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## **Ratified treaty no. 236, Documents relating to the negotiation of the treaty of January 11, 1838, with the Osage Indians. January 11, 1838**

Washington, D.C.: National Archives, January 11, 1838

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**RATIFIED TREATY NO. 236**

**DOCUMENTS RELATING TO THE NEGOTIATION OF THE  
TREATY OF JANUARY 11, 1838, WITH THE OSAGE INDIANS**



O. S. A. Osage. A. 532.  
Genl. Mc. Ar buckle,  
St. Gibson, 11 Jan'y 1839-

Transmits by Lt. An-  
thony a Treaty concluded by him  
"this day" with the Osages, with an esti-  
mate of the amt required to carry it  
into execution. - States the reason for  
including in the Treaty a provision  
for the allowance of the School Fund  
or 54 sec<sup>s</sup> of land secured to the Osage  
Nation for this purpose by Treaty of  
20<sup>th</sup> June, 1825 - Encloses letter of  
"this date" from the Osage Trin. Chief,  
leaving it discretionary with the Pres<sup>t</sup> to  
strike out this provision or not, but ex-  
pressing a hope that it will not be  
stricken out - Recommends the  
ratification of the Treaty, without altera-  
tion & that an Agent be immediately  
appointed & required to reside in Osage  
Nation - Says the Osages request him to  
say they do not wish a Missionary to be  
their Agent, & that they wish S. L. Chouteau  
to be appointed. Recommends Melcher  
Leau, & says he will accept if made a  
full agent - No provision is made  
by last Treaty to subsidize the Osages that  
are to remove from their country; they  
will probably number about 1600, &  
will be in their own country before 1<sup>st</sup>  
of March, when they will expect to be  
subsidized by the U. S, until their next  
(over)

See letter to Secy of War, of 15 Feb'y  
1839.

crop is ready, (pay 4 or 5 mths)  
Possibly, a sufficient portion of the  
fund for Indigent Inds, may be  
employed for this purpose -

Says the sum expended for  
subsistence of Osages, while  
negotiating, will be accounted  
for at an early period -

{ Recd 13. Feb'y 1839.



Fort Gibson  
January 12<sup>th</sup>. 1839.

Sir,

I have the honor herewith to transmit by Lieut Northrop of the Army a Treaty this day concluded with the Osage Nation of Indians. together with an estimate of the Amount Required to Carry it into execution, which does not exceed the sum which would have been Required to Comply with the project of a Treaty. furnished from your Office. except the School Fund, or Fifty four sections of Land, secured to the Osage nation for that purpose, by the Treaty of 2nd of June. 1825.

I assured the Osages in the most positive manner that the allowance granted to them by the accompanying Treaty, exclusive of the School Fund, was all the Government was willing to give them, and that it was therefore probable that the Treaty would be Rejected. they however declared that it was their determination not to enter into a Treaty which would deprive them of their School Fund or any other allowance Contained in the present Treaty. I therefore Regarded it best to include the School Fund, as a Treaty could not have otherwise been made. this I would however have declined had not Capt Armstrong assured me that he believed it was not the intention of the Government to deprive the Osages of that fund, and when he was here (some time since) he addressed a Communication to you on this subject, with



the expectation of receiving a Reply before it was necessary to enter into a treaty with the Osages.

In consequence of the great necessity of the Government being liberal to the Osages at this time, and the great extent of Country they have given up for a very small Consideration. I hope the present Treaty will be Ratified, and that an efficient and useful Agent (not one that could be had for seven hundred and fifty a year) will be immediately appointed and Required to reside in the Osage Nation. They require a Moral good Man, but as they had of late some difficulty with Missionaries, they have Requested me to say that they would not be pleased to have a Missionary their Agent.

It will be noticed that no provision is made by the last Treaty, to subsist the Osages, that are to Remove from the Cherokee Country. they will probably number sixteen hundred, or perhaps more; and will be all in their own Country, before the first of March next; when they will expect to be subsisted by the United States, at least until they complete the cultivation of their next Crop of Corn, say four or five months. It is <sup>possibly</sup> ~~probable~~ that a sufficient portion of the Fund, appropriated for the indigent Indians, may be employed for this purpose; The sum expended for subsistence &c. for the Osages since they have been Called together here, for the purpose of entering into a Treaty with the United States, will be accounted for at an early period.

