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RATIFIED TREATY NO. 268
DOCUMENTS RELATING TO THE NEGOTIATION OF THE
TREATY OF MAY 10, 1854, WITH THE SHAWNEE INDIANS

Minutes of conference between the Com-
missioner of Indian Affairs and Shawnee
Delegation

April 24th 1854.

Names of the Delegation.

Joseph Parks, Black Hoop, George
McDougal, Longtail, George Bluejacket
Graham Rogers, Na-wah-che-pan-e-ha-
or Black Bob, Henry Bluejacket

Commissioner — Glad to see them here
— When in their country last Fall understood
they would sell a part of their land —
Thought that it would be better that they
should come here to talk about the matter
— besides, other matters can be attended to,
that the Shawnees may have, connected with
their relation to the Government.

George McDougal — Has heard the Com-
missioner — Glad to see him. — Spoke of the
Commissioner's visit to his country last
Fall. — The Shawnees have been looking for
him or some other to come out and ne-
gotiate a treaty. Lately they heard that you
requested the Agent to get a delegation of their
tribe

tribe to visit Washington — They were re-
lected and are now here — They are glad
to see the Commissioner? — Cant say much
— Salute the Commissioner — They are ready
to hear what he has to say, which they will
consider.

Commissioner — I would like to buy the
whole of the land of the Shawnees. Where
it lays is a reason why they should be will-
ing to part with it; its position does not
conduce to the benefit of the great body of
the Shawnees. The delegation as men of in-
telligence might under the circumstances
live there — but not the larger part of
the tribe.

Joseph Parks — Wants the Commissioner to
say more about the matter

Commissioner — Is of the opinion that if
the Shawnees had a more secluded location
it would be better for them — better for
the morals of the people, for those who
drink whiskey, gamble, &c. as they would
be removed from evil influences.

Joseph Parks — Dont know where the
Shawnees can go to if they should sell
part

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out. When the Commissioner, in his visit of last Fall, mentioned this subject of buying their lands, they talked about it and concluded they might sell a part of it. His people are of the same opinion yet; they want to remain and try to learn of the whites. They look to preparing their children to do well. The Shawnees are to look forward and not to the past.

Commissioner — Approved of the latter part of Parks' talk about the children and looking forward to the future. — Refers to what he said to them on his visit — that they would not require as much land as they talked of then — Cited instances in States of a large number of people living on lands much less in extent than that of the Shawnees, & raising enough for support and to sell. When their people decided to keep 600,000 acres he advised them to reconsider their decision; it will be better to have less land and a larger fund or annual income for the benefit of the tribe, education of the children and other purposes.

As to the question of Parks — where his people should go? — cannot say definitely. No doubt there are suitable tracts, where they might remove to, as good as their present

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present home. Has no good opinion about
the land at the mouth of the Kansas, as
respects its location. Bad influences are there,
hurtful to the interests of the Shawnees. —
Wants the delegation to consider this subject
— Again says they will not want so much
land. They have not men enough to cultivate
30,000 acres, taking the whites of Ohio for an
example as farmers.

Captain Parks — That is true — but the
Shawnees are poor.

Commissioner — If all the Shawnees were
to work they could not cultivate more than
30,000 acres

Captain Parks — What the nation said
last Fall is still the wish of their people —
— only to sell a part of their land. They
told you or decided they would sell 1000,000
acres up the river side as all they could
spare

Commissioner — Knows these things that
occurred at the Council last Fall. Thinks
the delegation are wrong, and will endeavor
or to convince them. States what he thinks
about their wanting to remain on the land
/ where

where they now are — their reason. Is satisfied the best thing they could do would be to part with it and go to another place.

McDougal — Heard what Captain Parks said to the Commissioner last Fall — that the Shawnees would sell but a part of their land on the West side; they are still of that determination.

Commissioner — That is so — but they (the delegation) have authority to sell all their land. Wants the delegation to rub out the line which they have drawn — to consider the matter. The great body of their land has not yielded them a dollar. When they think about this subject to night they must conclude to rub out that line — it will be more for their interest than the Government. If they want to retain the 600,000 acres because of improvements, no doubt that matter may be in some way arranged in the treaty, satisfactorily to the Shawnees. Enough perhaps has been said to-day; the delegation will talk over these matters and meet him again to-morrow.

— Adjourned. —

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— April 25th —

Commissioner — Is ready to talk with the Shawnees — Would like to have the views of all.

Black Hoop — What was said to them yesterday — is that all? States what is done on occasions like this — one party says what they want — the other considers and answers.

