

Office Superintendent Ind. Affairs
Dayton O. T. March 27 - 1854

Sir,

I herewith transmit through your Office to the President and Senate of the United States for their constitutional action thereon, a Treaty made with the Chiefs and Head Men of the Tualatin Band of the Calipovia Tribe of Indians at Wapato Lake, Washington County, Oregon Territory, on the 25th Inst. for the purchase of all the lands claimed by said Band.

This purchase, as is shown by the accompanying map, embraces an area of about fourteen hundred and seventy six square miles, of which ~~has~~ been surveyed, and ~~has~~ sections claimed under the donation Act of Congress. Much of the remaining portions are valuable for agricultural purposes, and for extensive forests of excellent timber. Embraced in this tract of country, are the Tualatin Plains, a large portion of the Yamhill valley, the valleys of Wapato and Chihalim, and other portions of the most fertile and earliest settled lands in Oregon.

Doubts in my mind as to the propriety of negotiating such a treaty in the absence of express instructions authorizing me to enter into negotiations of purchase with the Indians, have been the source of some indecision, and I have long delayed action, with the hope, that communications from your Office would be

received defining the duties expected of me in the premises.

Being still without instructions, the necessity and urgency of the case, have impelled me to act in accordance with my own convictions of what the public interest and safety demanded.

Among the reasons inducing me to the measures pursued are the following.

On the 19th of April 1857 a treaty of purchase was negotiated between Messrs Gaires, Skinner, + Allan Commissioners on the part of the United States and this Band, by which a reserve of forty eight square miles was allowed the Indians to reside upon, except so much of said tract as was then claimed by white settlers. The treaty not having been ratified, settlers have taken and now occupy within this reserve nearly all the lands susceptible of cultivation, without regard to the occupancy of the Indians who in several instances have been driven from their huts, their fences thrown down and property destroyed, and even injuries inflicted on their persons. The feelings of the settlers, and of our citizens generally towards the Indians are such, and such the interpretation of the donation act, as to render the interposition of the Indian Agents in behalf of Indian rights and for the redress of Indian wrongs in a great degree ineffectual.

The rapato, kammas, and other nutritious

roots, once produced abundantly in the marshes and low lands around their principal residences, and constituting their chief means of subsistence, have, since the increase of swine in the country, gradually diminished in quantity and must soon entirely fail. The wild game, formerly abundant, is also becoming scarce; and an act of the Territorial Legislature, at their late session prohibiting all persons other than an Indian from supplying the Indians with arms and ammunition, renders them unable to avail themselves of the supply the forests might still afford. This act however necessary as a measure of precaution in sparsely settled districts and in the vicinity of large and warlike tribes, operates most injuriously upon the peaceful tribes and bands located in the more densely settled portions of the Territory, the bow and arrow having gone into disuse, and ^{being} of little efficacy in taking game rendered timid and shy by the presence of the white man.

Altho' some of this and other Bands are adopting the usages of the whites, are industrious and work well; there are many whose indolence and disinclination to labor, together with their destitute condition, drive them to the commission of thefts, a fruitful source of annoyance and irritation to the settlers, and often leading to serious difficulties.

The foregoing considerations convince me that no policy of the United States, other than that of colonizing the Indians of this Valley in a district remote from the Settlers, can secure the quiet and good order of society, and the elevation and improvement of the Indians, or even prevent their annihilation.

Their needy circumstances demanded immediate relief, and I deemed it wise, expedient, and humane, to connect the temporary relief afforded them, with provisions of a permanent character for their comfort and well being.

The following circumstances led to the negotiation of this treaty.

Repeated visits by different members of this band to this Office soliciting my interference to protect their rights; and numerous complaints of the settlers against them, induced me to assemble the Band in council, with a view of effecting some arrangement by which to secure better order. Accordingly on the 23^d of February I met the Chiefs and Head men at Wapato Lake, and after hearing a recital of their many complaints and grievances, and being convinced of the impracticability of adopting measures adequate to the removal of the evils complained of, short of the purchase of their country, and their location elsewhere, remote from

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white settlements, I proposed entering into treaty for the obtainment of these objects, my propositions containing provisions similar to those of the treaty now negotiated. The council then adjourned to give them time for consultation among themselves. When the council convened in the afternoon, the Chiefs declined my propositions, unless I would permit them to remain permanently on the land they then occupied. - After explaining to them the course of conduct that would be required of them the council broke up. Subsequently they assembled and consulted among themselves and informed Mr Flett, my Interpreter, of their desire to have another talk, stating that a part of the Band were willing to sell on certain conditions. I then wrote to Mr. Flett on the subject (see letter marked "A") which letter was read to them. They then requested Mr. Flett to visit me, which he did. I then addressed a note to the Chiefs a copy of which I also enclose (paper marked "B"). This letter having been explained to the assembled Band, they unanimously agreed to enter into treaty, and deputed two of their chiefs to inform me of their wish. A day was then set for the assembly of the Band, the goods promised were purchased, and the result is this Treaty.

The Tualatin Band is among the largest and ^{most} influ-
ential in the valley of the Willamette, and from the in-
fluence which this successful negotiation will exert,
I feel certain of being able to effect treaties with
all the tribes west of the Cascade mountains.

This treaty is respectfully submitted as an
expression of what I regard as essential to the
well being and perpetuation of the Indian
race in Oregon, and the peace, order, and good
morals of our citizens.

In preparing this treaty care has been
taken to leave the Government unembar-
rased in its future policy towards the Indians
in Oregon, while its provisions look to their
ultimate elevation to the condition of a
civilized and enlightened people.

I am, Sir very respectfully
your O^bdt Serv^t

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