# Documents relating to the negotiation of an unratified treaty of February 13, 1869, with the Oto and Missouri Indians. February 13, 1869 

Washington, D.C.: National Archives, February 13, 1869

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DOCUMENIS RELATING TO THE
NEGOTIATION OF AN UNRATIFIED TREATI OF
FFBRRUARY 13, 1869, WITH THE OTO AND MISSOURI INDIANS


MESSAGE
OF TIIE
PRESIDENT OF THE UNITED STATES,
TRANSMITTING
A treaty concluded in the city of Washington, D, C., on the 13th February, 1869, between the United States and the Ottoe and Missouria tribe of Indians.

March 3, 1869.-Read; treaty read the first time, referred to the Committee on Indian Affairs, and, with the message and accompanying documents, ordered to be printed in confidence for the use of the Senate.

To the Senate of the United States:
I transmit to the Senate, for its constitutional action, a treaty concluded on the 13th instant, between the United States and the Ottoe and Missouria tribe of Indians, together with the accompanying papers.

Washington, D. C., February 18, 1869.

Department of the Interior,
Washington, D. C., February 17, 1869. SIR : I have the honor to submit herewith, to be laid before the Sen ate for its constitutional action thereon, a treaty concluded in the city of Washington on the 13th day of February, 1869, between the United States and the Ottoe and Missouria tribe of Indians, by commissioners and delegates duly authorized.

A letter of the Commissioner of Indian Affairs, of the 17th instant, and accompanying letter of Commissioners Denman and Murphy, are also herewith transmitted.

With-great respect, your obedient servant,
The President.
O. H. BROWNING, Secretary.

Department of the Interior, Office of Indian affairs,
Washington, D. C., February 17, 1869
SIR : I have the honor to submit herewith a treaty concluded on the 13th instant, between H. B. Denman and Thomas Murphy, duly authorzed commissioners of the United States for that purpose, and the Ottoe
and Missouria Indians, together with the letter of said commissioners, dated the 16th instant, transmitting the same to this office; also a copy of said treaty and letter of transmission for the use of the Senate; which, if it shall meet your approval, I respectfully request may be transmitted to the President, to be by him laid before the Senate for its constitutional action thereon.

Very respectfully, your obedient servant,
N. G. TAYLOR, Commissioner.

Hon. O. H. Browning,
Secretary of the Interior.

Washington, D. O., February 16, 1869.
SIR: We have the honor to inform you that, under authority contained in office letter of the 15th ultimo, and by virtue of our authority as commissioners appointed by the President to negotiate treaties at Washington, D. C., with the Sacs and Foxes of Missouria, Iowas, and the Ottoe and Missouria tribes of Indians, we concluded a treaty on the 13th day of February, 1869, with the Ottoe and Missouria Indians, which we herewith transmit.
The treaty in all of its provisions meets with the approbation of the delegation of chiefs and headmen of the Ottoes and Missourias, whose names are signed to the treaty, and we believe it to be just and fair in its terms to all the parties concerned.

Your obedient servant,

## HAMPTON B. DENMAN, <br> Superintendent of Indian Affairs and Commissioner. THOMAS MURPHY, <br> Superintendent of Indian Affairs and Commissioner.

Hon. N. G. Taylor,
Commissioner of Indian Affairs.


## TREATY

## BETWEEN

THE UNITED STATES AND THE OTTOE AND MISSOURIA TRIBE OF indians.
Articles of agreement and convention, made and concluded in the city of Washington, on the 13th day of February, 1869, between the United States - of America, by their commissioners, Hampton B. Denman, superintendent of Indian affairs for the northern superintendency, and Thomas Murphy, superintendent of Indian affairs for the central superintendency, and the Ottoe and Missouria tribe of Indians, by their delegates, Shev-kia-haw-wa, or Medicine Horse, Cha-won-a-ke, or Buffalo Chief, La-no-wa-ing ha, or Little Pipe, Wa-tha-ka-ro-cha, or Raw Eater, and Baptiste Derion, said delegates being duly authorized by said tribe of Indians to treat in their behalf.