Commissioner — Told them yesterday that he wanted to buy all their land; that was plain talk

McDougal — Said yesterday they did not ~~want~~ to change their mind from what was said last Fall. Said yesterday what they would sell; the whole nation has agreed to sell that much.

Commissioner — The whole nation since then authorized them to sell their land — all of it

Black Hoop — It is the best they can do. Have much prairie.

Commissioner

Commissioner - Sell all to him & get rid
of the prairie

McDougal - They cannot. Want prairie
for cattle. No other place to go to. If they
could see some good place it might do.

Commissioner - My mind has not changed
from last Fall. I'm decided in opinion that
it would not be for the interests of the
Shawnees to retain that land. Would not like
to have to do with any treaty that would
not be for the best interests hereafter of the
Shawnees

McDougal - Explain the whole of it that
they may see into it.

Commissioner - When they first removed to
where they are now, it was no doubt thought
a good place for them - but changes have
taken place by the acquisition of Texas, Cali-
fornia, &c. Emigrants passing over their country
make it now not so desirable. There are
some Shawnees who might live there and
compete with the white man, but only a
few could do so: the great body of their
people could not. If you keep part of the
land for the people who have not improve-
ments, the West part will be better for them

than the East, which will take them away from the annoyances and evils of the river position. But they should sell the whole. If all could see that way we could soon come to an arrangement.

McDougal — Has seen white men since a boy — always been friendly. Cant see how he can get rid of white man. Whites wont trouble them so much as thought.

Commissioner — They cannot altogether. If they were settled in some other locality, they would be away from the temptation of vices and evil influences.

McDougal — They will never get rid of vices — wherever they go white men will come around. Dont want to sell out, but remain & improve.

Commissioner — What do so few Shawnees want with 900,000 acres?

McDougal — Shawnees have settled pretty thick on some creeks; they will have to separate. Therefore want land for them to go upon. Every Indian has not a home. Some have large families who will have

to go

to go out when they grow up, and find homes. Want more land than they can cultivate.

Commissioner - They should have - but not too much as they now have. The money that could be obtained for the land would be useful in educating children, building houses, opening farms, stock, &c.

McDougal - They don't want to buy stock - they have stock to sell - nearly all have it.

Captain Parks - Thinks it not right for Shawnees to sell out. Doing very well where they are - prospering. Like a man climbing up hill - when on top the people see and follow him. Whites have prospered a long time. Good many on the hill top, but many yet at the bottom. It is the best way. The Shawnees are trying to climb that hill - therefore it is his wish that his people should remain, not sell out. Listened to what was said yesterday and to-day about vices - it is all true - understands it. What McDougal said about retaining the land is right - it won't do any harm if it don't do good.

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Commissioner — There will be harm in keeping more land than necessary, when by the money which they could get for it, so much more good could be realized.

Parks — Understands the whole of it. If all understood as he does they could come to some conclusion. If they retain that much land it is true they could never use it all; but here is a difficulty — the timber is very scarce — they want much timber land. Shawnees want more room than whites — don't like settlements. It would be better for his nation to live in settlements; but they in old times scattered and hunted: now they should live together and help each other. The nation counceled, and directed to sell that much & retain that much land.

Commissioner — Parks' remarks about living close together are correct. Since the council of last Fall the nation has authorized the delegation to sell all or any part of the land. People living on prairie land require more land than those who are on timbered land to be sure. Still repeats what he has said about there being too much land for the Shawnees, ^{though}

though every Shawnee should be a farmer.
What proportion of the 600,000 acres
is tillable?

Answer. — About half — a great deal of
it is prairie, South side.

Captain Parks. — They will go home and
consult together.

Adjourned.

— April 26th —

Commissioner. — Have they counseled

Answer. — They have

Parks. — They are ready to hear or speak.

Commissioner. — Thought they would talk
to him first this morning.

Parks. — Have something to tell. Henry
Tiblow will interpret for them. Hopes
there will be no objection to talk sitting.
Is going to talk about old treaties —
consider them first, then go ahead. In year
1817—