I am, Sir,

very Respectfully,  
Your obed<sup>t</sup> Servant.

Ch. Arbuckle  
Brig<sup>d</sup> Gen<sup>l</sup> U.S.A.

J. Hartley Crawford  
Commissioner of Indian Affairs

Washington City

24<sup>e</sup> 193



P. S.

January 12<sup>th</sup>

After signing the Treaty, the Osages apprehending from my remarks, that the Treaty might be rejected, addressed a letter to me signed by their principal Chiefs, which is herewith enclosed. I gladly transmit the Communication, as I feel assured it will secure the Ratification of a Treaty, which will be productive of much good to that Nation. Yet under all the Circumstances it is my firm belief, that in Justice to that Nation, the Treaty should be Ratified without depriving them of their school fund. Mr. L. I. Chouteau, their former Agent was present at the signing of the Treaty. He having arrived the day previous from the West, when the Osages requested of me unanimously, that I should make known to the Government, that it was their wish that Mr. Chouteau be appointed their Agent. In relation to the Appointment of Mr. Chouteau, I will remark that no individual could be appointed, that would have the same influence with them, and I am confident, that that influence would be exerted for their benefit. Mr. Chouteau assured me that it had been his intention, never to have any thing further to do as Agent to the Osages, but Owing to the Unanimous Request of the Nation, he would accept the Appointment, if appointed a full Agent.

C. F. Smith  
 Brig. Genl. U. S. A.



24.532.

Recd. in Miscell.  
Book no 3 fol 382



Our Father,

Fort Gibson, January 11<sup>th</sup> 1839

Since we signed the Treaty and have considered on what you told us, that our Great Father, the President, might reject it on account of our refusing to give up the School fund. We the undersigned Principal Chiefs of the Osage Nation, taking into consideration the suffering condition of Our people, and the benefits that we are to derive from this treaty, agree to leave it discretionary with the President to take this fund or not, as he may think proper, although we are in hopes of retaining this for the benefit of our Children, as we are informed that he has conferred a similar favour on most of Our Red Brethren.

We are, Sir,

Your Friends

Pa-hu-sca <sup>his</sup> mark

blamont <sup>his</sup> mark

Chiga-wa-da <sup>his</sup> mark

Ka-hi-gais-tanga <sup>his</sup> mark

Towan-ga-hais <sup>his</sup> mark

Ma-chu-chais <sup>his</sup> mark

Ne-ka-wa-chin-tanga <sup>his</sup> mark

Jally <sup>his</sup> mark

Gai-hia-ba-chais <sup>his</sup> mark

Baptist-Mongrain <sup>his</sup>

Antea Noto <sup>his</sup> mark

Witnesses

W. B. Rice

Chas. L. H. J. J.

W. Seawell

Capt 7<sup>th</sup> Inf

S. R. Moore

Capt 7<sup>th</sup> Inf

J. P. M. M.

Leut 7<sup>th</sup> Inf

R. L. Gathin

Adj 7<sup>th</sup> Inf

Sn<sup>d</sup> W. Shepherd Leut 4<sup>th</sup> Inf



J. H. Bailey Asst Surgeon U. S. A.

R. E. Cochrane Lieut & Asst Surg.

P. F. Chouteau

M. Girard

St. Helens 7th Regt

Asst to the commission

Baptiste Mongrain his mark

A. S. Guterstein to the eyes

To Brig Gen Arbuckle  
Commissioner



Estimate of the amount required to fulfill  
the Treaty entered into with the Great and Little Osages  
at Fort Gibson. (Exclusive of their School Fund) on  
the eleventh day of January, One thousand Eight hundred  
and Thirty nine