AR'ticle 1.
The Ottoes and Missourias desire to secure a new and permanent home in the Indian territory, and to sell their present reserve in Nebraska and Kansas reserved to them by their treaty of December 9, 1854, and particularly described therein; it is therefore agreed that all that part of said reserve described as follows: commencing at the northwest corner of said reservation, thence eastwardly along the northern boundary thereof fifteen (15) miles; thence south to the southern boundary line of said reservation; thence westwardly along said boundary line to the southwest corner of said reservation; thence north to the place of beginning, containing about ninety-two thousand acres, shall immediately on the promulgation of this treaty be surveyed, and the improvements thereon appraised under the direction of the Secretary of the Interior and that the St. Louis and Nebraska Trunk Railroad Company, a cor poration duly organized under the laws of the State of Nebraska, shall have the privilege of purchasing all of the lands of that part of said reservation above specifically described, which lie in the State of Nebraska at the price of one dollar and twenty-five cents per acre, with the ap praised value of the improvements added, on the following terms and conditions, to wit: Within sixty days from the promulgation of this treaty said railroad company shall pay to the Secretary of the Interior twelve thousand dollars in cash, and within sixty days from the date of the completion of the surveys and appraisement of improvements on that part of the said tract herein particularly described, which lies in Nebraska, (notice of which date shall be given to said company by the Secretary of the Interior,) shall pay to him the whole expense of such survey and appraisement, and the appraised value of all improve ments thereon; and shall execute and deliver to him its bond, with good and sufficient securities for the payment of the balance of the purchase money for said lands in five equal annual instalments, falling due in one, two, three, four, and five years, respectively, from the date of the pro mulgation of this treaty, with interest payable annually on all the pur chase money remaining unpaid, at the rate of five per cent. per annum. Upon the cash payments being made, and the bond for deferred pay-
ments being delivered by said company as herein required, the Secretary of the Interior shall issue to said company certificates of purchase for the several parcels of said lands as it may require them, each of which certificates shall be deemed and held in all courts evidence of the right right shall be forfeited as hereinafter provided right shall be forfeited as hereinafter provided. And if said company shall pay the whole amount of the purchase money of said lands and improvements, and of the expenses herein required to be paid by it, at interest on deferred payments from the date of payments, together with treaty to the date of payments from the date of the promulgation of this treaty to the date of actual payment, patents shall be issued to said company or their assigns for all of said lands purchased by it; provided that shall have constructed, or cause to be constructed of said lands until it of railroad between the Kansas State line and Omahty miles of its line of railroad between the Kansas State line and Omaha. And provided further, that each patent shall contain the condition that the lands granted therein shall be sold by said company within five years from the
date of such patent.
In case said compa
required to be paid by it or fail to pay any part of the amounts herein required to be paid by it, or to execute its bond as herein required, or shall fail to pay any part of the principal or interest of said bond within thirty days from the date when the same becomes due and payable, then it shall forfeit all payments heretofore made by it, and all right, title, and interest in and to all and every part of said lands; and the said lands and improvements shall thereupon be sold, under the direction of the Secretary of the Interior, in parcels not exceeding one hundrer? and sixty acres each, to the highest bidder for cash, the sale to be made on sealed proposals after proclamation by public advertisement, as provided for the sale of the trust lands of the Iowas, and Sacs and Foxes under the second article of the treaty with said tribes of March 6,1861 ; provided, said railroad company, after paying the hedollar; provided, that in case. said railroad company, after paying the hand payment and the costs of survey and appraisement herein required, shall forfeit its right of purchase of said lands, any person who may have in good faith purchased any chased, on paying therefor to the Secretary of the Interior at the so purchased, on paying therefor to the Secretary of the Interior at the rate of one dollar and twenty-five cents per acre. And as about one-fifth of said tract herein particularly described lies in Kansas, it is agreed that the Atchison and Nebraska Railroad Company, a corporation duly
organized under the laws of the State of Kansas, shall have the organized under the laws of the State of Kansas, shall have the privilege of purchasing all of said tract lying in Kansas, and the improvements thereon, on the same terms and conditions in every respect what-
soever (except as to the construction of railroad) $\cdots . \rightarrow$ scribed for the purchase of the St. Louis and Nebraska Trunk Rail. road Company of that part of said tract which lies in Nebraska. But the payment required of said Atchison and Nebraska Railroad Company within sixty days from the promulgation of this treaty shall be three thousand dollars. And in case of the failure of the said Atchison and Nebraska Railroad Company to purchase, or in case of its forfeiture after purchase, such of said lands as lie in Kansas shall be disposed of in the manner preseribed for the disposal of that part of the Trunk Railroad Company should forfeit or fail to purchase Nebraska Provided that no patent shall issue to said Atchison and and the same. Provided that no patent shall issue to said Atchison and Nebraska Railroad Company until it shall have paid in full for said lands and
improvements lying in Kansas, and for surveying the same punctually
within the time prescribed for like payments by the said Saint Louis and Nebraska Trunk Railroad Company, nor until it shall have constructed twenty miles of railroad from Atchison horthwardly in the direction of Omaha.

