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DOCUMENTS RELATING TO THE
NEGOTIATION OF AN UNRATIFIED TREATY OF
JUNE 11, 1864, WITH THE KAW INDIANS

(June - 11 - 1864) Misc. 15-4-64

June 11-64 -
Articles of
Agreement with
Kausser's Inc

Forster

Articles of Agreement and Convention Made and concluded at the City of Washington District of Columbia on the Eleventh day of June Eighteen hundred and Sixty-four by and between William P. Dole Commissioner of Indian Affairs and Hiram W. Farnsworth, United States Indian Agent, on the part of the United States and the following named Chiefs and headmen representing the Kansas tribe of Indians to wit:—
 Ish-ta-la-sia, Kah-he-gah-wah-ti-~~in~~-gah-
 Ah-le-ga--wah-ho, Ko-pa-wy, Kah-he-gah-
 sha, Wah-ti-in-gah, Pah-do-cah-gah-le,
 they being duly authorized by said tribe.

The Kansas tribe of Indians believing their condition will be materially improved by the sale of their lands where they now reside, and the purchase of another tract of land more remote from the settlements of White men where they can

best interests of said tribe the lands hereby
Ceded shall be appraised and sold to the
highest and best bidder by the Secretary
of the Interior, in tracts not exceeding one
hundred and sixty acres each, upon sealed
bids to be duly invited by public adver-
tisement, at a minimum price of not less than
sixty cents per acre, exclusive of the value of
any improvements thereon. Such improvements
shall be valued under the direction of the
Secretary of the Interior, and no tract of land
upon which the same are situated shall
be sold for a less price than the value of
such improvements in addition to the said
minimum price. If however, the Secretary
of the Interior shall at any time be of
opinion that the true interests of said tribe
will be promoted by the sale of the whole,
or any portion of said lands by modes other
than are above provided, he is hereby fully
authorized and empowered so to do, provided,
that no such sale shall be effected at a
less price than is above stipulated and
provided further, that no part of the proceeds
of the land hereby Ceded, shall be applied
to the payment of any indebtedness now
existing against said tribe.

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Summary

Article 3. The United States agrees to sell to said tribe of Indians at fifty cents per acre a tract of land for permanent occupation, of such size as they may desire not exceeding the quantity now held by them, and conforming in shape to Government surveys, to be selected by said tribe, with the consent of the President, from the lands purchased of the Osage Indians by the treaty of August Twenty-ninth One thousand Eight hundred and Sixty-three. Or with like consent, on any lands owned by the Government of the United States under existing treaties, or that may hereafter be acquired by the United States from any tribe or tribes of Indians, in the Indian Territory South of Kansas, or from any lands that may hereafter be purchased by treaty with the Osage Indians, at a price to be agreed upon by the treaty making parties, not exceeding fifty cents per acre. And it is further provided, that if the lands selected are improved, a fair and reasonable value for said improvements shall be paid in addition to the price of fifty cents per acre. Payment for said tract of land shall be made from the money arising from the sales of the lands hereby ceded.

Article 4, As soon as practicable after the ratification of this treaty the United States shall construct for said tribe of Indians upon their new purchase a dwelling house for their Agent, and for each of the four principal Chiefs of the tribe, a house and shop for a Blacksmith, and such other dwellings, and out-houses as may be necessary for the employes of the Government, the aggregate cost of all of said buildings not to exceed the sum of fifteen thousand dollars, and to be paid from the first proceeds of lands hereby ceded.

It is further agreed that said tribe shall not be required to remove from their present homes until such time as the improvements herein stipulated for, are completed, and it shall be determined by the Secretary of the Interior that said tribe will be secure at their new homes from molestation, on account of the existing war, of which determination said tribe shall be notified at least three months prior to the time at which said tribe is required to remove.