For annuity of \$20,000 for 20 Years	\$400,000 00	
For two Blacksmiths for 20 years at \$600 each per Year	24,000 00	
For two Millers for 15 years at \$600 each per Year	18,000 00	
Four houses for Millers & Blacksmiths at \$300 each	1,200 00	
One Thousand pounds of Iron annually for 20 years	2,500 00	
One hundred & twenty pounds of steel annually for 20 yrs	600 00	
Tools &c for Blacksmiths. for 20 Years	1,500 00	
Tools for Millers for 15 years	600 00	
For two strikers for 20 years, at \$225 each, per Year.	9,000 00	
For two Assist Millers for 11 years, at \$225 each per Year	4,950 00	462,350 00
Ten houses, at \$200 each	2,000 00	
Twelve do, at \$100 each	1,200 00	
Six Op Waggon, at \$150 each	900 00	
Sixteen Op Carts, at \$75 each	1,200 00	
28 Yoke of Oxen, with Yoke & Chain, at \$60 per Yoke	1,680 00	469,330 00
Two Mills	3,000 00	
1,000 Cows and calves	20,000 00	
2,000 Hogs	8,000 00	
1,000 Ploughs	6,000 00	
1,000 Horse gear	5,000 00	
1,000 Axes	1,500 00	
1,000 Hoes	970 00	513,800 00



# Estimate continued

Amount Brought forward		\$ 513,800 00
For Depredations Committed by Osages against other Indians, or Citizens of the United States.	30,000 00	
Purchase of Individual Reserves	43,560 00	
Reimbursement of annuity withheld in 1825 to pay for property taken by the Osages, but which has since been returned	3,000 00	
For payment to Clermont's band, of their portion of the Annuity of 1829 wrongfully withheld by the Agent of the Government	3,000 00	
Amount Required	\$ 593,360	593,360

Lt. W. Simmons, 7<sup>th</sup> Inf.  
Det. to the Commission



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# **TREATY**

BETWEEN

**THE UNITED STATES OF AMERICA**

AND

***THE GREAT AND LITTLE OSAGE INDIANS.***

CONCLUDED JANUARY 11, 1839; RATIFIED MARCH 2, 1839.

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**MARTIN VAN BUREN,**  
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 Fort Gibson, west of Arkansas, between Brigadier General M. Arbuckle, Commissioner on the part of the United States, and the chiefs, headmen, and warriors of the Great and Little Osage Indians, duly authorized by their respective bands, on the eleventh day of January, one thousand eight hundred and thirty-nine; which treaty is in the words following, to wit:

*Articles of a treaty made and concluded at Fort Gibson, west of Arkansas between Brig. General M. Arbuckle, Commissioner on the part of the United States, and the chiefs headmen and warriors of the Great and Little Osage Indians, duly authorized by their respective bands.*

ARTICLE 1st. The great and Little Osage Indians make the following cessions to the United States.

First, Of all titles or interests in any reservation heretofore claimed by them, within the limits of any other tribe.

Second, Of all claims or interests under the treaties of November tenth, one thousand eight hundred and eight and June second one thousand eight hundred and twenty-five, except so much of the latter as is contained in the sixth article thereof and the said Indians bind themselves to remove from the lands of other tribes, and to remain within their own boundaries.

ARTICLE 2d. In consideration of the cessions and obligations contained in the preceding article, the United States agree to the following stipulations on their part.

First, To pay to the said Great and Little Osage Indians, for the term of twenty years an annuity of twenty thousand dollars to be paid in the Osage nation, twelve thousand in money, and eight thousand in goods, stock, provisions, or money as the President may direct.

Second, To furnish the Osage nation, for the term of twenty years, two blacksmiths and two assistants, the latter to be taken from the Osage nation, and receive two hundred and twenty-five dollars each, per year; each smith to be furnished with a dwelling house, shop and tools, and five hundred pounds of iron, and sixty pounds of steel annually.

Third, To furnish the Osage nation with a grist and saw mill, a miller to each for fifteen years, and an assistant to each for eleven years, the latter to be taken from the Osage nation and receive each two hundred and twenty-five dollars per year; each miller to be furnished with a dwelling house, and the necessary tools.

