



# LIBRARIES

UNIVERSITY OF WISCONSIN-MADISON

## **Documents relating to the negotiation of an unratified treaty of 1862, with the Shawnee Indians. 1862**

Washington, D.C.: National Archives, 1862

<https://digital.library.wisc.edu/1711.dl/BBVX7Q5BJHKPC8O>

As a work of the United States government, this material is in the public domain.

For information on re-use see:

<http://digital.library.wisc.edu/1711.dl/Copyright>

The libraries provide public access to a wide range of material, including online exhibits, digitized collections, archival finding aids, our catalog, online articles, and a growing range of materials in many media.

When possible, we provide rights information in catalog records, finding aids, and other metadata that accompanies collections or items. However, it is always the user's obligation to evaluate copyright and rights issues in light of their own use.

DOCUMENTS RELATING TO THE  
NEGOTIATION OF AN UNRATIFIED TREATY OF  
1862, WITH THE SHAWNEE INDIANS

(Shawnee) A. B. G. (1862)  
1862

Draft of Treaty -  
(Shawnees)

(See Treaty of May 21/63)  
Land

Shawnee

Articles of Agreement made  
and concluded at the Shawnee Agency,  
State of Kansas on the  
day of One Thousand Eight  
Hundred and Sixty by  
as  
Commissioner on the part of the  
United States and the following named  
delegates representing the various bands  
of the Shawnee Indians who were parties  
to the treaty of the 10<sup>th</sup> of May  
A. D. 1854.

Article 1. The Shawnees believing that their condition will be materially improved by

200

their removal to a new home in the  
Country South of Kansas and West of  
the State of Arkansas, <sup>or at some other suitable locality</sup> to be purchased  
for them in the manner hereinafter  
provided, it is therefore agreed by and  
between the parties hereto, as follows,  
that is to say, the Shawnees hereby cede  
to the United States all their lands  
known as "Absentee Lands" which have  
not been selected or patented, to be  
disposed of by the United States  
in trust for said Indians, and for  
the purpose and in the manner here-  
inafter named.

Article 2<sup>nd</sup>. The United States shall within  
two years from the date of the rati-  
fication of this treaty, Cause the lands  
and the improvements thereon  
ceded by the preceding Article, to  
<sup>separately,</sup> be appraised at a fair valuation  
Subject to the approval of the Secretary  
~~irrespective of Improvements made~~  
~~of the Interior~~  
~~thereon by White Settlers,~~ and such  
whites as may be the owners of such  
and at the date of the ratification of this treaty residing up-  
on the tracts of land on which the same are constructed  
improvements, shall have the privilege  
of purchasing the land whereon their  
respective improvements are situated  
at any time within months  
after the completion of said ap-  
praisement, by paying to the United

States the appraised value of the tract or tracts of land upon which such improvements may have been constructed. In case any of the owners of such improvements shall fail to purchase the tract or tracts of land upon which their respective improvements are situated within the period above limited, then said tracts so remaining unpurchased together with the improvements thereon and all other tracts of unimproved "Absentee lands" shall be sold by the Secretary of the Interior upon sealed bids to be duly invited by advertisement, to the highest bidder for cash

5

for the benefit of said Indians and in quantities not exceeding one hundred and sixty acres, that no sale shall be made for less than the appraised value of the tract for which a bid is offered.

Article 3<sup>rd</sup>. It is further agreed that in consideration of the services rendered by the Friends Board of Mission in the free education of the Shawnee Children at the Friends Shawnee labor school, the three hundred and twenty acres of land with the improvements thereon now held by said Board of Mission may be purchased by said Mission at the rate of one



Article 4<sup>th</sup> It is further agreed that the perpetual  
Annuity of Three thousand dollars due  
to the Shawnees under their treaties of  
August third, one thousand seven hun-  
dred and ninety five, and September  
twenty ninth one thousand eight hundred

85  
and Seventeen, shall be paid to them  
as heretofore; also that the Forty thousand  
dollars to be invested for the Shawnees  
under the treaty of May 10<sup>th</sup> 1854, and  
the money derived from the sale of  
land to the Friends Board of Mission,  
and from <sup>the three sections of land which were set apart for</sup> the Missionary Society of the  
Methodist Episcopal Church South,  
and from the sale of the "Absentee  
Lands" as hereinbefore provided shall  
upon the ratification of this treaty  
be invested in the stocks of the United  
States in such manner as will most  
conduce to the interests of the Shawnees;

2

also that the Shawnees through their agent  
or attorney to be by them duly authorized  
shall have the privilege of examining  
the records of the United States relating  
to their business, in which examination  
the United States will furnish to such  
Agent or Attorney such assistance as  
may be necessary in order to the making  
of the same full and complete, and  
if upon such examination there shall  
be found due to the Shawnees under the  
provisions of any former treaty or treaties  
any goods, money or lands, a just com-  
mutation thereof shall be made, and

one half the amount thereof shall be paid to the Shawnees per Capita and the other half invested in the manner above provided.