Article 5th. The proceeds of said sales, after complying with the other provisions of this treaty, shall be placed in the Treasury of the

United States to the Credit of said tribe of Indians, and interest paid to said tribe at the rate of five per cent per Annum Semi-annually, in the same manner as the interest is paid on their present Trust funds.

~~Gordon~~

Article 6. In order to promote the civilization of the tribe, one section of land convenient to the residence of the Agent shall be selected by the Agent of said tribe with the approval of the Commissioner of Indian Affairs and set apart for a Manual labor and Mission School, and the sum of four thousand dollars shall be appropriated from the proceeds of the sales of the lands of said tribe herein authorized to be made, for the erection of a suitable building thereon; and one thousand dollars for fencing and breaking sod.

Article 7. In consideration of said tribe of Indians removing themselves to their new homes at their own expense, the Government of the United States agrees to furnish said tribe of Indians a Physician, and two hundred dollars annually, to purchase medicines, for three years, from the date of their settlement on their new Reservation, and to furnish said Indians

at their New Homes, on their arrival, thirty thousand pounds of flour, twenty thousand pounds of bacon, and ten barrels of Salt, and two thousand dollars in money to be expended under the direction of the Secretary of the Interior to aid them in the transportation of their farming utensils and other goods.

Article 8. In consideration of the valuable services performed by the following Chiefs and head-men it is hereby stipulated that: Ish-to-la-sia head Chief of the tribe shall have three hundred and twenty acres of land on which he lives, ~~Kah~~ he-gah-wah-ti-an-gah No-pa-my, Ah-le-gah-wah-ho, and Joseph Jones each one hundred and sixty acres on which they live, Wah-shun-gah, Pah-hu-ska-tungah, Wah-ti-an-gah, Pah-do-kah-gah-le, Mo-she-tun-wah, Shaw-keep-sa, Pah-hah-ne-gah-le, O-Me-sia, Shim-ga-mas-so, Edward Ames, Wah-pah-jah Kee-mah-le-she, each Eighty acres of land on which they live, Wah-ho-bee-ee, Wah-mah-singa, My-a-hah-ga, Mo-sha-ma-pus-a and Khe-gah, each forty acres of land on which they live, the lands here in granted are exempted from the sale

Sochee

herein authorized; and upon the ratification of this treaty a Patent shall issue to each of said Chiefs, ^{and headmen} and ^{further} conditioned that no sale, lease or other conveyance of said land, ^{by said chiefs and headmen} or of any interest therein, shall be valid until the same shall have been approved by the President

Article 9 It is further agreed and stipulated that at any time after the ratification of this treaty, the Secretary of the Interior shall be authorized to sell in such manner as he may deem conducive to the best interests of said Indians, the whole or any part of the trust lands authorized to be sold, by the 2nd Article of the treaty of October fifth 1859, which at the time of such sale may not have been sold under the provisions of this treaty or of said treaty of October 1859; Provided, however, that no sale shall be made under the provisions of this Article for a less sum than fifty cents per acre.

Article 10 It is further agreed that the sum of Eighteen Thousand, five hundred and twenty ^{ninety three cents} dollars, and shall be appropriated and paid to the Chiefs of said tribe to be expended by them for the benefit of said tribe in establishing the people in their new homes and for such other beneficial

objects of a general character as the wants and condition, of the tribe may require, which said sum is to be received in full compensation for a like amount of money and property belonging to said Indians and appropriated by their Agents M. C. Dickey and ^{Dobson} Montgomery to the use of said Agents.

Article 11. The Amendment or rejection of any Article of this treaty by the Senate of the United States shall not invalidate the others but they shall go into effect and be in full force from and after the ratification of this treaty by the Senate of the United States and the approval of the President.

