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RATIFIED TREATY NO. 316

**DOCUMENTS RELATING TO THE NEGOTIATION OF
THE TREATY OF MARCH 6, 1861, WITH THE IOWA
AND SAUK AND FOX OF THE MISSOURI INDIANS**

St. Nemaha 1/41
D. Vandervice
St. Nemaha Agency
& March 6, '61
Ent.

One Treaty made
with the Sac & Foxes
of Missouri and the
Osage Tribes, In-
dians, and urge the
necessity of its imme-
diate ratification

~~Dec 13/61~~

~~answered May 27 "~~

~~See report to Secy of Int March 10th /62~~

~~19-2-1862~~

Neah Kansas
Great Nemaha Agency
March 6th, 1861,

Sir:

I transmit to you the original treaty made and signed this day by the United States as one party and the Sac & Foxes of Mipouri and Iowa tribe of Indians, as the other.

No alteration has been made, and the paper signed is in fact, that which was drawn up in accordance with the Memorials of both tribes, at the Office of Indian Affairs, at Washington City D.C.

The value of this treaty to both the U.S. Government and the Indians, will be greatly enhanced by its speedy ratification.

I am aware that there is but little time for this purpose before the Senate will adjourn; but I did my best to hasten matters, and it is possible that it can be acted upon, immediately, if so, much good will result to the Indians as well as to the Government.

I have the honor to be

Very Respectfully

Your Obedt Servt

D. Vanderveer

U.S. Ind agent

Hon A. B. Greenwood

Commr Ind. Affairs

Washington City

D. C.

Sae & Fox & Iowa.

Concluded 1861 -

Proclaimed 1863

8

Now, therefore, be it known that I, ABRAHAM LINCOLN, 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 sixth day of February, one thousand eight hundred and sixty-three, accept, ratify, and confirm said treaty, with the amendment as aforesaid.

In testimony whereof, I have hereto signed my name, and caused the seal of the United States to be affixed.

Done at the city of Washington, this twenty-sixth day of March, in the year
[SEAL.] of our Lord one thousand eight hundred and sixty-three, and of the Independence of the United States the eighty-seventh.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD,

Secretary of State.

TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

SACS AND FOXES OF MISSOURI
AND THE IOWA TRIBE.

CONCLUDED MARCH 6, 1861.

RATIFICATION ADVISED, WITH AMENDMENT, BY SENATE, FEBRUARY 6, 1863.

AMENDMENT ACCEPTED MARCH 4, 1863.

PROCLAIMED MARCH 26, 1863.



ABRAHAM LINCOLN,

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 Great Nemahaw Agency, in the Territory of Nebraska, on the sixth day of March, in the year of our Lord one thousand eight hundred and sixty-one, by and between Daniel Vanderslice, United States Indian Agent, on the part of the United States, and Pe-te-ok-a-ma, Ne-sour-quoit, Mo-less, and Se-se-ah-kee, Chiefs and Delegates of the Indians known as the Sacs and Foxes of Missouri, duly authorized thereto by said Indians, and No-heart, Nag-ga-rash, Mah-hee, To-hee, Tah-ra-kee, Thur-o-mony, and White Horse, Chiefs and Delegates of the Indians known as the Iowa tribe, duly authorized thereto by said Indians, in the words and figures following, to wit:

Articles of Agreement and Convention made and concluded at the office of the Great Nemahaw Agency, Nebraska Territory, on the sixth day of March, A. D. one thousand eight hundred and sixty-one, by and between Daniel Vanderslice, U. S. Indian agent, on the part of the United States, and the following named Delegates of the Sacs and Foxes of Missouri, viz: Pe-te-ok-a-ma, Ne-sour-quoit, Mo-less, and Se-se-ah-kee; and the following named Delegates of the Iowa Tribe, viz: No-heart, Nag-ga-rash, Mah-hee, To-hee, Tah-ra-kee, Thur-o-mony, and White Horse; they being duly authorized thereto by their respective tribes.

