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Documents relating to the negotiation of an unratified treaty of September 4, 1863, with the Sauk and Fox Indians. September 4, 1863

Washington, D.C.: National Archives, September 4, 1863

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DOCUMENTS RELATING TO THE
NEGOTIATION OF AN UNRATIFIED TREATY OF
SEPTEMBER 4, 1863, WITH THE SAUK AND FOX INDIANS

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Missell, 1753
Missell, 609-64
W. Drexler, 1759-
Com. & Ind. Affairs
Cottrell 1763

Leaves treaties ne-
gotiated by him with
The Onages, Creeks,
Iroquois & Shawanoes, and the
New York Indians

Spec. Cottrell 1763

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Articles of a Treaty of friendship and cession
 concluded at the Sac and Fox Agency, Kansas,
 between the United States of America, by their
 Commissioners, the Hon. William P. Dole Com-
 missioner of Indian Affairs and Henry W
 Martin. Agent for the Sac and Fox tribes of
 Indians and the united tribes of Sac and Fox
 Indians ^{of the Mississippi} represented by the undersigned chiefs
 and headmen of said tribes;

The Sac and Fox Indians
 being dissatisfied with the present Treaty
 provisions in force between their nation and the
 United States, and believing that their condition
 will be materially improved by a sale of their
 lands and the purchase of a new tract more
 remote from the settlements of white men,
 where they can enjoy undisturbed such
 instruction in the useful arts and general
 knowledge as their means will enable them
 to secure; and the said Commissioners on
 behalf of the United States being satisfied
 that a compliance with the views and wishes
 of said tribes will promote the interests of
 said Indians and of the Government of the
 United States, it is hereby mutually agreed
 by and between the parties hereto as
 follows:

Article 1 - The said Sac and Fox Indians
 hereby cede to the United States,

2

b

all the lands contained within present Reservation,
located in the State of Kansas; and more particularly
described by the survey and plats on file in the
Department of the Interior as comprising a tract
about thirty four miles in length from East to
West and twenty miles in width from North
to South; in trust, for the sale of said lands
for the benefit of said Tribes as hereinafter
provided. - Provided This Treaty be

Article 2 - Upon the ratification of this
Treaty the Secretary of the Interior
shall take measures to sell said lands, under
such rules and regulations as he shall judge
most advisable to protect the interests of said
tribes, and at a minimum price of not less
than seventy five cents per acre, &clusive
of the value of any improvements thereon; and
especial regard shall be had to securing
in such sales, as nearly as practicable the
actual first cost of said improvements.

Article 3 - The United States agree to sell
to the said tribes of Sac and Fox Indians,
at fifty cents an acre, a tract of land for
permanent occupation of such size as
they may desire and conforming in shape
to Government surveys, to be selected by
said tribes [from the lands purchased from

3

C

8 the Osage Nation of Indians by the Treaty of
9 August twenty ~~ninth~~, one thousand eight
10 hundred and sixty three, or from any
11 lands owned by the United States in the
12 Indian Territory, south of the State of Kansas.
13 In case said tract shall be selected from
14 said Osage purchase, it shall be taken
15 from the south ~~half~~ ~~South west corner~~
16 of said purchase, and the selection of the
17 new reservation provided for in this
18 section shall be made within six months
19 after the ratification of this Treaty, with the
approval of the Secretary of the Interior.
Payment for said tract shall be made
from the moneys of the Sac and Fox
Nation now in the Treasury of the
United States; and the amount shall be
replaced from the proceeds of the first
sales of their lands, as herein before
provided - and it is further provided

1 Article 4. - As soon as practicable after
 2 the ratification of this Treaty,
 3 the United States shall construct for said nation
 4 upon their new purchase, a dwelling house for
 5 ~~their Agent and for each of the following Chiefs~~
 6 ~~Chiefs~~ - their Agent and for the principal
 7 Chiefs of the nation, not exceeding four
 8 in number
 9 together with such other dwellings, offices and shops as
 10 shall be required for the use of the employees of the
 Government ^{at an expenditure not exceeding 5000 dollars.} - The moneys for said improvements
 shall be taken from the present Fund of said nation
 and replaced from the proceeds of the Trust sales;
 and said tribes shall not be required to leave
 their present homes until said improvements
 are made, and until the suppression of the
 rebellion shall enable them to remove to their new
 home in safety.