Articee II. .
As soon as practicable after the ratification of this treaty, a delegation of Otoes and Missourias shall be sent to the Indian territory, by the Secretary ${ }^{\circ}$ the Interior, accompanied by such officer of the department as he shall designate who shall select there a new reservation for the permanent home of the tribe, out of the lands recently purchased by the United States for the settlement of Indian tribes thereon, which new reservation shall include not to exceed ninety-six thousand acres, or less than sixty-four thousand acres. If the selection shall be satisfactory to the tribe and shall be approved by the Secretary of the Interior, he shall sell such new reserve to the Otoes and Missourias, at the price per acre which the Unitcd States paid for the same, and shall cause the tribe to remove thereto as soon as practicable, but not without the consent of the tribe, before April, 1870 . And between the date of the ratification of this treaty and the date of such removal, no improvements on said reservation shall be removed or destroyed, and no timber shall be cut down or removed except for the use of the members of the tribe and persons lawfully residing with them.

## Article III.

Before the removal of the Otoes and Missourias from their present reservation there shall be paid out of the proceeds of sales of the lands and improvements herein authorized to be sold the amounts of the appraised value of the several improvements belonging to individual members of the tribe, whieh amounts shall be paid severally to the individuals owning the improvements; and at the same time there shall be paid to the tribe the sum of five thousand dollars to enable them to com plete their preparations for removal; and an additional sum of thirty five thousand dollars shall be expended, if necessary, as the same may be received, under direction of the Secretary of the Interior, in defraying incidental expenses of removal and in subsisting the tribe during the year following their settlement on their new reservation, and in the purchase of stock, agricultural implements, and other articles needed for their comfort and improvement. The United States shall be reimbursed the cost of the new reservation out of such proceeds at such time as may in the opinion of the Secretary of the Interior, considering the wants and
interests of the tribe, be most expedient. interests of the tribe, be most expedient. $\rightarrow$

## Article IV.

In case the tribe are not satisfied with the new reservation which may be offered them, they shall remain on that part of their present reservation not hereinbefore authorized to be sold, and the amounts hereinbefore authorized to be expended for their benefit on their new reservation may be expended, if necessary, under direction of the Secretary of the Interior, for like purposes on that part of their present reservation herein reserved for them. The remaining proceeds of sales of their lands shall be invested by the Secretary of the Interior, for their benefit, in government bonds, and the interest thereon paid to them annually with their
present annuities.

## Article V.

If the tribe shall determine to remove to a new reservation in the Indian territory, that part of their present reservation not hereinbefore
The Secretary of the Int be sold for their benefit as follows: inbefore named thirty days, notiall give to the railroad companies hereand within such thirty days notice of the date fixed for such removal; road Company shall have the privilege Louis and Nebraska Trunk Rail reservation 1 mg in Nebraska at the same price, and on similar terins and deferred payments hereinbefore terins and conditions as to cash and the land authorized to be sold to specifically stated for the purchase of - treaty; and within such thirty days the Atchison the first article of this Company shall have the privilege of purchon and Nebraska Railroad reservation lying in Kansas, and ne of purchasing the balance of said at the same price per acre and on similareinbefore authorized to be sold, and deferred payments heroind on similar terms and conditions as to cash the land authorized to be sold to that company tated for the purchase of this treaty. And in case either of said company under the first article of chase the lands in this article auth said companies should fail to purchased, shall forfeit the same, it shall be to be sold to it, or, having purthe 1st article of this treaty for the sale of th the manner provided in sold under said article, and which sale of the land authorized to be purchase or forfeit, and with like prither of said companies may fail to either company which may forfeit after partial payme purchasers from purchased bỳ it.

## Article Vi

The United States agrees to refund to the tribe the sum of six thousand douse outsideperly expended in the year 1858, in the erection of a schoolhribe and which of said reservation, in violation of an agreement with the expended under the dir use or benefit to them, which amount shall be taining a school for the children of the tretary of the Interior in main-

## Article VII.

The United States shall pay the expense of negotiating this treaty, securities such further sums as may, and shall invest for the tribe in good under former treaties, and as may on examination be found due them investigation to be had of depredatiotary of the Interior shall cause an by white"men and report such amount al meged to have been committed ing six thousand three hundred dollars, to Congress for due, not exceed persons injured by such depredations.

## Article VIII

The stipulations of former treaties not in conflict with this treaty shall remain in full force; and any amendments which may be made by the Senate, not affecting the price to be paid for the lands or the dispoin advance.

