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RATIFIED TREATY NO. 267
DOCUMENTS RELATING TO THE NEGOTIATION OF THE
TREATY OF MAY 6, 1854, WITH THE DELAWARE INDIANS

To Our Great Father

The President of the United States:

We the undersigned Chiefs, Councillors, Head men, Warriors and Braves of the Delaware Tribe or nation of Indians, residing in the Indian Country west of the State of Missouri thereto duly authorized by the whole Delaware people in full Council assembled do hereby nominate constitute and appoint Sarcocy, Neconhecond, Kockhatowha, Quacornowha, or James Segondine, Ashafianacumin or Chaus, Johncake, Queshatowha or John Ketchum, Pondorey or George Bullet, Kockkockquase or James Ketchum, Ahlahachick or James Conner Delegates to represent us at the City of Washington with full power to make a treaty with our Great Father the President of the United States, or with such officer as he may designate for the purpose, and to do and perform any act or thing connected with our affairs which the whole Delaware people could do if they were all personally present. And we do, by virtue of the authority of the said Delaware people especially authorize the said Delegates to sell and convey to the United States by such instrument or instruments of writing as will vest in the United States all and singular the right title and interest of the Delawares in a part or the whole of the tract of Country known as the Delaware country situated and lying West of the State of Missouri on such conditions and for such consideration as to them may seem reasonable and just, hereby ratifying and confirming for ourselves and our said Tribe or any portion of the same, the acts of our Delegates in the premises, and vesting in them all the power necessary to transfer to the United States the perfect title of and into a part or the whole of the land owned or claimed as aforesaid.

Done at the Methodist Church in the said Delaware Country this the 3^d day of April in the year Eighteen hundred and fifty-four.

Witness our hands and seals the day and year above written.

Tawhehahlan or Capt. Ketchum
Segondine
Muckkelongum or Thos. Hill

his
mark
his
mark
his

Makendor or Wm R. Ketchum
Sakependon
Waleofseat or Wm Adams

his
mark
his
mark
his

Jawhekahlan or Capt. Ketchum
 Sezondine
 Muchkelongun or Thos Hill
 Wyan Tamweese, or Beaver
 Neconowha
 Won dowhase or Cha. Ketchum
 Teshowhas
 Pascol
 Sachenamulake or Jacob Hill
 Windenawand, or Big Nigger
 Secclerer or Buffalo
 Nahkowha, or George Ketchum
 Linda lowh
 Olam storey or Benj. Love
 Guskepahkehing, or Isaac Johnson
 Diopese
 John Marshal
 John George
 Neshahala, or Howard O. Ketchum
 Naokoppi or Henry Bascomb
 Clanakohamin or Henry Tiblow

Makendo or Wm R. Ketchum
 Sakependon
 Walefseat or Wm Adams
 Tonho coxway or Jacob Ketchum
 Samuel Ketchum
 Namahweshund or Little Buffalo
 Joseph Armstrong
 Nelalund or Johnson
 Moseha cond or Elk hair
 Tinwasee
 Moshkive non
 Ahhongewon
 Papiotkowha
 Watimbeles
 Tussaney
 George Washington
 Paketunund or Cha. Armstrong
 Papi non nahkowha
 Samuel Moses
 Ianocull
 Penosson

The foregoing and annexed instrument of writing, was signed and sealed by the Chiefs, Councillors, Head men, Warriors and Braves of the Delaware tribe or nation of Indians, in our presence, the day of the date of the same, it having been first fully and faithfully interpreted to them.

John T. Peery
Higin Wilson
B. D. Castleman
Isaac Munday
Julius Fairfield
Henry Giblow U.S. Int

I Benjamin F. Robinson, U.S. Agent for the Indians within the Kansas Agency, do hereby certify that the instrument of writing on the opposite page was fully and faithfully interpreted to the Delaware tribe or nation of Indians at a full meeting of the Delaware tribe or nation, that it was read by them and the individuals who signed the same are the Chiefs, Councillors, Head men, Warriors and Braves, of the Delaware tribe or nation and that they were thereto duly authorized, by the Delaware nation in Council assembled, on the day of the date of said instrument.
Given under my hand officially this 3rd day of
Eighteen hundred and fifty-four

B F Robinson
Indian Agent.

who signed the same are the Chiefs, Councillors, Head men, Warriors and Braves, of
the Delaware tribe or nation and that they were thereto duly authorized, by the ~~tribe~~
nation in Council assembled, on the day of the date of said instrument.