1817 they made a treaty at Maumee Genl
 Cass & Jennings were there. In that treaty
 they were told there was a home for them
 on Hog Creek and another place - extent
 named. Those lands were promised as
 their perpetual homes - as long as the water
 runs. He and others thought it was their
 lasting home. The treaty was sent to Con-
 gress but did not pass. A year after, had
 another Council; a treaty then passed, 1818.
 From year 1818 they went to the promised
 land and lived there until 1830 when
 another bill was got for treating for their
 land, and their removal West of the Mis-
 sissippi. After they (Congress) passed the bill
 it was the plan that all the Indians
 of the States, &c. should be together & have a
 line beyond which whites could not go.
 Commissioner was appointed to treat with
 them; he said they would have liberty
 in such a place - not be surrounded with
 whites. The boundary line was to be like a
 stone wall which the whites could not
 get through or over. Wants to mention what
 can be shown in those treaties. In their
 new home they were told that others should
 not injure them - the arms of Government
 would be thrown around them, ^{they must not take revenge but go to the Agent,} - their lives
 - and stock, &c were to be protected - but
 they

they must not expect protection if they went out from those arms. Any injury to them within the bounds Government would see to. If they wanted missionaries, &c. they would be allowed to come — if not they could reject them. The Agent & blacksmith would have to live with them, and perhaps a trader — these were all they understood that could be allowed to enter their country. Other treaties with other tribes promised that there should be a line — the Indians on one side, whites on the other. The chiefs that made the treaty are nearly all dead — three alive. After they removed West they saw other tribes coming in who were told the same things as they were. Advised their people to stay at home and work — by doing so they are friendly to surrounding tribes and the whites. About a year ago they (the whites) began to talk about another bill and organizing territories. The Indians began to think that grass was about to stop growing and water to run — and a bill passing money for the Commissioner to go out was made. He talked to his people and told them to go ahead and not be troubled — Commissioners would come out and they would learn of the matter. Other tribes seem scared. We were glad to see the Commissioner last Fall — they saw nothing or heard ^{nothing}

nothing from him to scare them. They wanted to hear or see the Commissioners you said would come out to them. When you returned from the Delawares they said they would talk to you. You recollect the speech and what you said about coming out or sending to them next Spring. While waiting for the Commissioners their Agent told them they were wanted at Washington. They then sent a delegation - now here - this is the third time of meeting. They have been considering everything as requested. His people have been injured, their stock taken out by the whites, who are like the prairie wolves, prowling about and stealing. They dont know where the property goes to. What can the Agent do? He does not know. Commenced injuring the Shawnees, during the Mexican war - volunteers passing through their country injured them. And then when people emigrated West they were injured - taking their hogs &c - would shoot them. They have suffered every year. Never saw any Indian paid therefor. They told their Agent, but what could he do? Several years ago a black man came to them and persuaded their negroes to run away - got one of his to run away - but he was overtaken. On the way home the slave was taken from him by force and taken

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taken to Canada - and more, he (Parks) was bound over on a charge of kidnapping. Had to appear at court - could find nothing against him. He could only look to Government for protection in the case, and indemnity. Refers to provision in intercourse law about injuries done by Indians to whites - wants the same thing done in regard to injuries of whites against the Indians. Wants to attend to this matter first, and then to consider about treating.

Some of the Shawnees did something to the Pottawatomies who came down and made complaint - the Shawnees paid them. They want these injuries done to them by whites settled first according to the treaties.

Another part of the Shawnees made a treaty - thinks there is some \$9,000 due under that treaty (Missouri). Desire to know if there is anything coming to those Shawnees.

Thinks he has mentioned enough at present.

Commissioner. - It is best to talk about all these matters. No doubt Parks' representations are right and particularly about their permanent home. It was then thought that the white settlements would not extend beyond the ^{line}

line. The intention was that their people should live there forever; but the parties, the United States and the Shawnees can unmake the arrangement. If these parties are satisfied that a better arrangement can be made it is no act of bad faith to make a change. The injuries they complain of is one reason why a change should be made. He is willing to consider damages, as far as they can be established, in the treaty and will consider money due under former treaties, if any. Parks' slave matter is not a proper one to be in the treaty; the Senate would strike it out. The right course of Parks would be to petition Congress - referred to the Compromise Act, &c.

Parks. — Brought his claim before committee in the Senate; he has been advised to withdraw it, and have it brought into the treaty.

Commissioner. — Upon the subject of claims generally he will consider — there will be no difficulty about that matter. The main thing is how much land will they sell and the price? Those are the principal points for the delegation to consider and decide upon.

/ Parks

Parks. — States what the practice is in buying and selling. Thinks it is not the place of Shawnees to say what they will sell for.

Commissioner — In reply to Parks about Government (Homestead Bill) giving land to all the people and his thinking that the Shawnees ought to have land in that way too — said that the Shawnees have too much land already — and referring to some passage in Scripture.

Parks — It is true about the Scripture quotation of the Commissioner. Their Great Father has taken their land. What they have left is small compared to that of the whites. It has been narrowed down.

Are willing to dispose of a portion of their country. Want to know what will be given for it.

Commissioner. — Shall I make an offer for the whole?

Answer. — No; only a portion as heretofore stated.