Article 12 It is further stipulated and agreed that an investigation shall be had under direction of the Secretary of the Interior, within six months after the ratification of this treaty, of all losses and damages sustained by said tribe by the unlawful destruction of their timber and other property by Whites and by the stealing of their horses and other property and the result of such investigation shall be reported to Congress and such Compensation for such losses and damages as shall be deemed just and equitable shall be paid to said Indians, the same to be expended for their use under direction of the Secretary of the Interior for such beneficial purposes as to him may seem wise and prudent.

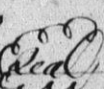
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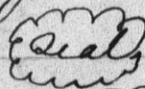
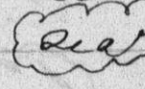
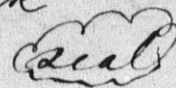
Article 13 In consideration of the inability of the Kansas Indians to defray the expenses of their delegation to this City for the purpose of negotiating this treaty without great inconvenience, it is hereby agreed and stipulated that there shall be paid by the United States to reimburse said Indians on account of said expenses, the sum of One thousand Six hundred and Eighty three dollars.

Article 14 The stipulations of all former treaties now in force and not inconsistent with the provisions of this treaty shall remain in full force, and all treaties or parts of treaties heretofore made that conflict with the provisions of this treaty are hereby revoked.

In Testimony whereof the said parties have hereunto set their hands and seals, at the place, on the day, and in the Year hereinbefore written.

W. F. Dole 

Commissioner of Indian Affairs
Keram W. Farnsworth 
U. S. Indian Agent.

Ish-ta-la-sia ^{his} 
Kah-he-gah, wah-tiangah ^{mark} 
No-pa-woy ^{his} 
^{mark}



Ah-le-ga-wah-ho	his X	Seal
Wah-ti-in-gah	his X mark	Seal
Pah-do-cah-gah-le	mark X his	Seal
Kah-he-gah-sha	his X mark	Seal

Signed in presence of
 L. S. Ruffaker
 Charles E. Mix.

Joseph James U.S. Intpr. his
 X
 mark
 A. N. Blackledge
 Geo. Willyer

Lewis S. Hayden Witness to signature of
 Joseph James, U.S. Interpreter.

all

~~Draft~~ 1864
Copy of Agreement
with Kansas
Indians

June 11th 1864

Articles of agreement between Hon Wm P. Dole, and
H. W. Farnsworth U. S. Indian Agent, and the chiefs
and headmen representing Kansas Tribe of Indians here-
inafter named. Tohta-la-sia, Kah-he-wah-tiaw-gah,
Al-le-ga-mah-ho, No-pay-wy, Ka-he-gah-sha,
Wah-ti-in-gah, & Pah-do-ah-gah-le, they being autho-
rized by said tribe.

They wish to sell the lands now occupied
by them and purchase others at a greater distance from
the whites settlements, both the U. S. and Indian dele-
gations believing it to be to their interest.

Article I. Said Kansas tribe Cede to the U. S. all their
present diminished reserve of fourteen miles in length,
East & west, and nine miles in width North & South
in trust, to be sold for benefit of the Kansas Indians.

Article II. Ceded lands to be appraised and sold by
Secy of Interior in tracts not exceeding 160 acres to
the highest bidder, upon sealed bids, to be advertised,
at a minimum price of not less than Sixty cents per
acre, exclusive of the value of improvements.
Improvements to be valued by Secy of Int. and no tract
of land to be sold for less price than value of improve-
ments in addition to minimum price.

Secy of Int. may sell the whole or portions by other
modes if he thinks he can do so at a better advantage to
the Indians, provided sales are not made for less than the
stipulated price, and that no part of the proceeds are used
to pay debts existing against the tribe

Article III. U. S. to sell said tribe a tract of land not exceeding the quantity now held by them, and conforming in shape to Govt. surveys, from the tract purchased of the Osage Indians by treaty Aug 29th 1863, or with like consent any lands owned by the U. S. or that may be acquired by them in the Indian Territory south of Kansas, or from the Osage Indians, at a price to be agreed on by the parties making treaty, not exceeding 50¢ per acre, and a fair price to be paid in addition for any improvements. Payment to be made from money arising from sale of lands ceded.