Given under my hand officially this 3rd day of
Eighteen hundred and fifty-four

B. F. Robinson
Indian Agent.

[Encl. of Kansas, R-170/1854]

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5-6-54

James P. 70
B. J. Robinson
Washⁿ. April 29. 54

Submits letters of
Attorney signed by
the principal men
of the Shawnee and
Delaware tribes of
Indians with state-
ment of proceedings
of Council &c.

Letter with Com^{rs}

Rec^d April 28. 54

File

28 Com^{rs}

Washington City D. C.
April 25 - 1854

Sir.

In obedience to the requirements of your letter dated 15th March 1854. I have the honor of furnishing you with letters of attorneys signed by the principal men of the Shawnee & Delaware Tribes of Indians. I believe of attorney as you will see fully empowers the delegates therein mentioned to treat with the United States touching the land of the Delaware &c to which I respectfully refer you.

Upon being executed these letters of attorney were read & carefully & fully explained to the Delaware in full council assembled.

But that you may be the better apprised of the complexion of things with the State of feelings by which these Tribes are influenced as respects the surrender of their lands to the United States, I deem it proper to state, that when I visited the Delaware, for the purpose of calling a convention of that Tribe in accordance with your instructions, I found those people together with the Shawnees & nine other Tribes in (what I might call) a grand Council assembled as I was informed for the purpose of entering into a compact or league whereby they were mutually to pledge each other not to sell their

lands to the Government of the United States
without the consent of each tribe, by a
member of the league

I however proceeded to notify
the principal Chief of the Delawares
of the object of my visit. Causing your
letter to him to be read & explained: I also
requested him to have his people con-
-vinced as soon as practicable that I
might make them fully acquainted with
the nature of the instructions which I
had received from you. To this the Chief
at once assented & fixed the 2nd day of
April next for the proposed Council. He
informed me that his people were then
mostly present. These preliminary arrange-
ments took place the 31st of March.

He then returned to the Grand Council
& after informing them of the message
which I bore him from his great father
immediately adjourned that body. This
proceeding of the Delaware Chief appeared
to cause a good deal of dissatisfaction
with the Council, particularly the Wy-
-andotts & Tyrone. Their principal
or head Chief made a long talk again
against the adjournment. The Grand Coun-
-cil was however adjourned sin de as
I supposed, but after my departure they
were again reassembled (all but the Shawano
who withdrew) through the influence of
the Wyandotts. On the 2nd day

of April I still found the Grand Council in session, & not until the 4th could I obtain an interview with ^{the} Whm after a sharp rebuke from me; in disappointment on at the same time assuring them that their Great Father was their friend & would not wrong them, also fully explaining the nature of my business with the Tribes, they at once harmoniously & in a perfect good humor commenced business, selected delegates & executed the power of attorney.

Very respectfully
Yours etc. S. G.

B. F. Johnson -
Indian Agent

C. G. W. Manning.
Com. of Indian Affairs.

P. S.
The Tribes represented in the Grand Council mentioned were (to wit,

Delawares	Potawatomes
Wyandots	Miamis
Shawnee	Picantashanz &
Kickapoo	Ojibwas
Sacs & Fox	

Truly with Beluwan
May 6th 1854

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TREATY

BETWEEN

THE UNITED STATES

AND THE

DELAWARE INDIANS.



FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA:

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas, a treaty was made and concluded at the city of Washington on the sixth of May, one thousand eight hundred and fifty-four, by George W. Manypenny as Commissioner on the part of the United States and the following named delegates of the Delaware tribe of Indians, viz: Sarcoxy; Ne-con-he-cond; Kock-ka-to-wha; Qua-cor-now-ha, or James Segondyne; Ne-sha-pa-na-cumin, or Charles Journeycake; Que-sha-to-wha, or John Ketchem; Pendoxy, or George Bullet; Kock-kock-quas, or James Ketchem; Ah-lah-a-chick, or James Conner; they being thereto duly authorized by said tribe; which treaty is in the words following, to wit:

Articles of agreement and convention, made and concluded at the city of Washington, this sixth day of May, one thousand eight hundred and fifty-four, by George W. Manypenny, as Commissioner on the part of the United States, and the following named delegates of the Delaware tribe of Indians, viz: Sarcoxy, Ne-con-he-cond, Kock-ka-to-wha, Qua-cor-now-ha, or James Segondyne, Ne-sha-pa-na-cumin, or Charles Journeycake, Que-sha-to-wha, or John Ketchem, Pendoxy, or George Bullet, Kock-kock-quas, or James Ketchem, Ah-lah-a-chick, or James Conner, they being thereto duly authorized by said tribe:

ARTICLE 1. The Delaware tribe of Indians hereby cede, relinquish, and quit-claim to the United States, all their right, title, and interest in and to their country lying west of the State of Missouri, and situate in the fork of the Missouri and Kansas rivers, which is described in the article supplementary to the treaty of October third, one thousand eight hundred and eighteen, concluded, in part, on the twenty-fourth September, one thousand eight hundred and twenty-nine, at Council Camp, on James' fork of White river, in the State of Missouri; and finally concluded at Council Camp, in the fork of the Kansas and Missouri rivers, on the nineteenth October, one thousand eight hundred and twenty-nine; and also their right, title and interest in and to the "outlet" mentioned and described in said supplementary article; excepting that portion of said country sold to the Wyandot tribe of Indians, by instrument sanctioned by act of Congress, approved July twenty-fifth, one thousand eight hundred and forty-eight, and also excepting that part of said country lying east and south of a line beginning at a point

on the line between the land of the Delawares and the half-breed Kansas, forty miles, in a direct line, west of the boundary between the Delawares and Wyandots, thence north ten miles, thence in an easterly course to a point on the south bank of Big Island creek, which shall also be on the bank of the Missouri river where the usual high-water line of said creek intersects the high-water line of said river.

ARTICLE 2. The United States hereby agree to have the ceded country (excepting the said "outlet") surveyed, as soon as it can be conveniently done, in the same manner that the public lands are surveyed—such survey to be commenced and prosecuted as the President of the United States may deem best. And the President will, so soon as the whole or any portion of said lands are surveyed, proceed to offer such surveyed lands for sale, at public auction, in such quantities as he may deem proper—being governed, in all respects, in conducting such sales, by the laws of the United States respecting the sales of the public lands; and such of the lands as may not be sold at the public sales, shall thereafter be subject to private entry, in the same manner that private entries are made of United States lands; and any, or all, of such lands as remain unsold, after being three years subject to private entry, at the minimum government price, may, by act of Congress, be graduated and reduced in price, until all said lands are sold; regard being had in said graduation and reduction to the interests of the Delawares, and also to the speedy settlement of the country.

ARTICLE 3. The United States agree to pay to the Delaware tribe of Indians the sum of ten thousand dollars; and, in consideration thereof, the Delaware tribe of Indians hereby cede, release, and quitclaim to the United States, the said tract of country hereinbefore described as the "outlet." And as a further and full compensation for the cession made by the first article, the United States agree to

pay to said tribe all the moneys received from the sales of the lands provided to be surveyed in the preceding article, after deducting therefrom the cost of surveying, managing, and selling the same.

ARTICLE 4. The Delaware Indians have now, by treaty stipulation, the following permanent annuities, to wit: one thousand dollars per fourth article of the treaty of third August, one thousand seven hundred and ninety-five. Five hundred dollars, per third article of the treaty of thirtieth September, one thousand eight hundred and nine. Four thousand dollars per fifth article of the treaty of the third October, one thousand eight hundred and eighteen. One thousand dollars per supplemental treaty of twenty-fourth September, one thousand eight hundred and twenty-nine. One hundred dollars for salt annuity, per third article of the treaty of June seventh, one thousand eight hundred and three. Nine hundred and forty dollars, for blacksmith annuity, per sixth article of the treaty of third October, one thousand eight hundred and eighteen. All which several permanent annuities they hereby relinquish and forever absolve the United States from the further payment thereof; in consideration whereof the United States agree to pay to them, under the direction of the President, the sum of one hundred and forty-eight thousand dollars, as follows: seventy-four thousand dollars in the month of October, one thousand eight hundred and fifty-four, and seventy-four thousand dollars in the month of October, one thousand eight hundred and fifty-five. The object of converting the permanent annuities into these two payments being to aid the Delawares in making improvements on their present farms, and opening new ones on the land reserved, building houses, buying necessary household furniture, stock and farming utensils, and such other articles as may be necessary to their comfort.