5 [Article 5. - The script heretofore issued,
 one herein provided to be
 issued by the United States, representing the
 indebtedness of the Sac and Fox nation, shall be
 paid out of the proceeds of the Trust sales
 hereinbefore authorized; and the Secretary of the
 Interior, may in his discretion receive said
 script in payment for said lands
 The proceeds of said
 sales, after complying

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with the other provisions herein made, shall be held by the United States as a separate fund for the benefit of said nation, and interest paid semi-annually on the same at the rate of five per centum per annum; and the Secretary of the Interior may at any time use any part of said fund for such improvements as the Council and Agent of the Nation shall advise.]

Article 6 - In order to promote the civilization of the Lac and Fox Indians, one section of land, convenient to the residence of their Agent, shall be selected by him 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 present fund of said nation, for the erection of suitable buildings thereon and one thousand dollars for fencing and breaking the road.

The sum of fifteen hundred dollars shall be annually appropriated from the same fund for the support of said school,

and such additional amount, not exceeding the sum of three thousand dollars, as in the judgment of the Secretary of the Interior may be necessary -

1 Article 7 - In consideration of the removal
2 of the Saes and Foxes to their new
3 home, at their own expense, the United States
4 agree to furnish said Nation, annually, for
5 a period of five years, with the services of
6 a blacksmith, an assistant blacksmith, gunsmith
7 and physician, and to pay annually the
8 sum of four hundred dollars for medicines,
9 two hundred and ten dollars for Iron and
10 Steel and furnish them forty barrels of salt
11 and forty boxes of ^{of fifty pounds each} tobacco for the same period;
and after five years, said expenses, shall
be paid out of the interest of the proceeds of
the lands provided to be sold in Trust -

7 [Article 8 - No diminution of the present
annuities of said Nation shall
result from any temporary use as herein
authorized of any part of their Fund now
in the hands of the United States, but such
deficiency, should it occur, shall be
supplied from the principal of said Fund
and all amounts thus withdrawn therefrom
shall, as soon as practicable, be restored from

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9

the proceeds of the sales of their lands,
as aforesaid]

8

[Article 9 - The houses of the Chiefs,
Keokuk -; Shaw-paw-haw-~~kok~~;
Che-kus-kuk and Mo-ko-ho-ko and
the quarter section of land on which
each is built are hereby exempted
from sale, and upon the ratification
of this Treaty, a patent in fee simple
therefor shall issue to said Chiefs,
or their heirs, respectively; or
in lieu thereof either of said Chiefs
may select a half section of
unimproved land and receive a
patent for the same as aforesaid]

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[Article 10 - In consideration of certain
improvements made by
John Goodell upon the lands of the
nation within their present reservation, and
of his services as interpreter, he shall be
allowed to select therefrom a half section
of land; and it is further provided that
of said lands Nesh-ke-me-nah -; ~~Sarat~~;
A Whistler; Enaw-gue-as; Park-e-co-~~Law~~,
or Amelia Mitchell shall each be
allowed to select a half section of

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land -; Pash-shew, daughter of the
 said Amelia Mitchell eighty acres;
 and Carr-wop-pee or Elizabeth Dole;
 Trav-Chav-car or Bettie Martin;
 Louah-cup-pit; I-ah-top-pit; Henry
 Jones and Co-no-pup-pe or John B Scott Jr
 each one hundred and sixty acres; and
 Julia Goodell one hundred and sixty acres
 and the land, not to exceed two acres, upon
 which her house and improvements at the
 Agency are situate -; the said selections
 to be made from the unimproved lands
 and when approved by the Secretary of
 the Interior, a patent for said lands,
 in fee simple shall be issued to said
 parties, ~~or~~ their heirs or assigns, respectively -

1 Article 11 - Thomas C Stevens and Company
 2 traders having erected buildings
 3 and made improvements upon the lands of the nation
 4 at an actual cost of about three thousand five hundred
 5 dollars, are hereby allowed [the sum of twenty two hundred
 and fifty dollars in full payment for the same, and
 upon the ratification of this Treaty the Commissioner of
 Indian Affairs shall issue scrip to said Stevens and
 Company or their assigns for that amount, which may,
 in the discretion of the Secretary of the Interior, be
 received in payment for the lands herein authorized
 to be sold to purchase the land upon which

