Sir

I beg leave herewith to transmit ~~herewith~~ the Indian department a Treaty of purchase for the extinguishment

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I beg leave herewith to transmit through the Indian department to the President of the United States ~~Treaties~~ of ~~Peace and~~ a Treaty of purchase and relinquishment of Indian title to the lands situated in the Rogue River Country Oregon which was concluded on the tenth ~~day of~~ ~~September~~ Ultimo between the Superintendent of Indian affairs ~~and~~ Samuel H Culver Indian ~~Indian~~ agent on the part of the United States and the chiefs and head men of the Rogue River Tribe of Indians on the part of said tribe. In transmitting this treaty it may be necessary to go somewhat into detail in order to justify the action of Superintendent & agent in entering into treaty stipulations for extinguishment of Indian title, in absence of instructions from the Indian department ~~or~~ at Washington or the designation by the President according to provisions of an act of Congress approved Feby 27th 1851

Notwithstanding no one at present engaged in the Indian department in Oregon Territory has been designated by the president to enter into treaties with the indian tribes, it was believed the honor might exist if it ~~was believed apparent~~ became necessary in order to restore and preserve peace. A state of actual war existed between the people and the Rogue River Tribe of Indians; a truce had been agreed upon; terms of a treaty of peace had been prepared and submitted to the tribe for their consideration which was gladly accepted by the chiefs and a portion of the warriors but which was believed by many of them, could not be carried out as from the treatment they had received from the whites distroyd all confidence by them ~~they had in~~ of its being proposed in good faith. ~~The treaty of peace was finally entered into with an understanding that a treaty of~~

~~purchase should immediately~~ follow. ~~[illegible]~~

A war of extermination against all the tribes in that region ~~of the country~~ had been resolved upon by the settlers and miners in the country * and altho it was ~~evident~~ very evident that this tribe had not been the original aggressors and as a general thing only acted on the defensive, yet a ~~large~~ portion of the community were clamorous for a continuation of the war as originally agreed upon ~~and as many some had suffered by the loss of property~~ since the commencement ~~of the war~~ being swayed to some extent it was believed by the loses of property

The murder of three white citizens in rapid succession, in the heart of the settlement, ~~naturally~~ aroused the community to a sense of danger, surrounded as they were by numerous ~~bands~~ bands and tribes of Indians naturally (but it is believed without due inquiry) supposed the Indian, our natural enemy, had committed these outrages — and as it had been done so boldly it was supposed there must be a combination of all the tribes to warrant them in committing such an act. The settlers and miners alarmed and excited assembled in masses and resolved upon exterminating the indian race. It may not be proper to state that all who assembled were thus inclined but the preponderence was in favour of such a course — ~~but of the motives it is not proper to speak~~. Addresses were made messengers ~~and~~ were sent out, inflamatory appeals made to the people, all was excitement and confusion

The Rogue River Tribe whose chiefs were Jo-Sam and Jim resided in the valley, and these men and boys were scattered throughout the settlement, many of them residing in the Village of Jacksonville and its vicinity, in which place ~~they~~ murders were committed. The work of extermination commenced upon these scattered and defenseless domesticated persons, by hanging and shooting wherever they could be found, no trial, no investigation, no conviction other than an enraged people having the will and power to inforce it. Scenes revolting to the feelings of those out of the immediate excitement were enacted such as would sicken the hearts of a christian community and alike unworthy of us as ~~Americans~~ citizens and to the cause of common humanity. For a more detailed statement of these barbarities I beg leave to refer you to the accompanying paper marked ..... The truth of which is so well verified that it needs no further evidence

This mode of treatment necessarily astonished and enraged ~~the~~ a people who from all the information I have been able to gather had no hand in any of the difficulties or outrages perpetrated against the whites - and so far from desiring to join with others against the settlers appeared some of the families that threats of violence had been made by persons of the Chosty Tribe belonging to Tipseys band, against the settlers - but was only regarded as idle talk and not utter to consideration, and that often hostilities had commenced and a number of their men and boys had been hung and shot, the chiefs went to Agent Skinner, Col. Kopp and others, and tried to effect measures to assert the violence of our enraged citizens - ~~State~~ protested their innocence in any of the crimes which had been perpetrated against the whites and proposed coming in ~~and residing~~ with their people during this crisis and residing among the settlers if they would protect them from such violence. The answer was they had no power to protect them, they must take care of themselves.

