

# TREATY GREW FROM TENSION BETWEEN SETTLERS AND MIDDLE OREGON INDIANS

It was not just summer that was making things hot in Oregon Territory in the year of the treaty. Hostilities were mounting between Indians and the ever-increasing numbers of settlers. Even the relatively peaceable Columbia River Indians were being pressed to their limits as white people took up claims on lands traditionally occupied by the natives.

The flurry of treaties in 1855 reflected Oregon's new Indian policy: to extinguish Indian title to lands and remove tribes to reserved areas. Viewed as the only salve for the rising tension, treaty-making was embraced enthusiastically by Indian agents and tolerated, at best, by the tribes.

#### Early contact

On their exploratory journey down the Columbia River in 1805, Lewis and Clark realized they were not the first white men to make contact with the local Indians. They found evidence of trade in the copper kettles, robes and multi-colored beads that the Indian prized.

Apparently these prior contacts had been positive because the Columbia River Indians displayed hospitality to the overland explorers and even helped them through the tricky "shutes" or narrows of the river.

The fur trade brought competing companies to the Oregon territory in the next ten years. Except for squabbles among the fur-trading nations, these settlements were made in a largely peaceful atmosphere.

The "Great Emigration" to the northwest along the Oregon Trail beginning in 1843 was a turning point in Indian-white relations. Pressure was brought to bear on the original inhabitants as newcomers claimed land and imposed their laws.

Oregon established the Oregon Territory as a political unit in 1848. In that same year the office of Superintendent of Indian Affairs was established in the new territory and a sub-agency was set up at The Dalles to handle Columbia River Indian affairs.

Two years later in 1850 the Oregon Donation Land Act was passed, providing that each adult U.S. citizen could receive 320 acres of land in Oregon Territory, resulting in another influx of settlers. The issue of prior Indian title had apparently been overlooked.

The journey to the treaty table Incidents such as the massacre of the Whitman mission in Walla Walla in 1847 dramatized the growing conflict and brought Indian agents closer to the treaty table.

At Ft. Dalles Major Gabriel Rains made note of the hostility between Indians and white settlers in the vicinity of the fort. Five Indians had been killed within a short time before January 29, 1854 and the major predicted an Indian war involving all the tribes and bands between the Cascade Range and the Rocky Mountains if immediate action was not taken.

R.R. Thompson, Indian Agent at The Dalles, also reported that immigrants were being robbed along the trail and that whiskey dealers were aggravating the problem.

## PREAMBLE TO THE TREATY WITH THE TRIBES OF MIDDLE OREGON 1855

Articles of agreement and convention made and concluded at Wasco, near the Dalles of the Columbia River, in Oregon Territory, by Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the following-named chiefs and head-men of the confederated tribes and bands of Indians, residing in Middle Oregon, they being duly authorized thereto by their respective bands, to wit: Symtustus, Locks-quis-sa, Shick-a-me, and Kuck-up, chiefs of the Taih or Upper De Chutes Band of Walla-Wallas; Stocket-ly and Iso, chiefs of the Wyam or Lower De Chutes band of Walla-Wallas; Alexis and Talkish, chiefs of the Tenino band of Walla-Wallas; Yise, chief of the Cock Spus or John Day's River band of Walla-Walla's; Mark, William Chenook, and Cush-Kella, chiefs of the Dalles band of the Wascoes; Toh-simph, chief of the Ki-gal-twal-la band of Wascoes; and Wal-la-chin, chief of the Dog River band of Wascoes.

The failure of courts and law enforcement officers to punish offenses on either side contributed to the tension.

In 1854, Oregon's Superintendent of Indian Affairs Joel Palmer recommended Indian policy in a letter to Commissioner Manypenny when he wrote: "The crisis of the destiny of the Indian race in the Oregon and Washington territories is now upon us."

"Much of the present difficulty is traceable to the mistaken policy of permitting the settlement of this country prior to the extinguishment of the Indian title and the designation of proper reservations.

"This mistake might now be partially remedied by the immediate gathering of the Indian population on their several reservations."

Treaty-making had been a popular means of resolving land disputes but it was a method that Oregon Territory had yet to perfect. Treaties made with Indians in the Willamette Valley between 1851 and 1853 were never ratified by the Senate because they did not follow the established policy of cession and removal. Instead the treaties allowed Indians to retain sovereignty over scattered portions of the land they already occupied. Not only were the treaties not accepted but the antagonism between Indians and settlers was not relieved.

The 1855 treaties revitalized the treaty-making process but in line with Supt. Palmer's new policy.

#### Treaty preparations

June was treaty month along the Columbia River in 1855. Three separate but almost identical agreements were made back to back with the Yakimas, the Walla Walla, Cayuse and Umatilla, and the Nez Perce tribes in a few busy days between June 9 and June 11, 1855.

On June 12 Superintendent Palmer penned a letter from the Walla Walla Council Grounds, where he had just met with the Nez Perce, ordering Indian Agent R.R. Thompson to "pro-

ceed without delay" to The Dalles to "effect Treaties of purchase" with the middle Oregon Indians."