Commissioner. — They don't consider that portion valuable. Intends to make three distinct propositions

propositions - will do so to-morrow morn-
ing. Wants to know what kind of payments
they would like, should they sell, so that he
can make calculations. What are their views
as to the future - as to investments - the
good of their people, &c.?

Parks. - Not knowing the Commissioner's
proposition they cannot say. If he will say
how much will be given per acre then they
can make a calculation. Refers to treaties
with other tribes.

Commissioner. - Will have no trouble about
the way of paying.

Adjourned

April 27th Morning.

Commissioner. - Will not be prepared to make
them a proposition until after dinner - has
not perfected his calculations.

Parks. - When ready send for us.

Adjourned

— April 28th —

Commissioner. — Was he to make them a proposition or offer this morning?

Answer. — Yes. —

He is prepared to do so. His offer will be the same in the end as now — that is his expectation. Spoke about payments and appropriations for certain objects — to be discussed. Has three offers. —

First — Will give for the one million (1,000,000) acres four hundred and eight thousand seven hundred and fifty (408,750) dollars — one hundred thousand (100,000) dollars of it to be invested at five per cent interest for schools, &c. — fifty thousand (50,000) dollars to be paid down on ratification of the treaty — and the balance of two hundred and fifty eight thousand seven hundred and fifty (258,750) dollars to be paid as follows — fifteen thousand (15,000) dollars for three years — eleven thousand two hundred and fifty (11,250) dollars for eight years — seven thousand five hundred (7,500) dollars for ten years — three thousand seven hundred and fifty (3,750) dollars for thirteen years, — which makes thirty four yearly payments leaving still the one hundred thousand (100,000) dollars, and the fifty thousand (50,000) dollars paid

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paid in hand. They can, if desired, take of the latter sum fifty thousand (50,000) dollars to settle their affairs. - Will talk of that hereafter.

Second. - Will give for fourteen hundred and fifty thousand (1,450,000) acres, starting at Missouri line, South East corner, running back ten or twelve miles - eight hundred and thirty one thousand, three hundred and fifty (831,350) dollars - that will leave them one hundred and fifty thousand (150,000) acres - to be paid as follows: one hundred and seventy seven thousand six hundred (177,600) dollars to be invested at five per cent - fifty thousand (50,000) dollars in hand - six hundred and three thousand, seven hundred and fifty, (603,750) dollars in annual payments, thus - thirty five thousand (35,000) dollars for three years, twenty six thousand two hundred and fifty (26,250) dollars for eight years, seventeen thousand five hundred (17,500) dollars for ten years, eight thousand seven hundred and fifty (8,750) dollars for thirteen years.

Third. - For all the land nine hundred and sixty thousand (960,000) dollars to be paid thus one hundred and seventy thousand (170,000) dollars invested at five per cent, one hundred thousand (100,000) dollars in hand, forty thousand (40,000) dollars for three years, thirty thousand

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=/
and (30,000) dollars for eight years, twenty thousand (20,000) dollars for ten years, ten thousand (10,000) dollars for thirteen years.

Parks. — They have heard the offers. They will have to make three answers. They will return to their house and talk about the matter — take their Agent with them.

Commissioner. — Wants the Shawnees to reduce the price if he has given too much. Saw last year their country — much of it is not good. Their children will not see it, or a great portion, cultivated

Parks. — They have a good deal of prairie country. You offered so much for the whole country. Let them do the selling; they could get four millions of dollars (\$4,000,000) for the land.

Commissioner. They could if they took the very best land and made that a standard for all the rest, worthless and indifferent, &c. Thinks they will never have a better offer or time for selling.

Parks. — Refers to mode of bargaining between man and man. One seeks to purchase certain property and in order to get it

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it runs down the property to get it for less than its value. This is what the Government is doing with them. Their land is small, it don't cost them anything to keep it — they want a good price — more than offered.

Commissioner. By what he has said must not be understood as running down the land — only to show that all the land is not equally valuable. Some of it worth a good price — some of it for little or nothing like lands in other countries. Reasons with them in regard to the establishment of a Territory where they are — the disadvantages they will labor under. What will be the operations of the Homestead Bill if it passes.

Adjourned.

— April 29th —

Parts. — Understands all about the propositions of the Commissioner of yesterday. They have made up their minds — they will now propose. (Hands to Commissioner a paper

a paper in which they decline any one and all the offers of the Commissioner. They offer to him twelve hundred thousand (1200,000) acres of the upper part of their land at one dollar and twenty five cents. ($\$1.\frac{25}{100}$) per acre.)

Commissioner. — Told them what was given for the Pottawatomie lands — about fifteen cents per acre. Cannot accept their offer. If that is their ultimate proposition negotiations may as well now be brought to a close — at no period could he assent to their offer.