ARTICLE 1st. The Sacs and Foxes of Missouri hereby cede, relinquish, and convey to the United States all their right, title, and interest in and to lands within their present reservation described as follows, viz: beginning at the mouth of the south fork of the Great Nemahaw river, and thence up the southwest bank of the Great Nemahaw, with its meanders, to the mouth of the west fork; thence up the west fork, with its meanders, to the line of the 40° of parallel on the west bank of creek or fork, where is established the southwest corner of the Sac and Fox reserve, by erecting a stone monument, from which the following references bear, viz: A large cottonwood tree, 3 feet in diame-

ter, bears S. $44^{\circ} 00'$ E. 1.05 chains; a rock bears N. $30^{\circ} 00'$ W. 50 links; another rock bears N. $50^{\circ} 00'$ west 50 links; and another rock bears due north 1 chain; thence east, along the line of the 40° of parallel to the west bank of the south fork of the Great Nemahaw river, distance fourteen miles twenty-seven chains and sixty links, where is established the southeast corner of the Sac and Fox reserve, by erecting a stone pile with a black walnut post in the centre of it, from which a white elm, two feet in diameter, bears S. $33^{\circ} 00'$ E. 22 links, and marked with the letters S. E. cor. for the southeast corner, and another elm, 18 inch[e]s in diameter, bears S. $39^{\circ} 00'$ E. 1.05 chains, and marked S E C B S E, for the southeast corner, bearing, and distance; and another black walnut, 9 inch[e]s in diameter, bears S. $15^{\circ} 00'$ E. 85 links, and thence down the south fork, with its meanders, to the point of beginning, estimated to contain 32,098 acres 3 roods and 35 perches.

ARTICLE 2nd. The aforesaid lands shall be surveyed in conformity with the system governing the survey of the public lands; and the same shall be sold, under the direction of the Secretary of the Interior, in parcels not exceeding one hundred and sixty acres each, to the highest bidder for cash; the sale to be made upon sealed proposals, to be duly invited by public advertisement, provided no bid shall be favorably considered which may be less than one dollar and twenty-five cents per acre. And should any of the tracts so to be sold have upon them improvements of any kind which were made by or for the Indians, or for Government purposes, the proposals therefor must state the price for both the land and improvements. The proceeds of the sales thereof, after deducting therefrom the expenses of surveying the lands and all other expenses incident to the negotiation of these articles of convention and the proper execution thereof, the bal-

ance shall be applied as follows, viz: one half shall be held in trust by the United States for the benefit of the Sacs and Foxes of Missouri, and interest thereon, at the rate of five per centum per annum, shall be paid annually, with the other funds to be paid said tribe, in the same manner as stipulated in the treaty of May 18th, 1854; and the other half of said balance shall be applied as hereinafter specified.

ARTICLE 3rd. The Iowa tribe of Indians, parties to this agreement, hereby cede, relinquish, and convey to the United States, for the use and benefit of the Sacs and Foxes of Missouri, for their permanent home, all that part of their present reservation lying and being west of Nohearts creek, and bounded as follows, viz: Beginning at a point where the southern line of the present Iowa reserve crosses Nohearts creek; thence with said line to the south fork of the Nemahaw, (commonly known as Walnut creek;) thence down the middle of said south fork, with the meanders thereof, to its mouth, and to a point in the middle of the great Nemahaw river; thence down the middle of said river to a point opposite the mouth of Nohearts creek; and thence, in a southerly direction with the middle of said Nohearts creek, to the place of beginning. And it is hereby understood and agreed that, in full consideration for said cession, the United States shall hold in trust, for the use and benefit of the Iowas, the one-half of the net proceeds of the sales of the lands described in the 2d article of this agreement, and interest thereon, at the rate of five per centum per annum, shall be paid to the Iowa tribe in the same manner as their annuities are paid under the treaty of May 17th, 1854. The reservation herein described shall be surveyed and set apart for the exclusive use and benefit of the Sacs and Foxes of Missouri, and the remainder of the Iowa lands shall be the tribal reserve of said Iowa Indians, for their exclusive use and benefit.