Fourth, To supply the said Great and Little Osage Indians within their country with one thousand cows and calves, two thousand breeding hogs, one thousand ploughs; one thousand sets of horse gear; one thousand axes, and one thousand hoes; to be distributed under the direction of their agent, and chiefs, as follows, viz: to each family who shall form an agricultural settlement, one cow and calf, two breeding hogs, one plough, one set of horse

gear, one axe, and one hoe. The stock tools &c. to be in readiness for delivery, as soon as practicable after the ratification of this treaty, and the Osages shall have complied with the stipulations herein contained.

Fifth, To furnish the following named chiefs, viz: Pa-hu sca, Clermont, Chiga-wa-sa, Ka-he-gais-tanga, Tawan-ga-hais, Wa-cho chais, Ni-ka-wa-chin-tanga, Tally, Gai-hira-ba-chais, Baptisti Mongrain, each with a house worth two hundred dollars; and the following named chiefs, viz: Chito-ka-sa-bais, Wa-ta-ni-ga, Wa-tier-chi-ga, Chonta-sa-bais, Nan-gais-wa-ha-qui-hais, Ka-hi-gais-tier-de-gais, Man-haie-spais-we-te-chis, Chow-gais-mo-non, Gre-tan-man-sais, Kan-sais-ke-cris, Cho-mi-ka-sais, Man-cha-ki-da-chi-ga, each with a house worth one hundred dollars, and to furnish the above named chiefs with six good wagons, sixteen carts, and twenty-eight yoke of oxen, with a yoke and log chain to each yoke of oxen, to be delivered to them in their own country, as soon as practicable after the ratification of this treaty.

Sixth, To pay all claims against said Osages, for depredations committed by them against other Indians or citizens of the United States, to an amount not exceeding thirty thousand dollars, provided that the said claims shall be previously examined under the direction of the President.

Seventh, To purchase the reservations provided for individuals in the fifth article of the treaty of June second, one thousand eight hundred and twenty-five, at not exceeding two dollars per acre, to be paid to the respective reservees, excepting however from this provision, the tracts that were purchased in the fourth article of the treaty with the Cherokees of December twenty-ninth one thousand eight hundred and thirty-five.

Eighth, To reimburse the sum of three thousand dollars deducted from their annuity in one thousand eight hundred and twenty-five, to pay for property taken by them, which they have since returned.

Ninth, To pay to Clermont's band, their portion of the annuity for one thousand eight hundred and twenty-nine, which was wrongfully withheld from them, by the agent of the Government, amounting to three thousand dollars.

ART. 3d. This treaty shall be binding on both parties when ratified by the United States Senate.

In testimony whereof the said Brig. General M. Arbuckle, commissioner as aforesaid, and the chiefs, headmen, and warriors of the Great and Little Osage nation of Indians, have hereunto set



**MARTIN VAN BUREN,**  
PRESIDENT OF THE UNITED STATES OF AMERICA.

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ART. 3d. This treaty shall be binding on both parties when ratified by the United States Senate.

In testimony whereof the said Brig. General M. Arbuckle, commissioner as aforesaid, and the chiefs, headmen, and warriors of the Great and Little Osage nation of Indians, have hereunto set



their hands, this eleventh day of January, in the year of our Lord one thousand eight hundred and thirty-nine.