Parks. — You made your offer; they make theirs. Both sides must labor in this matter — unite — and not be one-sided.

Commissioner. — Before offering thought a good deal about the matter. Put the land as high as he thought he could — higher than he had previously intended. Will make them another proposition. Will give them what their land will sell for (the nett proceeds) at public sale, &c. Would rather they would accept that offer — though he thinks the other is better — but perhaps they will be better satisfied with the last.

Memorandum. — If the Shawnees prefer it

they may consider this proposition.

Their country to be surveyed, each Shawnee or family to select a home of a reasonable size, the balance of the land to be offered at public sale to the highest bidder, after which sale the land to be subject to private entry, the price to be periodically graduated and reduced — the whole of the nett proceeds, after paying the expenses of survey and sale, to be paid to the Shawnees under such stipulations as may be agreed on.

G. W. Manypenny.

Parks. — Do you want the whole country?

Commissioner. — My idea is: let the land be surveyed, let each Indian make a selection of a home. Then put the rest up at sale — public first — afterwards private, selling for what the land will bring.

Parks. — They had better retire and consult.

Adjourned

— May 1st —

Black Hoop. — Last Fall you spoke to his people about selling their country or part — that you would come to them again or send another man to negotiate. They understood what you wanted and called a council and explained the matter; the result was they were willing to sell a part. Ever since they have been expecting you (the Commissioner) or some other man to treat. While waiting their Agent told them you had requested that they should send a delegation to Washington — when here they would be alone. Called a council and picked their delegation now here. These men have been talking about selling the land. They have looked over your three propositions to see what is best to do; the last one they could not accept: cannot let the whole of their country.

Parks. — Will talk about the Commissioner's first proposition — talk about that and then something else. Will not the Commissioner allow them a little more?

Commissioner — Spoke of the time and labor devoted by him in making calculations. After which reflected about the matter — whether to make a lower offer than he did and then if necessary to rise — or to make a fair offer unalterable and abide by it. Chose

the latter and then offered it to the delegation. Made it as high as he thought the Senate would approve. Had made inquiry about the lands and their value. In his judgment has made a liberal offer. Thinks they permit things to bear in their case which ought not to. Land in Jackson County near them and other lands are of value - they are improved. Their lands are not so and will not be for many years. In taking a body of land good and bad it would not do to value it by the value of a good farm or by the idle talk of men. If they don't like his offers there is his proposition to sell their land (as before stated) and give them the nett proceeds. Let me know your difficulties - Desires to promote their interests - is more troubled about the future interests of their people under the circumstances now around them and that will be, than about what their land will bring.

If they desire it he will submit that paper to the President, to the Secretary of the Interior or the Chairman of the Committee on Indian Affairs of the Senate. The price he thinks is higher than he would have been authorized to offer had he been asked for instructions about it.

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Parks. — Spoke about the care of Providence &c. They are a long way from home. Since you were with us last Fall many have passed away. Yet they are permitted to meet here and shake hands. Six days have gone since we met in this room. We have made up our minds; it has taken some time: this is an important thing. Twenty three years we were in Ohio. A Commissioner came out and pointed us to another home out West. That man said: if you go there it will be your permanent home. Government would never trouble any more in their new home. No whites should go into that country — no law extended over them. They moved there — the Shawnees from all parts collected in that home. In about a year they (the Government) began to take that land also. They know that Government would organize a Territory in that country — have no doubt but it will be so. They had heard Commissioners would be out to make treaties. Expected them when you arrived and told about it, advising them to sell — that Government would give the price of the land. You said also that you regarded their interests and prosperity. He (Parks) said to you that the matter would be submitted to the nation to decide. Remembers what you said about Sunday. The nation agreed to

sell the West end of the country. When you came back from the Delawares many of the Shawnees had gone home — he said to you, was sorry you had to leave so soon as they had things to talk about — you said you would perhaps come back or send some one to talk with them. Have been expecting you, &c. as Black Hoop said a few minutes ago. Thinks the same way — they have a great many things to talk about. When doing business time must be taken to do well.

They have been studying about the three propositions — they had agreed on the first proposition and they want to know how much you will put on top. Many things to be settled — they want to be square up. Willing to take the first offer for the one million. Will hear now what he will put on top to settle all difficulties.

Commissioner. — So far as you have claims outside of the land, they cannot be determined now; but for all just claims a clause hereafter can be put into the treaty making provision for them.

Parks. — They never could succeed in getting damages from whites. They understand the Commissioner — they cannot find out the damages

damages. What will the Commissioner put on top of his offer to cover all those things?