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delegates above-named the parties hereto by their commissioners an date first above written. Superintendent of InAMPTON B. DEMNAN, THOMAS M, Commissioner. SHAW.KA.HANE of Indian Affairs and CH, CHAW-KA-HAW-WA, or Medicine horse $x$ missioner. LA-NO-W - -KE, or Buffalo Chief, $x$ his, $x$ his mark. WA-THA-KA-RO-CH, or Little Pipe, $\times$ his mark. BAPTISTE DEROINA, or Raw Eater, $x$ his mark Chiefs and Delegates of $\times$ his mark.
Witness: John L. SMith,

United States Indian Agent.
Balitiste Barneby United States Interpreter,
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Sritiles of agrument and conventionmade and concluded in the city of cisashinglon on the 13th day of CTotruary, 1869 , between the United Ctates of America by their Gommissionero, Lbampton 19. Denman Chuterintendent of ordian Hffaing for the © Forthern ehyeientendency and Thoma\& Murphy chuperintendent of कndian Iffairs for the Central Chareintendency, and the Atoe and Missouria Thibe of Bndians by thein delegates thew ka haw wa, or Medicine Lborse, Oha won_ a kee or Busfalo brief, Lano wa ing- ha, or Little Aipe, ubu thai Ka, no cha, or Aaw Eater, ${ }^{4}$ Baptiste Deroin-said delegates. Pring duly autnorized by said tribeyg gndiand to treat in their behalf.

Article set
 desireito Secure aineio and frermanent home in the Indian Sevitory and to sell their present reserve in
CNBrastea and Saneas reserved to them by their
Treaty of December 9,18 st, and /particularly described therein. It is thereforevagreed that all that pant of said reserve described as follows : commencing at the North West cornervof said
reservation thence eastwardly along the Northern boundary thereof fifteen (15) miles; thence south to the Southern foundaryline of said reservation; thence Westwardly along said boundary line to the South West corner of said reservation; thence North to the place of beginning
containing about niunety-two thousand acred, shall immediately on the promulgation of this Treaty be surveyed and the improvements thereon appraised under the direction of the Secretary of the Bntorior: and that the Saint Louis and cVefraska Stunt Railroad Company, a Corphoration duly organized under the laws of the At ate ofcNebrastea, shall have the privilege of purchasing all of the lands of that last of said reservation above specifically described which lie in the state offerebraska at the frice of one dollar and twenty-fire cents fueracre, with the affraied value of the improvements added, on the following terms and conditions to wit: Within sixty days from the promulgation of
this treaty said Railroad Company shall fay to the efecretary of the Intivion twelve thousand dollars in cash: and within sixty days from the date ye the completion of the surveys and appraisement of ~ improvements on that part of the aid tract herein particularly described which lies in clebraska (notice of which date shall be given to said Company by the Efecretary of the siterion) shall pay to him the whole exhenseof such survey and appraisement, and the appraised value of all improvements thereon: and shall execute and deliver to him its bond with good and sufficient securities for the payment go the balance of the purchase money for said lands in five equal annual instalments falling due in one; two, three, four and five,
years nesfectively from the date of the promulgation of this treaty with interest payable annually onall the purchase money remaining unpaid ait the nate of fire fer cent for annum. Upon the cashifayments being made, and the bond for deferred payments being delivered by said Company asherein required, the Secretary of the Interior shall issue to paid Company - certificates of fuirchace for the several farcele off said lands asit may require them, each of which certificates shall be deemed and held in all counts evidence oo the right of foseession in said Company of the lands, described therein, unless such right shall be forfeited as hereinafter provided. And if said Company shall fray the whole amount of the purchase money
of said lands and improvements, and of the expenses herein required to be paid by it, at or before the times prescribed for such several payments, together with interest on deferred payments from the date of the promulgation of this Treaty to the date of actual payment, patents shall be issued to said company or their assigns for all of said lands purchased by it.

Provided that no patent phalli iesuo to said Company for any front of said lands until it shall have constructed or caned to be constructed forty miles of its line of railroad between the Faneas State Line and Omaha. And provided further that each patent shall contain the condition
that the lands granted therein shall be fold by said Company within five years from the date of such patent.

En case said Company shall fail to hay any pant of the amounts herein required to be paid by it, or to execute its fond, as herein required, or shall fail to pay any fart of the firincifial or interest of said fond, within thinly days from the date chen the same becomes due and/layable, then it shall forfeit all payments theretofore made by it: and all right title and interest in and to all and every fart of laid lands; and the said lands and improvements shall thereupon be cold under the direction of the Secretary of the Interior in $/$ ancels
not exceeding one hundred and putty acreseach, to the highest bidden, for cash, the pale to be made on sealed proposals afterfurvilamation by public advertisement as provided for the sale of the trust lands of the Sowas and Sacs andifoies under the Ind Artie of the treaty with paid tribes of March $0^{\pi / 2}, 1861$

Provided that na bid shall be received at less than one dollars . Provided that in case said
Railroad Company, after paying the hand payment and the costs of survey and appraisement herein required, shall forfeit its night of purchase of said lands, any person who may have in good faith purchased any of laid lands from it shall have the
right to a patent for the lands So purchased on haying therefor. to the secretary of the Interior at the rate of one dollar y and twenty- five cents per acre.