Thompson's instructions were to "collect all the Indians inhabiting the country between Willow Creek and the Cascade falls, and between the Columbia River and the 44th parallel of North Latitude," an estimated 1377 people from a 10 million-acre area.

Included in this population were various bands of the Wasco and Walla Walla Tribes as listed in the treaty introduction. The Wascoes were a Chinookan people who lived on the south side of the Columbia River downriver from the Walla Wallas, who were Sahaptian people inhabiting the upper Columbia. The two peoples represent different language and cultural groups but were tied by trade and shared resources.

The Sahaptian bands, who became known after the treaty as the Warm Springs Tribe, laid claim to the area east of the Deschutes River and south of the Columbia. The lower Deschutes or Wyam band had its head village at Celilo. The Taih (Tygh) or upper Deschutes band roamed between Tygh Creek and White River, feeling a bond with the lush valley around the creek. The Tenino band had driven the Snake Indians out of the Deschutes River Valley and settled there. The John Day band were identified with the area around the lower John Day River near the Columbia.

The Wascoes referred to in the treaty as the Ki-gal-twal-la band are known to the current Wasco Chief Nelson Wallulatum as the lower Chinook or Cascade band. The so-called Dog River band is from the present-day Hood River area.

The Indians of Middle Oregon depended heavily on the salmon of the Columbia River for their subsistence and spent a good part of the year on the banks of the river, fishing and trading with one another. Also important to them were the

roots found in the open country to the south, berries in the mountains, and game throughout the ceded area. It is not always certain where the tribes' permanent homes were, because of the migratory way of life they led.

#### The Council

On the day before the council, Palmer sent warning to the Commandant at Ft. Dalles that a man had been inciting local Indians to resist the land "robbery" that was about to take place. But members of the summoned tribes and bands began arriving peacefully at Wasco, or Wascopam Springs, the chosen site of the council, to give the agents a chance to speak.

Palmer didn't expect to spend a lot of time talking — just a few days — so that "no very extensive preparations need be made for subsisting the Indians." Nevertheless he brought with him to the council 800 lbs. of flour, 200 lbs. sugar, 32 lbs. tea, 168 (lbs.?) tobacco and half a barrel of crackers.

According to minutes preserved in the original longhand, the council began at 5:30 p.m. Friday June 22 with the "usual routine of smoking." Representing the government were Palmer and Thompson, R.B. Metcalf (agent and Commissary), and William McKay (Secretary).

Chiefs, head-men and other members of the six bands of the Wasco and Walla Walla tribes were present in numbers approaching 500.

Of necessity the first item on the agenda was the swearing-in of interpreters. Selected for the job of translating the discussions were Mathew Dofa, John Flett and Dominick Jondron.

Joel Palmer then proceeded to launch what appears to have been a two-day monologue, beginning with, "Our great chief, the President of the United States, has directed me to treat with his red children and by his order I come among you."

Amid assurances that he did not intend to deceive his "children" and that he had come "with a good heart," Palmer presented the following obser-

vation and proposal:

"We have found that the white man and Indian cannot long live together in peace, that it is better that lines should be drawn so that the white man will know where his land is and the Indian where his land is, we may then live without quarrelling. The white man has come among you, others are coming. I want you to make a bargain so that we may always live in peace. I want you to sell our great chief your country and we will designate a tract of land where you may reside and no white man but such as are working for you shall be allowed to live on it, but the balance of the country will be for the whites to live on. If we can agree upon the terms of a Treaty you will be permitted to fish and hunt and gather berries on all land unoccupied by whites . . ."

The treaty was read and explained on both Friday and Saturday, with Palmer posing the question: "It will be but a few years before the whole country will be filled with whites, then where will the Indian have his home?" The answer was that the government had selected a home for them, a 600-acre reservation to the south.

Sunday was a day off and on Monday, the last day of the council, the chiefs spoke. Although Sim-tus-tus, chief of the Tygh band, said, "Our hearts is soft, not so hard as it was," he and the other chiefs drove a hard bargain.

Every chief seemed to have a favored and familiar area where he felt the reservation should be, but the consensus was that the selected site to the west of the Deschutes River was unknown and unwanted. Sim-tus-tus was quick to point out the necessity of retaining access to the accustomed fishing, hunting and gathering places in the ceded territory, provisions for which are contained in the treaty.

According to Nelson Wallulatum, at least two bands signed the treaty on the 23rd of June, one being the Tyghs. But the bulk of the chiefs signed on the 25th only after Palmer lamented, "I have been talking and you have been talking, now I am tired...I am going home with a heavy heart...those that have signed will be provided for."

Protection of their old people, women and children, the promise of payment in cash and goods, and a characteristic desire to be cooperative seemed to be deciding factors in the chiefs' unanimous, albeit reluctant signing of the treaty. They signed with their backs to the wall.

Wallulatum points out that only the fourteen chiefs and Palmer were official, duly authorized signators of the treaty. The other 137 tribal members who left their X-marks on the treaty could be considered witnesses to the event.

The treaty was not ratified by the Senate until March 8, 1859, but removal of the bands and tribes to the new land was accomplished well before that time. The site of Warm Springs was chosen in 1856 at which time the slow settlement began.

NEXT: Ten million acres ceded, reservation established