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## Documents relating to the negotiation of an unratified treaty in 1858 with the Christian Indians. 1858

Washington, D.C.: National Archives, 1858

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DOCUMENTS RELATING TO THE  
NEGOTIATION OF AN UNRATIFIED TREATY  
IN 1858 WITH THE CHRISTIAN INDIANS

From Bar... Dept  
Delaware 1858-62  
Dept. of the Interior  
March 24, '58

Refers articles signed  
Mentance...  
made with Christian  
Indians rel. to the sale  
of their lands

Returned from Dep. Interior  
ap. 15<sup>th</sup> 1858 -

Filed

Ref. March 24, '58  
See report to the  
Secretary of the Interior  
March 31<sup>st</sup> 1858.  
and J. P. M.

July 1884

per prop =

2 Dr Com

0857  
The Board of Elders of the Northern District of the Church of the  
United Brethren in the United States of America

Articles of agreement and  
Convention made and concluded at  
the City of Washington on the

day of <sup>in</sup>  
the year of our Lord one thousand  
Eight hundred and fifty eight  
by and between

Commissioner on the part  
of the United States and the follow  
ing named heads of families being  
the heads of all the families and  
the proper representatives of the  
Tribe of Indians known as the  
Christian Indians residing in  
the Territory of Kansas to wit  
Frederick Samuel Joseph M Tibbuck  
Job Samuel ~~Amerson~~ <sup>Wm. Amerson</sup> Wilson Chris-  
-tian Snare Cornelius Charles John  
Young Ignatius Caleb Frederica  
Walter Jane Caleb Sabella Nathan  
Rachel Henry Henry Donahoe and  
Polly Donahoe his wife formerly Polly  
Tibbuck John Williams and Abigail  
Williams his wife formerly Abigail  
Tibbuck Lewis Veix and Lydia  
Veix his wife formerly Lydia Wil-  
-son Claudia Meacham formerly  
Claudia Hendrick Julian Davis  
formerly Julian Caleb and Wesley  
Snare by their attorney in fact  
Gottlieb F. Dehler as evidenced by power  
of attorney duly executed and acknowledged

Said parties and said attorney in fact  
being thereunto duly authorized by said  
tribe

Article 1 The Christian Nation of In-  
dians hereby Cede and relinquish to  
the United States all their right title  
and interest in and to the tract of Coun-  
try Situate in the County of Beavermore  
in the Territory of Kansas and adjacent  
to the City of Lawrence and being the lands  
conveyed by patent by the United States to  
the said Christian Indians under the  
provisions of a Treaty made and con-  
cluded at the City of Washington on the  
sixth day of May in the year of our  
Lord one thousand eight hundred  
and fifty four. Between the proper repre-  
sentatives of the United States and the  
Delaware Tribe of Indians being an  
amount equal to four sections and more  
specifically known as parts of sections  
one (1) twelve (12) and thirteen (13) in  
Township nine (9) South Range twenty two  
(22) East parts of sections six (6) seven  
(7) and seventeen (17) and section eight-  
teen (18) of Township nine (9) South in  
Range twenty three (23) East a map  
of which is here now exhibited marked  
(A) and made a part of these articles  
of Treaty the object and purpose of  
which Cession is that certain contracts  
into certain persons hereinafter mentioned

for the Sale of portions of said lands may  
be fully carried out and perfected and  
that the residue of said lands may be  
subdivided assigned and reconveyed  
by patents in fee simple in the manner  
and subject to the restrictions here  
inafter provided to the individuals  
and members of the Christian nation  
of Indians in general.