SInd as about one-fifth of said tract herein particularly described lies in Cannas, it is aged that the Atchison and ctefraska Railroad Company, a Corporation duly organized under the lausog the state if Saneas, shall have the privilege of purchasing all of said tract lying in Kansas, and the improvements thereon, on the same terms and conditions in every respect whatevever (eveft as ta the construction of Railroad) hereinbefore fol prescribed for the purchase by the Saint-Souis and Nebraska Srunte Railroad Company of that last of laid tract which lies inctebraska.

But the payment required of said Atchicon and Nebraska Railroad Company within piety days from the promulgation of this treaty shall be three thousand dollars. And in case of the failure of the said Atchieon and Cefrastea Pailwad Company to purchase, or in case of its forfeiture after purchase, suchupl said lands as lie in Kansas shall be disposed if in the manner prescribed for the dighosal of that hart of the paid tract lying in ctebrastea in case eaid Saint Louis and CVebraska trunk Railroad Company should forfeit or fail topurchase the tame.

Prided that no latent shall issue to paid Atchiern and Chebrastea Railroad Company until it shall have paid in fall for eaid
lands and improvements lying in fansas and for purveying the tame functually within the time prescribed for like payments by the paid chintsouis and CVerrastea Trunk Aaibroad Company, nor until it shall have constructed twenty miles of caulroad from Atchison northwardly in the direction of Omaha.

Bride Mid. Stornasforacticable after the ratification of this treaty ardelegation of Ores and Missowrias shall be pent to the Indian EXevitory by the Secretary of the Bterior accompanied by exch officer of the Department ashe shall designate whoa shall select there a new reservation for the fermanent home of the Tribe out of the lands recently furchased
by the United states for the cettement of oh dian tribes. thereon, which new reservation shall include, not to exceed ninety- ix thousand acres or lessthan sixty four thousand acres. Ff the election hall be satisfactory to the tribe and shale be approved by the Secretary gi the Interior he shall cell puck newer reserve to the Stores and Misewinaf at He-frice fer acre which the United Sctatesfaid for the Same, and shall cause the trike to remove thereto as soon as/uracticable, but not, without the consent yo f the tribe, before April, 189 y. Ind between the date of the ratification of this treaty and the date of lech removal, no improvements on laid reservation shall be removed, or destroyed, and no timber shall be cut
down or removed except for the usigfinember ge the tribe and persons lausfully residing with them..

Strickle (3): Before theximoval of the Oboes and Miseourcas from their lucent reservation there shall be paid out of the proceeds of sales of the lands and improvements herein aurthoriged to Ce eld the amounts of the appraised value of the levenal improvements belonging to individual membersag the tribe, which amounts shall be paid severally to the individuals owning the improvements: and at the same time there shall be paid to the tribe the cum of five thousand dollars to enable them to complete theirs preparations for removal; and an additional sum of thirty fine thousand dollars shall beesfionded,
if necessary as the same may. be received under direction of the secretary of the Interior in defraying incidental expense of removal and in subsisting the trike during the year following their lettement on their new reservation, and in the furchasce of stocks), agricultural implements, and other articles needed for their comfort and imforvement. The United,
-Sates shall be je.imbursed, the cost of the new reservation out of such proceeds at such time as may in the opinion of the Secretary of the Interiors considering the wants and interests of the tribe, be mosterfedient.

Stifle Ht". Incace the tribe are not satisfied with the new reservation which may be offered them, they shall remain on that fart of their present
reservation not hereinbefore authorized to beleld, and the amounts hereinbefore authorized to be extended for their benefit on their new/reservation may be expended, if necessary, under direction of the cheretary ofthe Buterion, for like purfrosep on that fart of their present reservation, herein reserved for them. The remaining proceeds of alas of their lands shall be invested by the cteretary ge the. Interior for their benefit in Government Gonds and the interest thereon paid to them annually with theirfresent annictiés.