Commissioner. — About the claims — the money would not come to the nation but to the individuals.

Parks. — It will be hard matter to prove old claims. They think twenty five thousand (25,000) dollars should be given to cover these matters — the Agent and Council to decide to whom payment shall be made — the claims to be approved by the Council.

Commissioner. — Will give the twenty five thousand (25,000) dollars if they will take his second proposition. Proposes now on the second offer to add twenty thousand (20,000) or twenty five thousand (25,000) dollars for claims of Shawnees — to be settled as above and forty thousand (40,000) or fifty thousand (50,000) dollars for annuities they claim under old treaties — to wipe them out. to be made in several payments. Wants them to meet him on the middle offer. Or on the second he will give them two hundred thousand (200,000) acres by striking off the fifty thousand (50,000) from fourteen hundred and fifty thousand (1,450,000) as offered for, and something for the old annuities. Shows why the second would be the

best for them. If any Shawnees should have improvements outside the line of two hundred thousand (200,000) their land thus improved could be retained by them and that much taken out of the two hundred thousand (200,000) acres for the Government.

Parks. — They have different settlements; some are opposed to leaving them, and they would want to draw their share of the two hundred thousand (200,000) to be located where they are settled.

Commissioner. — How about those who have no settlements?

Parks. — Their Council will have to make arrangements to meet that matter.

Commissioner. — There is the difficulty; they must have land, &c.

Parks. — This matter can be worked out afterwards — make the bargain first. About the second proposition — they are willing to relinquish the fourteen hundred thousand (1400,000) acres, keeping two hundred thousand (200,000) to locate it where they want — but must get more money — want a

million of dollars.

Commissioner. — Can't accept. Would prefer that the Shawnees should locate their families where they desire — then the land surveyed and sold, giving them the nett proceeds.

Parks. — They reject this last proposition. They would rather let the land go at once, and know what they get for it. The whites would flock in — some of the land might not be sold at all. That plan they let drop. Asks about the first proposition.

Commissioner. — Is willing to stand by it — but not to include the twenty five thousand (25,000) dollars.

Parks. — How are the difficulties to be settled then?

Commissioner. — Refers to what has been said about its being impossible to determine about those things. Sell him the fourteen hundred thousand (1,400,000) acres, and he will arrange satisfactorily that matter.

— May 2nd —

Black Hoop. — They had talked with the Commissioner — they are through and want to hear from him.

Commissioner. — Has nothing more to say.

Parks. — They have nothing.

Commissioner — Then withdraws his propositions.

Parks. — They can say no more — they will then go home. As we can't agree, will part friendly. Will start for home this evening if they can get off.

Commissioner. — Repeat what he has heretofore said and offered — what more could he do? And will there ever hereafter be made a better offer or as good? In regard to what their Agent told them about modifying his first proposition — that will not do — the Senate would not ratify a treaty based upon it. (The Agent's suggestion was to pay them the amount stated in the first proposition and allow them to sell

the rest of land at highest price, &c.)

McDougal. — We are about done. You have tried to explain things; we are blinded and can't see through it. You have withdrawn your propositions; we could not say anything else. You called us here; and now we want something to take us home. We cannot agree or come together.

Black Bob. — Wants to know about that matter under old treaty.

Commissioner. — The papers are in another Department; time will be required to attend to it.

It is well enough for them to understand matters. Withdraws his offers because it was their place to reply. If they don't understand them, and will endeavor to do so and do something, has no objection to renewing them. Has done all that he could to explain the offers made. Has not that burning anxiety to make a treaty that some of the Shawnees think. Here is their friend Mr. Johnson who speaks their language. If there are difficulties which are in the way not understood by them, and they desire this friend to counsel

with and explain to them what has been said, has no objection and will renew the offers. His anxiety is on the side of the interests of the Shawnees. Suggests that they have a council with Mr. Johnson, who can talk to them in their language and aid them in comprehending the matters submitted to them.

Mr. Johnson. — Does not thoroughly understand the Shawnee language, but is willing

Parks. — McDougal has said that some of us do not understand the things said to us. Last Fall you made a short stay with them — you told them about making a treaty — that Government would give a fair price. The nation said then they were not willing to sell the whole of their country — they would sell a part. The Commissioner had said he would take a part. As you desired, the nation sent the delegation here — they did not expect anything different from what was said last Fall. You have since made three offers; some of the delegation don't see into them. They did not expect to hear so many propositions from you. They must select one.

They reject one - there is then two one of which is to be selected

Commissioner. — If they want to review these matters with the aid of Mr Johnson they can do so.