Article IV. Dwelling houses to be erected for their Agent & for each of the four chiefs of the tribe, House & shop for blacksmith, & outhouses for the employees of the Govt. Cost not to exceed fifteen thousand dollars & to be paid from first proceeds of lands hereby ceded.

Indians not to move to their new home until Secy of Interior give them 3 months notice of improvements being completed and that no molestation will occur on account of the present war.

Article V. Interest shall be paid (after placing balance in U. S. Treasury to their credit) semiannually, on the balances of moneys left, at the rate of five per cent in same manner as is paid on present trust funds.

Article VI. \$4000 to be paid for erection of Mission School & \$1000 for fencing & breaking sod. Aide to be selected by Agent with approval of Indian affairs.

Article 7. In consideration of tribe moving at their own expense, U. S. to furnish them a Physician + \$200 per year for medicines, for 3 years from date of settlement on their new reservation, and to furnish them at their new home 30,000 pounds flour, 20,000 pounds bacon, 10 barrels of salt + \$2000 in money to be expended under direction of Secy of Int. to aid them in transporting farming utensils &c.

Article 8. For valuable services performed, Ish-to-la-sia, head Chief of the tribe shall have 320 acres of land on which he lives. Kah-he-wah-ti-an-gah, No-pay-wy, Ah-he-gah woh-ho and Jo. James, each 160 acres on which they live. Wah-shuw-gah, Pah-hu-shah-tin-gah, Wah-ti-an-gah, Pah-do-kah-gah-le, Mo-sho-tum-wah-shaw-kef-sa, Pah-haw-ne-ga-le, O-me-sia, Shin-ga-was-do, Edward Ames, Wah-ho-jah, Kee-mak-le-shee, each 60 acres on which they live, Wah-ho-be-la, Wah-ma-singa-my-a-ha-ga, Mo-shah-no-pus-a, + Kka-yah, 40 acres each. Said lands not to be sold by treaty or otherwise disposed of except by approval of the Pres.

Article 9. Secy of Int. may sell if he thinks best the whole or part of trust lands authorized to be sold by 4th article of treaty Oct 5th 1859, which at time of sale may not have been sold under that treaty, provided he makes no sale for less than 50 cents per acre.

Article 10. \$18,520,93 be approp. + paid to Chief of said tribe, to be used by them to establish the tribe in their new

home &c. Said sum to be recd. in full compensation for a like amt. of money & property belonging to said Indians & apprd. by W.C. Hickey & John Montgomery, Agents, for the use of said Agents.

Article 11. Amendment of any article by the senate not to invalidate any of the others; but they go into effect as soon as ratified by the senate & approved by the President.

Article 12. Investigation to be made 6 mos after ratification of this treaty in order to reimburse them for losses, unlawful destruction of their timber by the whites & stealing of their horses &c. - Result to be reported to Congress & compensation be paid the Indians, the same to be expended by Dept. of Int. for their use.

Article 13. \$1683 to be paid them for expenses of the trip of their delegation to this city, for the purpose of negotiating this treaty.

Article 14th. All stipulations of former treaties consistent with this remain valid, all conflicting are hereby revoked.

(on part of the Indians)

Ish-to-lw-sia.

Ka-he-gah-wah-ti-angah.

No-pa-wy.

Ah-le-ga-wah-ho.

Wah-ti-angah.

Pah-do-caw-gah-le

Kah-be-gah-sha.

(Signed) Wm. P. Dole
(on part of U. S.) Commr. Indian Affairs

Hiram W. Farnsworth

U. S. Indian Agent.

In presence of

G. D. Huffaker

Chas. E. Smith

Jo. James. U. S. Interpreter

A. M. Blackledge

Geo. S. Hillier.

Lewis D. Hayden
witness to signat.
of Jo. James
U. S. Interpreter