ARTICLE 4th. The Sacs and Foxes of Missouri being anxious to make full satisfaction for a just claim which Joseph Tesson holds against said tribe, it is hereby agreed by the parties to this convention that said claimants shall select a quarter-section or one hundred and sixty acres of land, to include his present residence and improvements, to be located in one body, in conformity with the legal sub-divisions of the public surveys, which tract of land shall be received by him in full payment of said claim, estimated at about eight hundred dollars, and all other claims or rights of every character whatsoever against said tribe; and when a relinquishment shall have been executed by said claimant in favor of said tribe for all claims that he may have against them, a patent shall be issued to him for said tract of land in fee simple.

The following chiefs shall be entitled to select each a quarter-section or one hundred and sixty acres of land in one body, in conformity with the public surveys, to include their present residences and improvements, viz: Pe-te-ok-a-ma, Ne-sour-quoit, and Mo-less; and George Gomess, a member of the Sac and Fox tribe, shall select in like manner one-eighth of a section or eighty acres of land in one body, to include his improvements, and patents shall be issued therefor in favor of said persons in fee simple.

ARTICLE 5th. In order to encourage education among the aforesaid tribes of Indians, it is hereby agreed that the United States shall expend the sum of one thousand dollars for the erection of a suitable school-house, and dwelling-house for the school teacher, for the benefit of the Sacs and Foxes, and also the additional sum of two hundred dollars per annum for school purposes, so long as the President of the United States may deem advisable. And for the benefit of the Iowa tribe of Indians there shall be expended, in like manner, at the discretion of the President, the sum

of three hundred dollars per annum, for school purposes, which two last mentioned sums shall be paid out of the funds to be appropriated for the civilization of Indians.

ARTICLE 6th. There shall be set apart in one body, under the direction of the Commissioner of Indian Affairs, one section, or six hundred and forty acres of land, in harmony with the public surveys, so as to include the agency dwelling, agency office, council house, school-house, teacher's dwelling, blacksmith's dwelling and shops, and such farming land as may be necessary for the use of the school agency, and employees thereat.

ARTICLE 7th. No person not a member of either of the tribes, parties to this convention, shall go upon the reservations, or sojourn among the Indians, without a license or written permit from the agent or Superintendent of Indian Affairs, except government employees or persons connected with the public service. And no mixed blood Indians, except those employed at some mission, or such as may be sent there to be educated, or other members of the aforesaid tribes, shall participate in the beneficial provisions of this agreement or former treaties, unless they return to and unite permanently with said tribes, and reside upon the respective reservations within six months from the date of this convention.

ARTICLE 8th. It is hereby understood and agreed by the contracting parties hereto that the stipulations of the treaty with the Sacs and Foxes of Missouri of May 18th, 1854, and the treaty with the Iowa Indians of the 17th of May, 1854, which may not be inconsistent with these articles of convention, shall have full force and effect upon the contracting parties hereto.

ARTICLE 9th. This instrument shall be obligatory upon the respective parties hereto whenever the same shall be ratified by the President and the Senate of the United States.

In testimony whereof, the said Commissioner as aforesaid, and the said Chiefs and Delegates of the Sacs and Foxes of Missouri, and [of the] Iowa tribe of Indians, have hereunto set their hands and seals at the place and on the day and year hereinbefore written.

D. VANDERSLICE, [L. s.]
U. S. Indian Agent.

PE-TE-OK-A-MA,	his x mark.	[L. s.]
NE-SOUR-QUOIT,	his x mark.	[L. s.]
MO-LESS,	his x mark.	[L. s.]
SE-SE-AH-KEE,	his x mark.	[L. s.]

Sacs and Foxes of Mo.

NO-HEART,	his x mark.	[L. s.]
NAG-GA-RASH,	his x mark.	[L. s.]
MAH-HEE,	his x mark.	[L. s.]
TO-HEE,	his x mark.	[L. s.]
TAH-RA-KEE,	his x mark.	[L. s.]
THUR-O-MONY,	his x mark.	[L. s.]
WHITE HORSE,	his x mark.	[L. s.]

Iowa Indians.