They attempted to do so, were followed into the mountains and attacked but after fighting bravely for four hours called for a parley, which was granted, when some of the above facts were first made known to those who had a heart capable of responding to generous acts even tho it come from an Indian. ~~The terms of a treaty of peace were partially agreed upon here and~~ a cessation of hostilities was agreed upon for four or five days for the purpose of ~~agreeing upon~~ arranging and entering into a treaty of Peace -

The ~~bands~~ under Lo, Sam, and Jim being the most powerful tribe in that region, and evidence conclusive that they were not the original transgressors in this difficulty and a knowledge of

The fact that there were other bands and Tribes manifesting hostile feelings towards the whites and were in arms against us - but were so secured in the fastness of the almost impenetrable mountains that an attempt to follow them, leaving the more powerful Tribe outraged and unsubdued, would have been the utter destruction to the settlement. Good Policy, reason, humanity alike dictated the course to be pursued.

But it was believed that a bare treaty of peace without extinguishing the Indian title to the country would fail to restore and preserve peace as treaties of a similar nature had previously been entered into with this tribe. Promises had been made this as well as other Tribes by agents of the Government and there appearing to treat which had now could not have been fulfilled. The Indians as well as the settlers required some permanent arrangement by which they could hope to be secured in their rights - nothing short of a purchase and assigning a certain district for the residence of the indians could secure this peace. As by the treaty a portion of the annuity is to be applied for the payment of Property destroyed by the Indians during the war an indrument is held out for such to respect its provisions whilst the annuities will be a sufficient indrument to induce the natives to respect its stipulations but to satisfy these people that any agreement which we might be entered into would be carried out was no easy task - ~~And if believe nothing but~~ their unbounded confidence ~~in Genl Joseph Lane could have~~ placed by this Tribe in the integrity and honesty of purpose of Genl Joseph Lane tended more to convince them than all the Indian Subt and Agents in the country as the latter had ~~violated~~ forfeited their promises made them whilst the former had scrupulously avoided making any promise beyond which he was sure of fulfilling

A Treaty for the purchase of the country claimed by the Cow Creek band of Umpquaw Indians is also herewith insloseded.

This Treaty as will be seen was entered into on the 19th Sept as I was on my way from Rogue River to this place. all The reasons assigned for the necessity of purchasing the Rogue River country cannot apply in this case but it is believed that it was rendered by the situation and condition of this band and the probability that it could never be done upon better terms A portion of this band resided in the destrict frowen by the road leading from this Valley to the Mining destrict and upon the south side of the Umpquan Rennow and in the disturbed destrict. Notwithstanding the settlers and many travelers bore testimony to their uniform good conduct. they had been repeated outrages and injuries from reckless whites straling about the country, who had disarmed them - tied us and were in the act of shooting one of them when the settlers interfered and put a stop to it but they retained their arms, and were threatened if seen in the vicinity again they would be shot. and as the same party had a few days previously committed an outrage by shooting an old Indian man who had been a cripple for several years, and an Indian woman both belonging to the same band of Cow Creeks - who resided upon the north side of the Rennow - and in the settlement they had good reason to believe their threats would be put into execution. This band were much alarmed - as they were not of sufficient number to make war upon us, being only 18 men 19 women and 15 children. they were anxious to sell their country so that they might realize as necessity required a portion of what they conceived to be justly due them

Return

Original Manuscript
of copy of Letter
to Indian Department
transmitting treaties
with Rogue River and
Coast Range Indians