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DOCUMENTS RELATING TO THE
NEGOTIATION OF AN UNRATIFIED TREATY OF
MAY 21, 1863, WITH THE SHAWNEE INDIANS

May 24 - 1863.

[Handwritten flourish]

Shawnee Agency
James B. Abbott
Shawnee Agency

Entered

One Treaty negotiated
with the Shawnee In-
dians

Acknowledged
Sept 1863.



[Faint handwritten signature]

Shawnee Agency

Sir

In accordance with instructions received at your office Dec. 29th 1862, I laid before the Shawnee tribe of Indians a form of treaty prepared by the Indian Department. The Shawnees at a meeting called for that purpose decided by a unanimous vote, to make a treaty similar to the form furnished. The delegates were appointed in accordance with the custom of the tribe and on the 19th day of April 1863, the delegates met in Convention at Decoto and adopted a treaty (with a slight variation) like the form furnished, after the adoption of the treaty a Mass Meeting was called and timely^{note} given. At which time the treaty was read and fully explained to the Shawnees. When a vote was taken by the meeting and all but

four voted for the treaty.

There was some opposition to making a treaty, by a small party of Shawnees, who refused to take any part in the Convention, but I understood that this opposition ^{has} nearly ^{ceased}, and ^{am} satisfied that there is a more fraternal feeling existing at present between this opposing party and the balance of the Shawnees than at any time during the last ten years.

I herewith enclose the treaty adopted for your action thereon.

Very respectfully
Your Obedt Servt
J. B. Abbott
N. C.

Hon Chas. C. Mix
Act. Com. Ind. Affairs
Washington D. C. }



Articles of Agreement made and concluded at the Shawnee Agency, State of Kansas on the 21st day of May One thousand eight hundred and Sixty Three by James B. Abbott 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 10th of May A.D. 1854 - Viz.

James Johnson	
Charles Bluejacket	Graham Rogers
William Rogers Sr.	Charles Tucker
David Deshane	Moses Silverheels
Eli Blackhoop	Joseph White
Samuel Rogers	James Elliot
Big Fox	John Adams
Quelley Tucker	James McLane
James Rizer	

They being thereto duly authorized by the now united tribe of said Shawnee Indians

Article 1st The Shawnees believing that their condition will be materially improved by their removal to a new home in the country, south of Kansas and west of the State of Arkansas, ~~at some other suitable locality,~~
or at some other suitable locality
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 hereinafter named.

Article 2nd The United States shall within two years from the date of the ratification of this Treaty, cause the lands ceded by the preceding

Article and the improvements thereon to be separately
appraised at a fair valuation, subject to the approval
of the Secretary of the Interior; and such ^{persons} whites as may
be the owners of such improvements, and at the date of
the ratification of this treaty residing upon the tracts
of land on which the same are constructed, shall
have the privilege of purchasing the land whereon their
respective improvements are situated at any time
within three months after the completion of said
appraisement, 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 sit-

-uated, 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, 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 3rd It is further agreed that in consideration of the services rendered by the "Friends Board of Missions" 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 dollar and twenty
five cents per acre, and upon such purchase and pay-
ment therefor being made to the United States for the
use of said Indians, a Patent, in fee simple shall be
issued for said land to said Board or such persons for
their use as they may designate. A just account
shall be taken of all the services and outlays of every
Missionary Society of
description which the Methodist Episcopal Church
South, has expended and rendered the Shawnees,
whether the same was for education or otherwise
and after deducting all just credits, if there shall be
found to be any balance due said ^{Society} Church, and that
the same ought to be paid to any loyal citizen by
reason of any assignment or contract entered into

before the commencement of the present rebellion against
the authority of the United States, in which rebellion
said Methodist Episcopal Church ^{Society} ~~society~~ is engaged
and have thereby forfeited their Contract of March 5th
1855. Such balance shall be paid such citizen out of
the proceeds of the sale of the three sections of land set
apart to said Society under the Treaty of May 10th 1854
which three sections shall be appraised and sold in
the same manner as the lands in the 2nd Article of this
Treaty are required to be sold. And upon the sale and
payment therefor. Patent or Patents shall issue to the
purchaser or purchasers, which shall vest in the pa-
tentees the fee simple title thereof.

Article 4th It is further agreed that the perpetual
annuity of Three thousand dollars due to the

Shawnees under their treaties of August 3rd 1795. and
September 29th 1817, 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 1854 and the
money derived from the sale of land to the Friends
Board of Mission, and from the three sections of land
which were set apart for 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
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 land, a just commutation
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 ~~directed~~ -
as ~~provided~~ provided in

Article 5th 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
which shall be satisfactory to the
at some other suitable locality ^{known} not exceeding one
hundred and forty four square miles in extent, for
which ~~the~~ purpose the United States is hereby
authorized to use annually such an amount
of the interest arising from the investments pro-
vided for in the 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
Twenty five thousand 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

When is required for the purposes above specified an additional sum not exceeding Five hundred 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 Twenty five hundred 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
possession 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 for them
in Article 5th in this treaty,
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 improve-
ments 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 severally, 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 there-
after 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
at the expiration of six months
the Nation and shall ~~thereby~~ be restored to all

the rights and privileges of the Shawnees.

Article 6th 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 7th 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 with the equitable rights of the Shawnees as declared by this and former treaties, as experienced may prove to be necessary to promote the interest, peace and happiness of the Shawnee People, so that no further treaty may ever be necessary to be made.

Article 8th It is agreed that the right of way shall be reserved to the United States through the tract of land herein before provided to be selected for the Tribe of Shawnee Indians.

Article 9th If the government of the United States shall at any time make provisions for payment for depredations 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.th The Shawnees acknowledge their dependence on the Government of the United States and invoke its protection and care. They pledge 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 to have their rights vindicated.

Article 11.th 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.th The Commissioners of Indian

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

In testimony whereof, the said James B. Abbott Commissioner aforesaid and the undersigned delegates representing the Shawnee Tribe of Indians who was party to the Treaty of May tenth A. D. One thousand eight hundred and fifty four ~~and~~ have hereunto set our hands and seals at the place and on the day and year first herein before written.

Execution in the presence of James B. Abbott [S]

James H. Legard	Charles Bluejacket	[S]
Samy A. Byness	Graham Rogers	[S]
Robert Lodey	Charles Tucker	[S]
John H. Bosche	Dredley Tucker	[S]
Samuel M. Cornatz	James Elliott	[S]
Matthew King	Davia Dehan	[S]
Joseph White	William Rogers	[S]
Big Fox	Eli Blackhoop	[S]
James Rizer	Samuel Rogers	[S]
John Adams	Moses Silverhubs	[S]
James Johnson	James McLane	[S]