Signed in the presence of—

GEORGE GOMES, his x mark,
U. S. Interpreter for Sacs and Foxes of Mo.
HARVEY W. FORMAN,
Witness to signing by George Geomess.
KIRWAN MURRAY,
U. S. Interpreter for Iowa Indians.
HARVEY W. FORMAN,
JOHN W. FORMAN,
JOSEPHUS UTT.

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 sixth day of February, one thousand eight hundred and sixty-three, advise and consent to the ratification of the same by a resolution and with an amendment in the words and figures following, to wit:

IN THE SENATE OF THE UNITED STATES,
February 6th, 1863.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention concluded at the Great Nemahaw Agency, Nebraska Territory, the 6th March, 1861, between Daniel Vanderslice, United States Indian Agent, and Delegates of the Sacs and Foxes of Missouri, with the following amendments, viz:

Insert the following as additional articles:

ARTICLE 10. The Secretary of the Interior may expend a sum not exceeding three thousand five hundred dollars, (\$3,500,) out of the proceeds of the sales of said lands, at any time he may deem it advisable for the purpose of

erecting a toll bridge across the Great Nemaha River, at or near Roy's Ferry, for use of the Iowa Indians; and a like sum of three thousand five hundred dollars, (\$3,500,) out of the proceeds of the sales of said lands, for the purpose of erecting a toll bridge across the Great Nemaha River, at or near Wolf Village, for the use of the Sacs and Foxes of Missouri.

Toll shall be charged and collected for the use of said bridges at such rates and under such rules and regulations as may be established by the Commissioner of Indian Affairs with the approval of the

Attest:

Secretary of the Interior, the proceeds of such tolls to be expended as follows: 1st, in making necessary repairs on said bridges; 2nd, for the use of said tribes respectively.

ARTICLE 11. It is further stipulated that, whenever Congress shall by law so provide, all annuities due and to become due and payable to the said tribes of Indians under this treaty, and under all other previous treaties, may be paid in specific articles, clothing, agricultural implements, and such other articles as Congress shall direct.

J. W. FORNEY,
Secretary.

And whereas the foregoing amendment having been fully interpreted and explained to the hereinafter-named Chiefs and Delegates of the Sac and Fox and the Iowa tribes of Indians, they did, on the fourth day of March, one thousand eight hundred and sixty-three, give their free and voluntary assent to the same, in the words and figures following, to wit:

And whereas the foregoing amendments have been fully interpreted and explained to the undersigned Chiefs and Delegates of the Sac and Fox and the Iowa tribes of Indians, we do hereby agree to and ratify the same.

Done at the Great Nemaha Agency, Nebraska Territory, on this fourth day of March, A. D. 1863.

PE-TE-OK-E-MA,	his x mark.
NE-SOUR-QUOIT,	his x mark.
MO-LESS,	his x mark.
	<i>Sac[s] and Foxes of Mo.</i>

NAG-GA-RASH,	his x mark.
MA-HEE,	his x mark.
TO-HEE,	his x mark.
THOR-O-MONY,	his x mark.
TAH-RA-KEE,	his x mark.
	<i>Iowa Indians.</i>

In the presence of—

JOHN A. BURBANK, *U. S. Ind. Agent.*

GEORGE GOMES, his x mark,

U. S. Interpreter for Sac[s] and Foxes of Mo.

H. M. ROBINSON.

D. W. ALLISON.

ELISHA DORION, his x mark.

Interpreter for Iowa Indians.

J. W. WASHBURN.

M. GRIFFIN.

See for 1 hour.
Concluded 1861 -
Proclaimed 1863

Now, therefore, be it known that I, ABRAHAM LINCOLN, 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 sixth day of February, one thousand eight hundred and sixty-three, accept, ratify, and confirm said treaty, with the amendment as aforesaid.

In testimony whereof, I have hereto signed my name, and caused the seal of the United States to be affixed.

Done at the city of Washington, this twenty-sixth day of March, in the year of our Lord one thousand eight hundred and sixty-three, and of the Independence of the United States the eighty-seventh.

[SEAL.]

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD,
Secretary of State.