Article 5. It is further agreed that immediately after the ratification of this treaty there shall be an election held under the direction of the Agent for the Shawnees, at which all adult males of said nation shall be permitted to vote for or against removing to a new home, and if at said election it is found that a majority of all the Male adults of said nation

has voted for said removal then  
and in that case there shall be purchased  
by the United States, if practicable, for  
the use of said Nation, exclusive of  
those who may refuse to move thereto,  
a suitable tract of land in the Country  
South of Kansas and west of Arkansas  
or at some other suitable locality  
not exceeding one hundred and forty  
four square miles in extent, for which  
purpose the United States is hereby  
authorized to use annually, such an  
amount of the interest arising from  
the investments provided for in the

12

preceding Article as may be necessary in order to Comply with the terms of such purchase, until such time as the payment for said tract shall have been fully completed, provided however that at least

dollars shall be annually applied to defray the expenses of a government to be established by the Shawnees for their people, which government shall be so organized as at all times to have and retain the approbation of the Secretary of the Interior for the time being; and provided

further that should it be found impracticable to make said purchase and pay for the same from the interest arising from said investment, Congress shall have the power to authorize the application of so much of the principal of the general fund of said Nation as may be necessary for that purpose. In case a greater sum of interest is produced from said investment, than is required for the purposes above specified, an additional sum not exceeding  
dollars shall be applied to defray

the expenses of said government and  
the remainder, if any, shall be paid  
to the Shawnees, per Capita, in the Month  
of October Annually. When the said  
tract of land shall have been paid  
for, the interest arising from said  
investment after deducting therefrom  
the sum of                      dollars  
Annually, to be applied to the purposes  
of said government, shall be paid  
to the Shawnees, per Capita, Annually  
in the Month of October.

So soon as the said purchase shall  
have been negotiated by the United



States; the restrictions now existing to the sale of lands allotted to Shawnees in severalty, shall be modified so far as to allow the sale of the entirety of such allotments, but such sales shall in all other respects be made in conformity with such rules and regulations as

may for the time being be established.

Subject to the approval of the Secretary of the Interior. For the purpose of disposing

of the lands held in common by a portion of the Shawnees, said lands are hereby ceded to the United States such cession to take effect upon the negotiation of the purchase, <sup>pro thence</sup> above mentioned and

the United States upon such cession taking effect shall cause a fair and just valuation of said lands to be made, and of the improvements thereon, and shall sell the same in the manner provided for the sale of the "Absentee Lands" and shall pay the proceeds thereof to such of the Shawnees, or their heirs, as under the treaty of 1854 were entitled to and have not received an allotment of land in severalty, excepting such portion thereof as may be equal to the value of improvements of said land, which amount shall

be distributed among the owners of the improvements in proportion to their respective values.

All connection between the United States and the Shawnees as a distinct people shall cease as to such of the Shawnees as shall not within two years after the negotiation of the purchase herein provided, remove to the new home and such persons shall thereafter forfeit all claims to any portion of the national property of the Shawnees, Provided however that such persons or their descendants may at any time rejoin the Nation

and shall thereupon be restored to all the rights and privileges of the Shawnees.

Article 6. It is further agreed that the five acres of land including the Shawnee Methodist Church and Grave Yard, set apart under the treaty of 1854, for the use of said Church shall be confirmed by Patent to Charles Bluejacket Chairman of the Board of Trustees of said Church and his successor in office, for the use of said Church, and the two acres set apart under said treaty to the Shawnee Baptist Church shall in like manner be confirmed to such person as may be designated

by said Church for that purpose.

Article 7. If from causes not now foreseen this instrument shall prove insufficient for the advancement and protection of the welfare and interest of the Shawnees, Congress may hereafter by law make such other further provisions not inconsistent <sup>with the equitable rights of the Shawnees as shall appear by this & former treaties</sup> herewith as experience may prove to be necessary to promote the interest, peace and happiness of the Shawnee People. so that no further treaty may ever be

Article 8,

<sup>necessary to be made -</sup>  
It is agreed that the right of Way shall be reserved to the United States through the tract of land

hereinbefore provided to be selected for  
the Tribe of Shawnee Indians

Article 9. If the Government of the United States shall at any time make provisions for ~~the~~ payment for deprivations committed during the rebellion, the Shawnees shall have the same rights, and privileges in prosecuting their claims as if they were Citizens of the United States

Article 10. The Shawnees acknowledge their dependence on the Government of the United States and invoke its protection and care. They pledge

21.

true Loyalty and fidelity to the Government as well in adversity as in prosperity, and will abstain from the Commission of depredations, and Comply as far as they are able with the laws in such cases made and provided as they will expect to be protected and <sup>to</sup> have their rights vindicated.

Article 11. The Shawnees agree to suppress the use of Ardent Spirits among their people and to resist by all prudent means its introduction into their Country.

Article 12. The Commissioner of Indian Affairs ~~subject to the approval~~ under the direction of the Secretary

22.

of the Interior is hereby authorized  
to execute all the provisions and  
stipulations of this treaty not  
otherwise provided for.