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Darison

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Article 12 - ~~In consideration~~ As the Saes and Fosés of the Missouri, numbering it is believed less than one hundred souls, are of the same family as the Saes and Fosés of the Mississippi, and as said Indians are constantly moving back and forth from one Reservation to the other, and the last named tribe will have, in their new home, land enough for themselves and their said brothers, it is hereby stipulated that the Saes and Fosés of the Missouri may unite with this people and receive lands and annuities the same as the other members of this Tribe; provided, that the former tribe shall sell their lands and manage the proceeds thereof, except so much as may be derived from the sale of improvements, and, also, all their moneys now in the care of the United States, with the moneys of the Saes and Fosés of the Mississippi, the per capita annuity for each tribe now being about equal.

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[Article 13 - The claims of this tribe against the United States for destruction of timber, and stealing ponies, which have heretofore been adjusted, and their payment recommended by the Secretary of the Interior, shall be paid by the United States within one year from the ratification of this Treaty.]

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Article 14 - The following is a copy of article seven of the Treaty of July 3. 1862, which has not been confirmed by the Senate, but the same is hereby reaffirmed as of that date and made a part hereof, that is to say: " In order more fully to determine the provisions of article 10 of the Treaty of October 1. 1859, relating to the location of half-breeds, it is provided that the following named persons, half breeds of said tribe shall be entitled to receive patents in fee simple from the United States for 320 acres of land each, they being debarred from sharing in the proceeds of the sale of the aforesaid trust lands, to wit: Julia A Goodell, Fanny Goodell, Isaac Goodell, John Goodell Jr. Sarah A Whittier, Leo Whittier, Mary A Byington, Pie-o-kee or Jane Goodell, Thomas J Connelly, Kis-kos-man, Alexander Connelly, Am-o-mah, Try-man-tee, Margaret Connelly, No-ah-ten-o-ck-quah or Amelia M Pherson, No-ten-o-quah, Mary Thorpe, Fanny Thorpe, Hiram Thorpe Jr, George Powers, Karo-kal-me-nah, Battise, Pe-o-hah-sar-huk, Mack-cut-tah-o-gnet and Antoine Gokey and Louis Gokey jointly, as heirs of Jo. Gokey lately deceased"; Provided, that where said parties who have selected their said lands by virtue of the provisions of the tenth article of the Treaty of October 1. 1859, or the seventh article

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of the treaty of July 3. 1862 and having sold
 the same for an adequate consideration which
 has been fully paid; have since departed
 this life; The Secretary of the Interior shall
 upon full proofs of the facts in each case
 taken before and approved by the Agent
 of the tribe and placed on file in said
 Department of the Interior, cause a patent
 in fee simple to issue to the person having
 thus purchased or his assigns, and in the
 event of the death of such party, the patent
 shall issue to his heirs

Article

Article 15 - It shall be the duty of the Secretary
 of the Interior to cause the lands
 upon which the houses, store houses and shops of
 the Agency are situated, not exceeding one hundred
 and sixty acres in quantity, to be surveyed and
 laid off into streets, alleys, blocks and lots, and
 a plat thereof to be made; and he shall thereupon
 designate the name of said town and districts
 of the said lots and blocks, (excepting the place of
 Julia Goodell), together with the improvements
 thereon in the same manner and for the same
 purpose and account as the other lands provided
 to be sold under this Treaty

~~Article~~

Article 16 - The sale and selection of the
 lands, herein granted or

Conformed to the individual members of the nation, half-breeds or others, shall in every instance be subject to the approval of the Secretary of the Interior, under such general rules and regulations as he has or may prescribe

Article 17. The stipulations of former Treaties now in force and not inconsistent with the provisions of this Treaty shall remain in force -

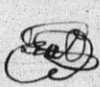

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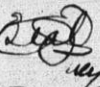
Insert new article - Article 18. At any time or

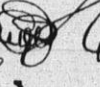

Article [18]¹⁹. The amendment or rejection of ~~an~~ article of this Treaty shall not invalidate the others, but they shall go into effect and be in full force from and after the ratification of the Treaty by the Senate and its approval by the President -

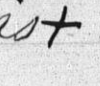
In testimony whereof we have hereunto set our hands and seals this fourth day of September eighteen hundred and sixty three