Antide $\left(5^{\prime \prime}=\right.$ Goethe tribe shall determine it remove to a new reservation in the Indican. Semitory, that fart of their present reservation not hereinbefore authorized to be sold shall be sold for their
tenefit as followx:
He teoretary of the triterior challgive,
to the Pailroad Compraines hereinbyforo named thinty dayd notice of the date fixed for euch nemoval: and within euch thirly days the etaint Loxis andetelraska crunte Railroad loompany shall have the privilge ofe furchasing the balana of Said reservation lying in Clebraskea and not heceinbefore authoriged to beeold heace at the pame frice, and on similar terms and conditiong asto caah and defered faymonts hereinbefore shecifically stated for the purchase of the land ${ }^{\text {ansminjed, }}$ to be eold to paid Comhany in the Tinst Artide of this Cheaty: and with in puch thirty daye the Atrhison andctefraske Pailroad lompranyshall have the
privilege of purchasing the balance of said reservation lying in Taneas and not hereinbefore authorized to fer sold at the came fricepteracrevand on : similar terms and conditions as to cash and deferred payments hereinbefore precifically stated for the purchase of the land authorized to be sold to that formpiany under the first article of this treaty. Ind in case cither of said companies should fail to purchase the lands in this article authorized to be fold to it, or, having purchased, shall forfeit the came, it shall be fold in the manner provided in the First Article of this Treaty for the scale of the land authorized to be cold under laid strickle and which either of said Companies may fail to purchase on forfeit. and with like privilege to bona fie furchaserg
from either company which may forfeit after partial payment for the lands purchased byit.

Sritide The Tiled States agressto refund to the tribe the eumig lix thousand dollar!, improperly expended, in the year 18 is, in the viectiong a school house outside of said reservation, in violation of an agreement with the tribe, and which was of no ixesor benefit to them, which amount shall beexfended under the direction of the secretary of the Anterior in maintaining a school for the children of the tribe.

Snide "". Che united states shall fray the expense of negotiating this treaty, not exceeding one thousand dollarg, and shall invest for the Kibe in good securities such further Rums as may onevainination
be found due them under foriner treaties. Ind the, Eivetary of the Interior shall cause an investigation to he had of depredation alleged ta have been committed by white men and report such amount as may be found due, not eveceding cir thousand three hundred dollargto Congress for payment to the persons injured by such depredations.

Entice got St Stipulations of former treaties not in conflict with this treaty shall remain in full force. Ind any amendments which may be made by the senate, not affecting the price to be paid for the lands, or the dighoiction of the firsceed of scale thereof, are hereby accepted and ratified in advance.

and dilegutes abre named have hereunto set heir havids at the place and date first above written
Stitrufor Abenttins. B
Saterntudut of helim Afferimmes
Ohomas Onmpliyg
Baltiste painsly Buperintendent oftridian affains 8 ommifinin wS dentapicitor

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Sa-mo-na-ing-ah istu or litte kike
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Inticles of agreement and Conventeon mado and concluded in the city of Nachungtom on the 13chay or Jebruany $1 / 69$, betwew the mited fratese. Of etmerica by. Thein Eemmisisioneriti Hampiton. 13. Tienin an, 's Luferinteridertof Se dian affairs for the C Northorn Anfierintondener and Thomas Nurfery Alerintendent of Indiaiw affains for the entred Cuperintendency aid the troe ans Anierivial trike of Indiaina by their delegatos thew ba haw-wa or Nedicine Itoree, bha_won-a_ke or Buffala. Chie, La-no-wa ing-ha or Little Qife,Us tha Eea ro cha or Aaw Eiten th Safitiete Dering-
said dele iates heing dulu authonizes by said ¿said delegites being duly authorizes by eaid? triks of Sndians to treat in their behalf.

Anticle/It The Otoes ind Nisesurias desire to peoure a new and fermanent home iw the Indian Srribfiry and to pell their Mreeent reesive in Hebraetea and Kansas reecived to then Ly their treaty of do cember 9,1654 , and farticulasly descricted therein. St is therefore agreed that all that flart of eaids re serve describled as folloras:
Commencing at the nonth-weot curner of said reservation thencesearturardly along the northers boundary thereaf fifleen (15) mills, thenco touth, to the 'bouthern boundary ine of Baid reeervation, thence westwardly aling taid Goundaryline to the Aouth west cormen of said reservation; thence north to the llace of beginning-containing about ninety wo thrueand acres thall immediately on the promulgation og thio trealy be curveyed and the imfirvvements thereos affiraiced unden the diection of the feeretan af the Enterion: and that the frim Levic and nebrustea Sruak Railrvad bomprany a corforration duly organieses under the lawis of the Alate of Vebrastea phall have the frivileges of purchacing all of the lands of that fiart of eaid reeervation above elecificallyde scribed which lie in the etate of telowesa at the frice of one dollar and twentu frwe cents fler acre with the apfraisedvalue of the imfurovements added on the follewing terms and Gnditionsto wit,