Article 2 The Christian Indians  
having contracted with certain individuals  
to cause to be conveyed to them lands at  
and for the price in the aggregate for  
Six hundred and thirty five acres and  
eighteen hundredths of twenty four  
thousand eight hundred and sixty  
three dollars that is to say to Adam  
Dritz of the County of Leavenworth and  
Territory of Kansas the North East  
fractional quarter of Section number  
one (1) of Township number nine (9) South  
of Range number twenty two (22) East  
containing one hundred and fifteen acres  
and eighteen hundredths of an acre.  
at once for the price of seventy dollars  
per acre

To Albert Fittow the South East quar  
ter of Section one (1) of Township nine (9)  
South in Range twenty two (22) East contain  
ing one hundred and sixty acres at and  
for the price of fifty dollars per acre

To Carrington Harris the North West  
quarter of the North east quarter of Sec-  
tion twelve (12) of Township nine (9) South  
in Range twenty two (22) east containing  
forty acres at once for the price of forty  
Dollars per acre

To Samuel D LeCompte the east half of  
the North West quarter of Section twelve  
(12) of Township nine (9) South Range  
twenty two (22) east containing eighty  
acres

To Miram Corum the East half of the  
North West quarter of Section thirteen  
(13) of Township nine (9) South in Range  
twenty two (22) east containing eighty  
acres

To Eli M. Mackamer the East half of the  
South West quarter and the West half  
of the South East quarter of Section  
thirteen (13) of Township nine (9) South  
in Range twenty two (22) east contain-  
ing one hundred and sixty acres.  
The price of the land so contracted to  
the said Samuel D LeCompte Miram  
Corum and Eli M. Mackamer to be ag-  
reed on between them selves but to amount  
in the aggregate to the sum of ~~seven~~ (7)  
thousand two hundred Dollars and  
forty cents making the full aggregate  
as aforesaid the sum of twenty four  
thousand eight hundred and sixty  
three Dollars above mentioned

seven



And the Said Christian Indians by agreement made and concluded at Fort Dear mouth in the year eighteen hundred and fifty six between Benjamin F. Robinson as Commissioner on the part of the United States and Frederick Samuel Joseph M. Kilbuck and Job Samuel principal men and duly appointed to act for the Christian Indians of the one part and Gottlieb P. Oehler in behalf of the Elders of the Northern Diocese of the Church of the United Brethren of North America of the other part having ceded to the Said Elders of the Northern Diocese of the Church of the United Brethren of North America the South half of the South West quarter and the South West quarter of the South east fractional quarter of Section Seven (7) of Township Nine (9) South in Range Twenty Three (23) East containing one hundred and twenty acres at the price of fourteen hundred and forty Dollars to be paid therefor it is therefore stipulated that so soon as the Said sum of twenty four thousand eight hundred and sixty three Dollars and the Said sum of fourteen hundred and forty Dollars shall be paid by the parties so purchasing to the agents of the United States acting for the Said Christian Indians the Government of the United States shall cause to be issued

To the said Adam Ditz, Albert Sittow  
Carrington Harris Samuel De couple  
Airon Comm Eli M. Mackamer and  
The Elders of the Northern Diocese of the  
Church of the United Brethren of North  
America patents conveying to them  
severally the several tracts of land  
to them so contracted in fee simple  
and the said Christian Indians having  
contracted with Amos Rees and Richard  
R Rees attorneys at law of the City of  
Leavenworth Kansas Territory to cause  
to be conveyed to them the East half of  
the South West quarter of Section twelve  
(12) of Township nine (9) <sup>and</sup> Range twenty  
two (22) East containing eighty acres  
in consideration of certain legal services  
comprising a series of advice and counsel  
and the institution and prosecution of  
a number of suits and other professions  
as services the Government of the United  
States shall immediately after the rat-  
ification of this treaty cause to be issued  
to the said Amos Rees and Richard  
R Rees a patent conveying to them in  
fee simple the above described land  
so to them contracted

Article 3 The said Christian Indians  
having caused a sub survey of their lands  
to be made and by agreement among  
them selves made partition in view of  
all the lands remaining undisposed of

assigning to each individual member of  
the Tribe their several tracts of land  
as shown by the maps of said Sub Survey  
marked (A) accompanying this treaty  
and make a part thereof allotting to  
~~Anderson Wilson~~ and Kitty Ann Wilson  
The South West fractional quarter

of Section Six (6) Township nine (9) South in  
Range twenty three (23) east containing seventy  
acres and twenty hundredths of an acre

To Abraham Israel the South West quarter  
of the North East quarter of Section  
twelve (12) of Township nine (9) South in  
Range twenty two (22) east containing  
forty acres.