Parks. — They made up their minds. They came here to talk freely - but then you withdrew all the propositions. What could they say?

Commissioner. — You said yesterday you would take my first offer if something was added. The difference between the first and second offers is little more than one dollar per acre - that is, for the one million (1,000,000) acres he first offered four hundred thousand (400,000) dollars - then for four hundred thousand (400,000) acres more, making in all fourteen hundred thousand (1,400,000) he offered eight hundred and thirty one thousand three hundred and fifty (831,350) dollars.

Parks. — Asks about whole amount of the offer.

Commissioner. — It is eight hundred and thirty one thousand, three hundred and

fifty (831,350) dollars, and twenty five thousand (25,000) to be added to cover difficulties or claims.

Parks. — They will go home and council to-night — taking with them Mr Johnson and the Agent. The Agent will know all about, and tell them should they forget.

Adjourned.

— May 3rd. —

Commissioner. — Supposes it is their turn to talk this morning.

Parks. — Yes. They consulted together last night — the Agent and Mr. Johnson were with them to explain matters. They all understand now — they were unanimous. They agreed on your proposition — but if we, the Commissioner and themselves agree, want everything to be settled.

They agreed on your second offer — they, to have two hundred thousand (200,000) acres and the Government the balance for eight hundred and thirty one thousand, three hundred

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hundred and fifty (831,350) dollars - and the twenty five thousand (25,000) dollars for claims. They understand - they want each man to have two hundred (200) acres, to be surveyed and located where they have improvements.

Commissioner. - What does he understand by each man getting two hundred (200) acres?

Parks. - You had said one hundred and sixty (160) acres for each Shawnee - they want forty (40) more.

Discussion here took place between the Commissioner, Agent, Mr. Johnson and Parks, as to how the matter of giving to each Shawnee land to include his farm, improvement and settlement can be arranged without difficulty - and to protecting the Indian.

Parks. - How about arranging the payments in the treaty? They would like shorter payments - to have three - thirty years dont suit the Indians. States his reasons.

Commissioner. - Shows that the arrangement is different from former treaties -

they are large at first and decrease—
and why large sums ought not to be placed
in the hands of the Indians at one time.
What do they think about the one hundred
and seventy seven thousand (177,000) dollars
to be invested?

Parks. — They think one hundred
thousand (100,000) dollars will be enough
for investment.

Commissioner. — This ought to be the
last treaty the Shawnees should ever make.
Speaks about buying the annuity of
three thousand and sixty (3,060) dollars
under former treaty.

Parks. — Wants to invest one hundred
thousand (100,000) dollars for schools—the
old stock to remain. They will go home
and talk about the school business and
come to some conclusion.

Commissioner. — As to the payments, is
willing to compromise — to make such an
arrangement as will be more in conformity
with their views — and that the Senate
will approve. They accepted his second
offer, and of course the payments as

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mentioned in it - but still he is willing to meet them - though he cannot say that all the money will be paid in three payments. Will do the best he can. They must think about making a just and ample provision for their posterity.

Adjourned.

May 5th

Commissioner - Read to them a paper he has received from their Agent in which it is stated that they reject his proposition as to the payment - and suggesting an arrangement. It is not satisfactorily drawn up, and they had better withdraw it, and state now verbally their proposition.

Parks - They reject his proposal as to the payments - they propose that the amount be paid in eight years.

Commissioner - Will they take the eight hundred and thirty one thousand (831,000) dollars - forty thousand (40,000) dollars to be invested for schools, and the rest paid in instalments of one hundred thousand (100,000) dollars? Is

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that the way he understands their wishes?

Answer. — Yes.

Commissioner. — Feels desirous to make a treaty with them, and will do what is reasonable to effect it. Is under some embarrassment and would prefer to submit their proposition to the Secretary of the Interior and ask his advice, which he will do this afternoon.

Parks. — They want the old annuity of sixty thousand (60,000) dollars to lay and to add to it forty thousand (40,000) dollars, and make thus a fund of one hundred thousand (100,000) dollars for schools to be invested as above stated. Inquires about the salt annuity.

Commissioner. — They can convert that into money. Those old matters can be adjusted.

Parks. — Argues why the payments should not extend over many years — but be paid in large sums in a few years. States what they will do with the shares of the orphans, &c

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Commissioner. — Will submit their proposition to the Secretary and let them know his reply.

Parks. — They will wait.

Adjourned

— May 8th —

Commissioner. — The other day when talking about the location of their lands, we didn't come to any definite conclusion; that matter should be perfectly understood. Desires to talk with them on that subject. Wishes to know their views as to the location of the two hundred thousand (200,000) acres, that he may judge whether they are right, &c.