Within piety days from the fromulgationng this treaty said nilrvad comping shall fay to tho secretary of the Interior twelve thoceand dollars in cash; and within minty dave from the date of the completion of the purveys an affraicement ye improvement e on that lar of the said tract herein flarticularly described which lies in Nebrastea (notice of which date phall be given to said Company by the Plerstann of the Anterior) shall lay to him the whole expense of said purvey and appraisement and the appraceed value goal imfirvemente thereon and shall execute and deliver to hin it fond with good and sufficient cecuritias for the payment of the balance of the furchase money for said lands in five equal annual instalments falling due in one, two, three, four and five years. regfectivly, from the date of the promulgation of this treaty with interest payable annually on all the /urchase money remaining unpaid at the rate of five, fer cent Auer annum Chon the cash payments I being made and the fond for deferred payments Sing deterred by said company as herein required the lee retry of the Interior shall isevo to said company cen_ tificates of purchase for the several parcels rfeaid lands as it may require them, each of which centificatess shall be deemed aud held in all courts evidence of the right of procession in said Complanif of the
lands described therein unless e such right shall be forfeited as hereinafter provided. And if said com lavishall flay the whole amount of the purchase money of Said lands and infirvernents and of the expenses herein required to be paid by it at on) before the times freserited for rich ceveral fayments: together with interest on deferred faymenta from the Slate of the promulgation of this treaty to the dates gradual payment patents shall be issued to paid Company or their assigns for all of said lands fur chased by it, Provided that no patent phalli isisno to said Ompiany for any fart of said lands until it shall have onnetructed or caused To be crnstincted forty miles of its line of railroad betureen the Kans Prate Line ant Omaha. And provided further that each patent shall contain the condition that the lands granted therein shall Re fold hypaid company within five years from the date of such latent. In $x$ cave said Company shall fail to flay any fart of the amounts herein required to be paid by it or to executer its fond as herein required onshalle fail to fay any fart of the principal or interest gfosaid. Pond within thinly days from the date when the fame becomes due and payable them it shall forfeit all payments heretofore made by it; and all right title and interest in and to all and every fart if said lands; and the paid lames
and improvements shall thereupon be cold under the direction of the Recretan if the Anterior in larch not sicceding one hunched aud sixty acreseach to) the highest fid den for cash the sale toke made on sealed propisalk after proclamation by public aderertióo mint as provided for the scale of the trust lander the. Iowas and Paces and Fovea under the second article of the treaty with said tribes of March $6,1 / 6$ !.
Provided that no fides shall be received at lees thaw onedollar. Provided that in case paid roilsoud. company after paying the hand payment and the copts of survey and appraisement herem required stale fryeit its right of / urchase of said lands, any hereon who may have in good faith purchased any vs said lands from it shall have the right to a patent for the land Do furchaces on paying therefor to the Secretary of the Interior ait the rate of one dollar and twenty-fire cents fer acre. And as about one-Gifth ge said trad herein Particularly de-. scribed lies in manias, it is agreed that the stichieon and e'Perraska Pailroad'Comprany, a cirforateónduly orgained under the laws of the Plate of Kansas shall have the /privilege of purchasing all of enid tract lying in faneas and the improvements thereon on the fame terms and conditions in every reefed whatereven (exp as to the construction ofrailsoad) hereinbefore freecriched for the purchase by the Saint-Louis and nebraska Trunk Railroad Company of that flart ge said tract which
lies in Nebraska. But the payment required afraid Bichisin and nebraska Railroad Confrany within sixty days from the promilegation of this treaty shall be three thrueand dollars. And in care of the failure oftecid stchicin aud Netracta Railroad Company Io furchase orin case of its forfeiture after minchace lech ofcaid. lands as lie in faneare shall be disproed of in the manner fresorikess for the diglosal of that part goethe said trot lying in Helrasta in case said Soint-Levis and Tebrackea Stunk Pail road Company phould for. fit or fail to purchase the pare. Bovided that no notent shall issue to paid Atchison and Kebraska Railroad Company until it shall have paid in full for said lands and improvements lying in Kansas and for surveying the same punctually within the time prescribed for like fayments by the said Saint Spics and Tebrastea trunk Sail road Company, nor until it shall have constructed twenty miles of railroad from Atchisw northwardly in the diction of Omahas.

Inside $2^{n d}$ seton as /racticible apter the ratio. frication ge this Treaty a delegation of Ores and Nicecurca9 shall be cent to the Indian territory by the efcetary of the Anterior accompanied by such officer of the delartinent as he shalldesignate, who shall select. There a new reservation for the permanent home of the tribe out of the lands recently furchased by the United Sates for the settlement of Radian tribes thereon, which new reservation* shall include not to exceed,
ninety-eis thousand acres or lie than Aicty-four thousand acres. fiche selection shall be satisfactory to the tribe and shall be approved by the Aconclary of the hiterion he shall sell even new reserve to the Aloes and ANissuriaf. at the price /ur acre which the United Abates laid for the same, and shall cause the tribe to remove thereto as eon. as practicable, bit nor, without the consent of the tribe, before curie/ s\%a. Ind between the date of the ratification of this treaty and the date of such removal, no improve ments on said reservation shall be removed or destroyed and no timber shall be cut down or removed except for the wee of the member ia goethe tribe and hersone lawfully residing with them.

