, eighteen hundred and fifty-five, and ratified by the Senate of the United States on the eighteenth day of April, eighteen hundred and fifty-nine.

Contracting parties.

ARTICLE I. It having become evident from experience that the provision of Article I. of the treaty of the twenty-fifth of June, A. D. eighteen hundred and fifty-five, which permits said confederated tribes to fish, hunt, gather berries and roots, pasture stock, and erect houses on lands outside the reservation, and which have been ceded to the United States, is often abused by the Indians to the extent of continuously residing away from the reservation, and is detrimental to the interests of both Indians and whites; therefore it is hereby stipulated and agreed that all the rights enumerated in the third proviso of the first section of the before-mentioned treaty of the twenty-fifth of June, eighteen hundred and fifty-five,—that is to say, the right to take fish, erect houses, hunt game, gather roots and berries, and pasture animals upon lands without the reservation set apart by the treaty aforesaid—are hereby relinquished by the confederated Indian tribes and bands of middle Oregon, parties to this treaty.

Certain rights granted by the former treaty relinquished hereby.
Vol. xii. p. 964.

ARTICLE II. The tribes aforesaid covenant and agree that they will hereafter remain upon said reservation, subject to the laws of the United States, the regulations of the Indian Department, and the control of the officers thereof; and they further stipulate that if any of the members of said tribes do leave, or attempt to leave, said reservation in violation of this treaty, they will assist in pursuing and returning them, when called upon to do so by the superintendent or agent in charge.

The tribes to remain upon their reservation.
Penalty for leaving, &c.

ARTICLE III. In cases which may arise which make it necessary for any Indian to go without the boundaries of said reservation, the superintendent or agent in charge may, in his discretion, give to such Indian a written permit or pass, which shall always be for a short period and the

Permits to go without the boundaries of the reservation.

expiration definitely fixed in said paper. Any Indian who, having gone out with a written pass, shall remain beyond the boundaries for a longer period than the time named in said pass, [shall] be deemed to have violated this treaty to the same extent as if he or she had gone without a pass.

Indians breaking this treaty to forfeit annuities.

ARTICLE IV. An infraction of this treaty shall subject the Indian guilty thereof to a deprivation of his or her share of the annuities, and to such other punishment as the President of the United States may direct.

Money for the purchase of teams, &c.

ARTICLE V. It is stipulated and agreed on the part of the United States, as a consideration for the relinquishment of the rights herein enumerated, that the sum of three thousand five hundred dollars shall be expended in the purchase of teams, agricultural implements, seeds, and other articles calculated to advance said confederated tribes in agriculture and civilization.

Allotment of land to each head of a family.

ARTICLE VI. It is further agreed that the United States shall cause to be allotted to each head of a family in said confederated tribes and bands a tract of land sufficient for his or her use, the possession of which shall be guaranteed and secured to said family and the heirs thereof forever.

Punishment of persons unlawfully furnishing ardent spirits to the Indians.

ARTICLE VII. To the end that the vice of intemperance among said tribes may be checked, it is hereby stipulated that when any members thereof shall be known to drink ardent spirits, or to have the same in possession, the facts shall be immediately reported to the agent or superintendent, with the name of the person or persons from whom the liquor was obtained; and the Indians agree to diligently use, under the direction of the superintendent or agent, all proper means to secure the identification and punishment of the persons unlawfully furnishing liquor as aforesaid.

Execution.

In testimony whereof, the said J. W. Perit Huntington, superintendent of Indian affairs, on the part of the United States, and the undersigned chiefs and head confederated tribes and bands aforesaid, have hereunto, in the presence of the subscribing witnesses and of each other, affixed our signatures and seals on this fifteenth day of November, in the year one thousand eight hundred and sixty-five.

J. W. PERIT HUNTINGTON, [SEAL.]
*Sup't Indian Affairs in Oregon, and acting Commissioner
 on behalf of the United States.*

MARK, head chief,	his x mark.	[SEAL.]
WM. CHINOOK,	his x mark.	[SEAL.]
KUCK-UP,	his x mark.	[SEAL.]
PONST-AM-I-NE,	his x mark.	[SEAL.]
ALEX-ZAN,	his x mark.	[SEAL.]
TAS-SIMK,	his x mark.	[SEAL.]
JOHN MISSION,	his x mark.	[SEAL.]
LOCK-SQUIS-SQUIS-SA,	his x mark.	[SEAL.]
KUCK-UPS,	his x mark.	[SEAL.]
HOTE,	his x mark.	[SEAL.]
I-PALT-PEL,	his x mark.	[SEAL.]
SIN-NE-WAH,	his x mark.	[SEAL.]
UMP-CHIL-LE-POO,	his x mark.	[SEAL.]
SHOOLEY,	his x mark.	[SEAL.]
TAH-KOO,	his x mark.	[SEAL.]
TUM-TSCHE-CUS,	his x mark.	[SEAL.]
TOU-WACKS,	his x mark.	[SEAL.]
HUL-LE-QUIL-LA,	his x mark.	[SEAL.]
TE-AH-KI-AK,	his x mark.	[SEAL.]
CHOK-TE,	his x mark.	[SEAL.]
KOOTSH-TA,	his x mark.	[SEAL.]

Done in presence of —

- TALLAX, his x mark, *Interpreter.*
- DONALD MCKAY, his x mark, *Interpreter.*
- CHARLES LAFOLLETT, *Capt. 1st Og'n Inf.*
- J. W. D. GILLETT, *School Teacher.*
- MYRON REAVES, *Supt Farming operations.*

And whereas the said Treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the second day of March, one thousand eight hundred and sixty-seven, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit: —

Ratification

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
March 2, 1867.

Resolved, That the Senate advise and consent to the ratification of the treaty between the United States and the confederate tribes and bands of Indians of middle Oregon, concluded the fifteenth of November, one thousand eight hundred and sixty-five, the same being amendatory and supplemental to the treaty with said Indians of the twenty-fifth of June, one thousand eight hundred and fifty-five.

Attest:

J. W. FORNEY, *Secretary.*

Now, therefore, be it known, that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the second of March, one thousand eight hundred and sixty-seven, accept, ratify, and confirm the said Treaty.

Proclaimed.

In testimony whereof, I have hereto signed my name, and caused the seal of the United States to be affixed.

Done at the city of Washington this twenty-eighth day of March, in the year of our Lord one thousand eight hundred and sixty-seven, and of the Independence of the United States of America the ninety-first.

[SEAL.]

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*