McDougal. — Thought they understood it — the location — think they will locate in three neighborhoods. Understood the Shawnees were to have land where they now have settlements. Some will want to live in a body, holding the land in common; others will want their share of two hundred (200) acres to locate where they have improvements.

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Commissioner. — States how this matter can be arranged. Those who live in the settlements and others who may join can have their land laid off at those places — and the rest of the two hundred thousand (200,000) located at a certain point with line to keep out the whites.

Parks — They understand — must have a boundary to keep off the whites — the line to commence above Blue Jacket's place, then South to line and then East line about thirty (30) miles. The surplus land they will hold for Shawnees who may come into the nation from other countries — if not they will sell it or dispose of it in some way. How can they dispose of it?

Commissioner. — If it or any portion is in ten years not occupied by such Indians then let it be sold by Government at public sale, &c. and proceeds invested for the benefit of the tribe — as may be agreed upon by the Shawnees and the Government.

Parks — Ten years will — but would rather use the money and not invest.

Commissioner. — Have they anything more

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to say about other land?

Parks. — Yes; the school (Johnson's) land. They are willing to accept Mr. Johnson's proposition — to give them ten thousand (10,000) dollars in education — to cover ten years — to educate not exceeding seventy (70) pupils — the mission to get therefor three sections of land from the Shawnees.

Commissioner. — Anything more?

Parks. — Yes; the Quaker school. They want to let the Quakers have three hundred and twenty (320) acres as long as they keep school — then to be sold at highest bidder — the Friends to get the value of improvements thereon.

Commissioner. — There is another school (Baptist). Why not do with it as in the case of the Quaker school, and grant a small parcel of land?

Parks. — Will allow a quarter section to that school — and two acres to include the Baptist church and grave yard — and five acres to include the Methodist church and grave yard.

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Commissioner. — What about the United States Agency farm? Suggests a quarter section — not however to come out of their two hundred thousand (200,000) acres.

Parks. — They understand.

Commissioner. — Now will talk about "the payments" States the difficulties presented to his mind. Some satisfactory arrangement is desired in regard to those Shawnees who are improvident, having families. If these can be provided for by the Council and Agent, is willing to make the payments in eight years.

Parks. They all understand — have been three weeks and have talked about those men a good deal — they are few.

Commissioner. — Suggests how their cases can be managed — by deciding at the payment.

Parks. — They have talked with those people — it has done no good. The Shawnees have a regular council now. States the plan they have agreed upon for such people and the orphans.

Commissioner. — Notices difficulties in the way of that plan as they have no organized legislative Council like the Cherokee. Suggests that the funds of minors ought to be invested until they come of age, by the Government.

Parks. — Agrees with the Commissioner about the orphans — about the worthless fellows the Council will have to manage them — disposing of their money to the best advantage for their benefit, and wives and children.

Commissioner. — Now the last point. His offer of the other day was a whole. They accepted it, but it afterwards appeared they rejected the payment part. They then proposed that the payments be made in eight years. Still thinks the payments will be too rapid — but comes into their offer. Proposes to give them round eight hundred thousand dollars (\$800,000) in eight years for the land. If they want a payment this Fall the amount will then all be paid in seven years.

Parks. Speaks about the Commissioner's proposition as originally made and the explanations of Mr Johnston to enable them

to understand. The Commissioner now cuts off a part. Asks the reason.

Commissioner. — Explains the difference between the two propositions

Parks — Wants to make a good treaty — nobody outside to have anything to do with it in the future — one that will be good and of no difficulty whatever. Mentions about claims and that of George Johnston which they say is a fraud — it passed by Congress. Explains the transaction — also Thompson's claim. It is these things they want to be protected against.

Adjourned

May 9th

Commissioner — Has blocked out a treaty. Has found some difficulty in making an article to meet their desires about locating the land. Has made articles about highways, roads, &c. — debts, and for preventing whites settling in their country. If you have any other matters to talk about and have

inserted in the treaty, now is the time to bring them up.

Parks. — They dont understand about the national debt.

Commissioner. — It is a clause that forever prohibits making such debts

Parks. — There are some things they want to mention for the treaty. One is the school (Johnson's) Wants that arranged so that there will be no difficulty about his rights, as he lives adjoining the Mission. The treaty should fix the matter. States how he wants his line to run — beginning at Bush Creek run South four hundred (400) yards — West, one mile — and two miles North.

Commissioner. — Suggests that they had better go to their home and discuss and these matters — he will put them in the treaty as they may desire.

Adjourned.

— May 10th. —

Commissioner. — Reads to them rough draft of a treaty.