Article zig Before the removal of the goes and - Hissowreal from their fresent/reservation there shall be paid out of the frrceeds of Sales of the lands and improvements tee in authorized to be evil the amounts of the appraised voile of the several improvements belonging to individual member d of the trike, which amounts shall be fid severally to the in dividuals owning the improvements: and at the fame time. thou shall be fraid to the tribe the fum of fire thouscund, dollars to enable them to complete theirpuriaration for removal : and an additerial sum of thirlyfuie thousand dollars shall be expended, if necessary, as the same may fe received, under direction ge the Aecretary of the futerion in defraying incidental erfeneis of removal and in out sitting the tribe during the year fox owing their extlement on
their new reservation, and in the furchaseofestocts, agricultural implements, and other articles needed for their comfort and improvement. The united States shall be ne imbureid the cost of the new neemation out of such proceideat wench time as may in the ciunion of the elea. retary of the Snterion, considering the wants and in-. tevets of the tribe, be most expedient.

Artie $C$ " In case the tribe are not Ration fred with the newreeervation which may be offered them, they shall remain on that fart of their present reserva ton not hereinbefore authorized to be cold, and the amounts hereinbefore) authorized to be expended for their benefit on their new reservation may he expended, if necessary, under direction of the fenetary of the Interior, forlikeo purposes on that fart of their present reservation herein resewed for them. The remaining proceeds glsales of their lands shall be invested by the Secretary of the hiterin for their benefit in Government bonds and the interest thereon laid to them annually with their present annietics.

Article ${ }^{\text {th }}=$ S the trine shall determine to $e$ move to a new' reservation in the Indian Territory, that part of theirpreeent reservation not hereinbefore authorized to be pred shall be fold for their benefic ar follocas:
the secretary of the Interior shall give to the
Railroad Companies hereinbefore named thirty days notice of the date fired for such removal: and with in such thirty days the Saint-Lrime and nebraska Trunk Railroad

Company shall have the finvilego of purchasing the bal ance of said reservation lying in helrastea and not hereincefree authorized if be sold at the same firice and on similar terms and conditions as to each and deferred payments hereinbefore specifically stated for the purchase of the land authorized to be fold to paid company in the first antide of this treaty : and within such thinly day the Asthison and Nebraska Railroad Company shall howe the privilege of purchasing the balance dy said reservation lymig in Panes and not Pereiniteforo authorized to beside at the Lame price her acre and on Similar terms and conditions as to cash and deferred /laments herioncefore ole cifically stated for the purchase of the land authorized to be cold to that conipany under the first article of his treaty. Ind in casesither of Said ermpanies shonled fail to fur chase the lands in wis article authorized to be e old to it, or, having purchased, shall forfeit the Dame, it shall be eved in the manner provided in the first article of this treaty for the sale of the land authorized to be told under said article and which either if said Companies may fail to purchase or forfeit, and with like privilege to Soma fie purchasers from either company which may forfeit apter flarticil payment for the landes purchased by it.

Snide 6 ". The united states aquas to refund to the tribe the sum of six thousand dollars, improperly expended, in the year IXY', in the erection of a school house outside of said reservation in violation of an aquement with ike Tribe and
orbincit
erich was of no vies to them, which amount shall be. expended under the direction of the Secretary of the कhterion in maintaining a schorl for the children eft he Tribe.

Aritide $y^{\text {th }}$ Che Envied States shall fay the expense of negotiating this treaty, notevcieding one thous and dollars, and shall invest for 1 such further fume as may on examination be found due. them under former treaties. And the Secretary of the Interior shall cause an investigation to be had ofdefredations alleged to have ben committed by white men and report such amount as may. be found due noterceed, ing sic thousand three hundred dollars lo Congress for fayInt ta the fersonsinjured by duct depredations.

Article PR Shetifulation of former treaties not in conflict with this treaty shall remain in full force. And any amendments which maybe made ty the senate, not affecting the price to be paid for the lands or the diefresition of the proceeds of sale thereof, ane hereby accepted any ratified in advance.

Ohfuriniss coleregf the parties hereto de their Commissioners aud delegates abrue named have hereunto ret their hands at the place and date find above written

Vihness
Gohn $\mathcal{L}$ Smill=
U.S. Ind ayent

Batisti Bumelte Sut Hhomas mumphy
U.S. Steepuiter

Hamilion B. Anman
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Shour Ka havi- una hio mediennhir
Char-wo-a-ke mand

Ura Mha-Ka-n-cha nennan mumewher
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