To Fredemca Cabel the North East  
quarter of the North East quarter of  
Section twelve (12) of Township nine (9)  
South in Range twenty two (22) east con-  
taining forty acres

7 To Polly Samuel the South East quarter  
of the North East quarter of Section twelve  
(12) of Township nine (9) South in Range  
twenty two (22) east containing forty  
acres

To Louisa Wilson the North West quarter  
of the South East quarter of Section twelve  
(12) of Township nine (9) South in Range  
twenty two (22) east containing forty  
acres

To ~~William~~ Snake the North East quar-  
ter of the South East quarter of Section

twelve (12) of Township nine (9) South in  
Range twenty two (22) east containing  
forty acres

To Francis Kilbuck the South West  
quarter of the South East quarter of  
Section twelve of Township nine (9) South  
in Range twenty two (22) east contain-  
ing forty acres

To Joseph Kilbuck Jr the South East  
quarter of the South East quarter of Sec-  
tion twelve (12) of Township nine (9) South  
in Range twenty two (22) east contain-  
ing forty acres

To Job Samuel the North West quarter  
of the North West quarter of Section seven  
(7) of Township nine (9) South in Range  
twenty three (23) east containing forty  
acres

To Eliza Samuel the North East quar-  
ter of the North West quarter of Section  
seven (7) of Township nine (9) South in  
Range twenty three (23) east containing  
forty acres and forty one hundredths of an acre

To Frederick Samuel the South West  
quarter of the North West quarter of  
Section seven (7) of Township nine (9) South  
in Range twenty three (23) east contain-  
ing forty acres

To Sabel Samuel the South East quarter  
of the North West quarter of Section seven  
(7) of Township nine (9) South Range  
twenty three (23) east containing forty  
acres

To Christian Swartz the North East frac-  
tional quarter of Section Seven (7)  
of Township nine (9) south in Range  
Twenty Three (23) East containing fifty  
<sup>seven</sup> acres and <sup>thirty four</sup> hundredths of an  
acre (~~57~~) ( $57\frac{34}{100}$ )

To Olivia Sammes the North West  
quarter of the South West quarter of  
Section Seven (7) of Township Nine  
(9) south in Range Twenty Three (23) East  
Containing forty acres

To Sam Baber the North West  
quarter of the South West quarter of  
Section Seven (7) of Township nine  
(9) south in Range Twenty Three (23)  
East containing forty acres

To Joseph S. Silburn the North  
West quarter of the South East <sup>fractional</sup> quar-  
ter of Section Seven (7) of Township  
nine (9) <sup>south</sup> Range Twenty Three (23)  
Containing forty acres

To Naomi Silburn the North East  
fractional quarter of the South East  
fractional quarter of Section Seven  
(7) of Township nine (9) south in  
Range Twenty Three (23) East containing  
~~40~~ thirty four acres and fifty hundredths of an acre

To Polly Donako formerly Polly Silburn  
the South East fractional quarter of the  
South East fractional quarter of Section  
Seven (7) of Township nine (9) south in Range  
Twenty Three (23) East containing  
thirty one acres and eighty hundredths of an acre

To Moses Hillbeck the North West  
quarter of the North East quarter of  
Section Thirteen (13) of Township Nine  
(9) South Range Twenty Two (22) East Contain-  
ing forty acres

To Serenias Hillbeck the North east  
quarter of the North east quarter of  
Section Thirteen (13) of Township Nine  
(9) South in Range Twenty Two (22) East  
Containing forty acres

X died since  
9 the 40 acres are  
to pull back to the  
bond again

To Sally ~~Mc~~ Kendrick the South West  
quarter of the North East <sup>quarter</sup> of Section  
Thirteen (13) of Township Nine (9) South  
in Range Twenty Two (22) East Contain-  
ing forty acres

To Sophina Wilcox the South  
east quarter of the North east  
quarter of Section Thirteen (13) of  
Township Nine (9) South in Range  
Twenty Two <sup>(22)</sup> East Containing forty  
acres

To Julius Perry the North east  
quarter of the South east quarter of Section  
Thirteen (13) of Township Nine (9) South  
in Range Twenty Two (22) East Contain-  
ing forty acres