ARTICLE 5. It is agreed that the sum of forty-six thousand and eighty dollars, being the value of the thirty-six sections

of land set apart for school purposes by the supplemental treaty of one thousand eight hundred and twenty-nine, remain for the present at five per cent. interest, as stipulated by the resolution of the Senate of the nineteenth January, one thousand eight hundred and thirty-eight.

ARTICLE 6. The Delawares feel now, as heretofore, grateful to their old chiefs for their long and faithful services. In former treaties, when their means were scanty, they provided, by small life annuities, for the wants of these chiefs, some of whom are now receiving them. These chiefs are poor, and the Delawares believe it their duty to keep them from want in their old and declining age. It is the wish of the Delawares, and hereby stipulated and agreed, that the sum of ten thousand dollars, the amount provided in the third article as a consideration for the "outlet," shall be paid to their five chiefs, to wit: Captain Ketchem, Sarkoxey, Segondyne, Neconhecond, and Kock-ka-to-wha, in equal shares of two thousand dollars each, to be paid as follows, to each of said chiefs, annually, the sum of two hundred and fifty dollars, until the whole sum is paid: *Provided*, That if any one or more of said chiefs die before the whole or any part of the sum is paid, the annual payments remaining to his share shall be paid to his male children, and in default of male heirs, then to the legal representatives of such deceased chief or chiefs; and it is understood that the small life-annuities stipulated for by former treaties, shall be paid as directed by said treaties.

ARTICLE 7. It is expected that the amount of moneys arising from the sales herein provided for, will be greater than the Delawares will need to meet their current wants; and as it is their duty, and their desire also, to create a permanent fund for the benefit of the Delaware people, it is agreed that all the money not necessary for the reasonable wants of the people, shall from time to time be invested by the President of the United States, in safe and profitable stocks, the

principal to remain unimpaired, and the interest to be applied annually, for the civilization, education and religious culture, of the Delaware people, and such other objects of a beneficial character; as in his judgment, are proper and necessary.

ARTICLE 8. As the annual receipts from the sales of the lands cannot now be determined, it is agreed that the whole subject be referred to the judgment of the President, who may, from time to time, prescribe how much of the net proceeds of said sales shall be paid out to the Delaware people, and the mode and manner of such payment, also how much shall be invested, and in distributing the funds to the people, due regard and encouragement shall be given to that portion of the Delawares who are competent to manage their own affairs, and who know and appreciate the value of money; but Congress may, at any time, and from time to time, by law, make such rules and regulations in relation to the funds arising from the sale of said lands, and the application thereof for the benefit and improvement of the Delaware people, as may, in the wisdom of that body seem just and proper.

ARTICLE 9. The debts of Indians, contracted in their private dealings as individuals, whether to traders or otherwise, shall not be paid from the general fund.

ARTICLE 10. The Delawares promise to renew their efforts to suppress the introduction and the use of ardent spirits in their country and among their people, and to encourage industry, integrity, and virtue, so that every one may become civilized, and, as many now are, competent to manage their business affairs; but should some of them, unfortunately continue to refuse to labor, and remain or become dissipated and worthless, it shall be discretionary with the President to give such direction to the portion of funds, from time to time, due to such persons, as will prevent them from squandering the same, and secure the benefit thereof to their families.

ARTICLE 11. At any time hereafter when the Delawares desire it, and at their request and expense, the President may cause the country reserved for their permanent home to be surveyed in the same manner as the ceded country is surveyed, and may assign such portion to each person or family as shall be designated by the principal men of the tribe, *provided* such assignment shall be uniform.

ARTICLE 12. In the settlement of the country adjacent to the Delaware reservation roads and highways will become necessary, and it is agreed that all roads and highways laid out by authority of law, shall have a right of way through the reserved lands, on the same terms that the law provides for their location through the lands of citizens of the United States; and railroad companies, when the lines of their roads necessarily pass through the said reservation, shall have the right of way, on payment of a just compensation therefor in money.