M. ARBUCKLE,  
Brevet Brig. Genl. U. S. A.

Wa-tier chi-ga,	his x mark.
Choa-ta-sa-bais,	his x mark.
Nan-gais-wa-ha qui hais,	his x mark.
Ka-hi-gais-stier-de-gais,	his x mark.
Man-haie-spais-we-te-chis,	his x mark.
Chou-gais-mo-non,	his x mark.
Gre-tan-man-sais,	his x mark.
Kan-sais-ke-cris,	his x mark.
Cho-mi-ka-sais,	his x mark.
Man-cha-ki-da-chi-ga,	his x mark.
Hu-car-ti,	his x mark.
Cha-bais-chiga,	his x mark.
Pa-hu-sca,	his x mark.
Clermont,	his x mark.
Chiga-wa-sa,	his x mark.
Ka-hi-gais-tanga,	his x mark.
Ta-wan-ga-hais,	his x mark.
Wa-cho-chais,	his x mark.
Ni-ka-wa-chin-tanga,	his x mark.
Tally,	his x mark.
Gui-hira-ba-chais,	his x mark.
Baptisti Mongrain,	his x mark.
Chi-to-ka-sa-bais,	his x mark.
Wa-ta-ni-ga,	his x mark.
Ka-hi-gais-wa-tier-hais,	his x mark.
Man-hi-han-ga,	his x mark.
Wa-non-pa-chais,	his x mark.
Owa-sa-bais,	his x mark.
Ti-cho-wa-ta-ni-ga,	his x mark.
Wa-kan-da-hi-pa-on-be,	his x mark.
Hi-hi-tanga,	his x mark.
Ka-wa-tan-ga,	his x mark.
Chon-ta-sais-bais-chiga,	his x mark.
Mon-ka-sa-bais,	his x mark.
Han-ber-la-que-ni,	his x mark.
Hais-wa-tier-hai,	his x mark.
Ma-non-po-chais,	his x mark.
We-ha-sa-chais,	his x mark.
Hude-gais-ta-wa-ta-nige,	his x mark.
Ti-cho-han-ga,	his x mark.
Non-de-gais-tan-ga,	his x mark.
Mi-ta-ni-ga,	his x mark.
Wa-ka-non-te-si-rai,	his x mark.
Ka-hi-gais-ka-cris,	his x mark.

Wa-cha-our-ta-sa,	his x mark.
Wa-chin-pi-chais,	his x mark.
Tier-to-ha,	his x mark.
Ka-wa-ho-de-gais-ha-gue-ni,	his x mark.
Ni-ko-hi-bran,	his x mark.
Hi-cha-ha-cris,	his x mark.
Wa-chin-pi-chais-la-ta,	his x mark.
Hai-sca-ma-ni,	his x mark.
Wa-kan-da-gais-chi-ga,	his x mark.
Pon-ka-wa-ta-ni-ga,	his x mark.
Sa-tan-wa-cris,	his x mark.
Ha-ha-ga-be,	his x mark.
Wa-la-ni,	his x mark.
Hi-wa-ha-ga-chi-ga,	his x mark.
Wa-chin-o-ti,	his x mark.
Equi-has,	his x mark.
To-wan-li-hi,	his x mark.
Opa-chi-gais,	his x mark.
Ta-wan-te-se-rai,	his x mark.
Hi-bi-son-de-gais,	his x mark.
Man-cha-ki-dais,	his x mark.
Ta-bais-ki-hais,	his x mark.
Pani-wa-we-tas,	his x mark.
Ko-chi-wa-tier,	his x mark.
Wa-cha-chais-wo-chin-oti,	his x mark.
Tier-pa-ga-hais,	his x mark.
Wa-han-ga-tier Econ-Chais,	his x mark.
Ni-ka-ha-cris,	his x mark.

Witnesses:

B. Riley, Maj. 4th Infy.  
James R. Stephenson, Capt. 7th Inf.  
W. Seawell, Capt. 7th Inf.  
D. P. Whiting, Lt. 7th Inf.  
R. C. Gatlin, Adj. 7th Inf.  
P. S. G. Cooke, Capt. 1st Drags.  
Jno. B. Shepherd, Lieut. 7th Inf.  
C. Hanson, Lt. 7th Inf.  
P. Z. Chouteau.  
Frank Ritchie.  
M. Giraud.  
Danl. Boyd.  
Geo. R. Beard.  
Leo. Wetmore.  
Baptiste Mongrain, Osage interpreter,  
his x mark.  
Lt. S. G. Simmons, 7th Inf., secy to the com-  
mission.

NOW, THEREFORE, BE IT KNOWN, that I, MARTIN VAN BUREN, President of the United States of America, having seen and considered said treaty, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the twenty-eighth day of February, one thousand eight hundred and thirty-nine, accept, ratify, and confirm the same, and every clause and article thereof.

IN TESTIMONY WHEREOF, I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.

DONE at the city of Washington, the second day of March, one thousand eight [L. S.] hundred and thirty-nine, and of the Independence of the United States the sixty-third.

M. VAN BUREN.

By the President:

JOHN FORSYTH, Secretary of State.