To Moses Charles the South east  
quarter of the South east quarter  
of Section Thirteen (13) of Township  
Nine (9) South in Range Twenty Two (22) East  
Containing forty acres

To James Ellibe the North West

quarter of the North West quarter  
of Section eighteen (18) of Township  
Nine (9) South in Range twenty three  
(23) east containing forty acres

To Abigail Williams, <sup>formerly Abigail Williams</sup> the North east  
quarter of the North West quarter  
of Section eighteen (18) of Township  
Nine (9) South in Range twenty three  
(23) east containing forty acres

To John Thomas the South West quar-  
ter of the North West quarter of Sec-  
tion eighteen (18) of Township Nine (9)  
South in Range twenty three (23) east  
containing forty acres

To Mary Oratio the South east  
quarter of the North West quarter  
of Section ~~of Section~~ <sup>(18)</sup> eighteen of  
Township Nine (9) South in Range  
twenty three (23) east containing  
forty acres

To Lucy Young the North West  
quarter of the South West quarter  
of Section eighteen (18) of Township  
Nine (9) South in Range twenty  
three (23) east containing forty  
acres

To Thomas Young the North east  
quarter of the South West quarter  
of Section <sup>(18)</sup> eighteen of Township  
Nine (9) <sup>South</sup> in Range twenty three  
(23) east containing forty acres

To George Veix the South West quar-  
ter of the South West quarter of Section  
eighteen (18) of Township nine (9) South  
in Range twenty three (23) east contain-  
ing forty acres

To Rodanna Young the South East  
quarter of the South West quarter of  
Section eighteen (18) of Township nine  
(9) South in Range twenty three (23) east  
containing forty acres

To Claudia Meacham formerly  
Claudia Dendries the North West  
quarter of the North east quarter  
of Section eighteen (18) of Township  
nine (9) South in Range twenty three (23)  
east containing forty acres

To Sabilla Nathan the North  
east quarter of the North east quarter  
of Section eighteen (18) of Township  
nine (9) South in Range twenty three  
(23) east <sup>thirty nine acres and seventy five hundredths of an acre</sup> containing forty acres

To Julia Davis formerly Julia  
Wales the South West quarter of  
the North east quarter of Section  
of Section eighteen (18) of Township  
nine (9) South in Range twenty three  
(23) east containing forty acres

To John Young the South east  
quarter of the North east quarter of  
Section eighteen (18) of Township nine  
(9) in Range twenty three (23) east  
containing forty acres



To Jane Leabel f<sup>r</sup> the North West  
West quarter of the South east  
quarter of Section eighteen (18) of  
Township Nine (9) South in Range  
Twenty three (23) east Containing  
forty acres

To Agnes Charles the North east  
quarter of the South east quarter of  
Section eighteen (18) of Township  
Nine (9) South in Range Twenty three  
(23) east Containing forty acres.

To Rachel Henry the South West  
quarter of the South east quarter  
of Section eighteen (18) of Township  
Nine (9) South in Range Twenty three  
(23) east Containing forty acres

To Lydia Vix formerly Lydia  
Wilson the South east quarter of  
the South east quarter of Section  
eighteen (18) of Township Nine (9)  
South in Range Twenty three (23) east  
Containing forty acres

To Wesley Snake the North West  
fractional quarter of Section Seventeen  
(17) of Township Nine (9) South in  
Range Twenty three (23) east Con-  
taining twenty one acres and a forty  
hundredths of an acre.

To Cornelius Charles the North  
West fractional quarter of the  
South West fractional quarter  
of Section Seventeen (17) of Township

nine (9) South in Range twenty three  
(23) east containing twenty nine acres and a  
ninty hundredths of an acre

To Ignatius Caber the South, <sup>fractional</sup> West  
of the South West fractional quar-  
ter of Section Seventeen  
(17) of Township nine (9) South in  
Range twenty three (23) east contain-  
ing forty seven acres and forty hundredths  
of an acre