ARTICLE 13. The Christian Indians live in the country herein ceded, and have some improvements. They desire to remain where they are, and the Delawares are willing, *provided* the Christian Indians can pay them for the land. It is therefore agreed that there shall be confirmed by patent to the said Christian Indians, subject to such restrictions as Congress may provide, a quantity of land equal to four sections, to be selected in a body from the surveyed lands, and to include their present improvements; *Provided* The said Christian Indians, or the United States for them, pay to the Secretary of the Interior for the use of the Delaware Indians, within one year from the date of the ratification of this treaty, the sum of two dollars and fifty cents per acre therefor; *And provided further* That the provisions of article twelve, in relation to

roads, highways and railroads, shall be applicable to the land thus granted to the Christian Indians.

ARTICLE 14. The Delawares acknowledge their dependence on the government of the United States, and invoke its protection and care. They desire to be protected from depredations and injuries of every kind, and to live at peace with all the Indian tribes; and they promise to abstain from war, and to commit no depredations on either citizens or Indians; and if, unhappily, any difficulty should arise, they will at all times as far as they are able comply with the law in such cases made and provided, as they will expect to be protected and their rights vindicated by it, when they are injured.

ARTICLE 15. A primary object of this instrument being to advance the interests and welfare of the Delaware people, it is agreed, that if it prove insufficient to effect these ends, from causes which cannot now be foreseen, Congress may hereafter make such further provision, by law, not inconsistent herewith, as experience may prove to be necessary to promote the interests, peace, and happiness of the Delaware people.

ARTICLE 16. It is agreed by the parties hereto, that the provisions of the act of Congress, approved third of March, one thousand eight hundred and seven, in relation to lands ceded to the United States, shall, so far as applicable, be extended to the lands herein ceded.

ARTICLE 17. It is further stipulated, that, should the Senate of the United States reject the thirteenth article hereof, such rejection shall in no wise affect the validity of the other articles.

ARTICLE 18. This instrument shall be obligatory on the contracting parties as soon as the same shall be ratified by the President, and the Senate, of the United States.

In testimony whereof the said George W. Manypenny, commissioner, as aforesaid, and the said delegates of the Delaware tribe of Indians, have here-

unto set their hands and seals, at the place, and on the day and year herein-
before written.

GEORGE W. MANYPENNY, <i>Commissioner.</i>	[L. S.]
SARCOXEY, his x mark.	[L. S.]
NE-CON-HE-COND, his x mark.	[L. S.]
KOCK-KA-TO-WHA, his x mark.	[L. S.]
QUA-COR-NOW-HA, or James Segondyne, his x mark.	[L. S.]
NE-SHA-PA-NA-CUMIN, or Charles Journeycake.	[L. S.]
QUE-SHA-TO-WHA, or John Ketchem, his x mark.	[L. S.]
PONDOXY, or George Bullet, his x mark.	[L. S.]
KOCK-KOCK-QUAS, or James Ketchem.	[L. S.]
AH-LAH-A-CHICK, or James Conner, his x mark.	[L. S.]

Executed in presence of—

THOS. JOHNSON.
CHARLES CALVERT.
DOUGLAS H. COOPER.
WM. B. WAUGH.
HENRY BEARD.
B. F. ROBINSON, *Indian Agent.*
HENRY TIBLOW, *U. S. Interpreter.*

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the eleventh day of July, one thousand eight hundred and fifty-four, ratify the same by a resolution in the words following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
July 11, 1854.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention, made and concluded at the city of Washington, this sixth day of May, one thousand eight hundred and fifty-four, by George W. Manypenny, as Commissioner on the part of the United States, and the following named delegates of the Delaware tribe of Indians, viz: Sarcoxeey; Ne-hon-he-cond; Kock-ka-to-wha; Qua-cor-now-ha, or James Segondyne; Ne-sha-pa-na-cumin, or Charles Journeycake; Que-sha-to-wha, or John Ketchem; Pendoxy, or George Bullet; Kock-kock-quas, or James Ketchem; Ah-lah-a-chick, or James Conner; they being thereto duly authorized by said tribe.

Attest:

ASBURY DICKINS,
Secretary.

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the eleventh day of July, one thousand eight hundred and fifty-four, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be herewith affixed, having signed the same with my hand.

Done at the city of Washington this seventeenth day of July, in the year of our Lord one thousand eight hundred and fifty-four, and of the Independence of the United States the seventy-ninth.

* L. S. *

FRANKLIN PIERCE.

BY THE PRESIDENT:
W. L. MARCY,
Secretary of State.

54
May 6th 1854
Study with Declaration