Article 4 Immediately upon the  
ratification of this Treaty the  
United States shall cause to be issued  
to the several individuals of the  
said tribe of the Christian Indians  
mentioned in the third Article of this  
Treaty for the lands severally to them  
allotted in that Article Patents  
conveying to them severally the  
said lands ~~unimpaired~~ but  
containing an express <sup>condition</sup> that the lands  
are not to be sold or alienated for a  
period of five years from the date  
of the ratification hereof

Article 5 From and after the rat-  
ification of this Treaty the said lands  
of the said Christian Indians shall  
cease to be an Indian reservation and  
said Indians and all others residing  
thereon permanently or temporarily shall  
be under the jurisdiction of and sub-  
ject to all the laws of the Territory

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or future state of Kansas provided  
that the tribal character of said  
Indians shall not be disturbed for  
the period of five years from their  
ratification at the end of which  
time all such members of said <sup>tribe</sup>  
as desire to be so regarded shall  
become Citizens of the United States  
with all the rights and privileges  
of Citizenship and provided further  
that after the expiration of five  
years their tribal character shall  
exist for all purposes necessary in  
the final settlement of their claims  
Article 6 The Christian Indians  
are desirous of advancing in civilization  
and encouraging education among  
their people it is therefore stipulated  
that the sum of ten thousand dollars  
dollars paid and parcel of the said  
sum of twenty six thousand three  
hundred and three dollars to be paid  
to them for the Cayas do Dolce as aforesaid  
shall be set apart as a ~~trust~~ fund  
for the period of five years to be loaned  
or funded and the interest expended  
under the instructions of the Secre-  
tary of the Interior of the United  
States at the end of that time to be  
disposed of as the said Tribe may  
determine and it is stipulated  
that the residue of the proceeds of

Said Sales shall be divided equally among the members of said tribe per Capita the portions of adults to be paid to them to be expended in the improvement of their lands and the portions of infants to their legal representatives and all property of orphans or minors whose parents do not properly care for them shall be managed by guardians or Curators duly appointed according to Law

Article 7 No part of the lands herein allotted to the members of the tribe of Christian Indians shall be liable for the debts of such Indians or any of them for the period of five years from the ratification hereof nor shall such lands or any of them ever be liable for any debts contracted by said Indians or any of them within the said term of five years provided that any member of said tribe being a parent guardian or Curator of his or her child or ward and having the charge of the money or property of such child or ward shall be responsible therefor and such indebtedness to such child or ward shall be a lien upon the lands herein allotted to such parent guardian or Curator until such indebtedness shall be

fully paid and it is stipulated that  
that the said lands so allotted to  
the said Indians shall be exempt  
from all taxation for the term of  
five years from the date of the rat-  
ification hereof

Article 8 If any of the persons  
mentioned in the second article of  
this treaty to whom sales of land  
have been made as therein spe-  
cified fail to pay to the proper  
Agent of the United States acting  
for said Christian Indians for the  
period of six Months from  
the date of the ratification of  
this treaty such contracts shall  
be void as to such delinquent  
purchaser or purchasers and the  
lands so by such delinquent con-  
tracted for shall be immediately  
advertised by the Register and  
Receiver of the Land Office of the  
District in which <sup>such</sup> lands lie and  
sold to the highest bidder for cash  
and the proceeds of such sale paid  
over to the proper agent to be by him  
applied as herein before speci-  
fied and purchasers under such  
sale shall receive a patent as  
provided for in said second  
article

Article 9 It is stipulated that the

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Government of the United States shall pay the necessary expenses consequent upon the making of this treaty amounting to the sum of  
as shown by exhibit of Gottlieb F. Oehler the Attorney in fact of the Said Christian Indians

Article 10 It being the policy of the United States to encourage education among the Indian tribes and to meet their advances in that respect in a liberal spirit it is stipulated that

be appropriated by the Government of the United States as a permanent addition to the School fund of said Christian Indians to be applied in the same manner as the School fund provided for in the sixth article of this Treaty

In testimony whereof the Said  
as Commissioner on  
the part of the United States and the Said heads of families of the Christian Indians aforesaid by Gottlieb F. Oehler their attorney in fact as aforesaid have hereunto set their hands and seals at the City of Washington on the day and year aforesaid