Chiefs

Kookuk his mark  W. P. Dole 

" Che. kus-kuk his + mark  Secy of Indian Affairs

" Shaw-paw-kaw-kah his + mark  W. M. Austin 

" Naw Naw ash-kuk his + mark  Agents

" ~~Shaw-paw-kaw-kah~~ his + mark 

" Shaw-gau-ess 

Rodgers

m

"	Ma-sham o-ne	his + mark	(2)
"	Mit Sut Teru	his + mark	(2)
"	Nah ah ten ah	his + mark	(2)
"	Nah ah tree	his + mark	(2)
Braves	Ma gne est	his + mark	(2)
"	Wap pal lah	his + mark	(2)
"	Maah up pit	his + mark	(2)
"	Mesh she me labstus	his + mark	(2)
"	Nis ke me mah	his + mark	(2)
"	Man na to mah	his + mark	(2)
"	Ine na mo	his + mark	(2)
"	Kan a ma kah	his + mark	(2)
"	Ketelo a pama sub	his + mark	(2)
"	Pah ten gnah	his + mark	(2)
"	Waw pe gnot	his + mark	(2)
"	Gitto Island	his + mark	(2)
"	Pus e Cow gnah	his + mark	(2)
"	Maah mas gne mas see	his + mark	(2)
"	Pem ie sep pot	his + mark	(2)
"	Chaw-Caw-pee	his + mark	(2)
"	She No Kah Kah	his + mark	(2)
"	Kish ki tol o kah	his + mark	(2)
"	Manch Chic e mas	his + mark	(2)
"	Chaw al a Mah	his + mark	(2)
"	Tah paw-lets	his + mark	(2)
"	Kan-she mas	his + mark	(2)
"	Scher Nato	his + mark	(2)

Sah Paw Gabnah Mah	his + mark
O Ewan-ho No	his + mark
Naw paw Co las krah	his + mark
Quah Quah Nah Pe gnah	his + mark
Quah 2 Mah	his + mark
Black Arrow	his + mark

Signed and sealed in
 the presence of
 John Goodell United States Interpreter
 Antoine Gokey ^{his} Special Interpreter
 W. G. Coffin Supt of Indian Affairs Southern Superintending
 J. O. Johnston
 Perry Fuller

And whereas the foregoing Amendments
 having been fully interpreted and explained to
 the hereinafter named Chiefs and headmen
 of the Sac & Fox Indians of the Mississippi
 they did on this the Twentysixth day of
 September one thousand eight hundred and
 Sixtyfour Rejict the Same, in words
 and figures following to wit "

And whereas the foregoing Amendments have
 been fully interpreted and explained to
 the undersigned Chiefs, and head men, of
 the Sac & Fox Indians of the Mississippi
 We do hereby Rejict the Same
 Done at Sac & Fox Agency Kansas.
 this 24th day of September 1864

KoKusK	his + mark	} Chiefs
Che Mo skusK	his + mark	
Pah tek Suaw	his + mark	
Suaw que Es	his + mark	
Haw pol law	his + mark	} Council.
Man e to Wah	his + mark	
Suah Cup Pit	his + mark	
I ah tup pit	his + mark	
Suah quah lup pe quah	his + mark	
Ki Ki tauw	his + mark	
Sue ne mo	his + mark	
Mah she uol lueK Kus KusK	his + mark	

And Whereas the foregoing Amendments
 having been fully interpreted and explained to
 the hereinabove named Chiefs and headmen
 of the Sac & Fox Indians of the Mississippi
 they did on this the Twentysfourth day of
 September one thousand eight hundred and
 Sixtyfour Rejct the Same, in words
 and signs following to wit "

And Whereas the foregoing Amendments have
 been fully interpreted and explained to
 the Undersigned Chiefs, and head men, of
 the Sac & Fox Indians of the Mississippi
 We do hereby Rejct the Same

Done at Sac & Fox Agency Kansas.

This 24th day of September 1864.

Ko Kuk	his + mark	} Chiefs
Che Mo skuk	his + mark	
Pah tek Suaw	his + mark	
Suaw que Es	his + mark	
Haw pol law	his + mark	} Council.
Man e to Wah	his + mark	
Suah Cup Pit	his + mark	
I ah tup pit	his + mark	
Suah quah lup pu quah	his + mark	
Ki Ki tau	his + mark	
Sue ne mo	his + mark	
Mah she uol tuck Kus Kusk	his + mark	

Chaw Kaw Pe	his + mart
Mouch chu nah mas	his + mart
Kish ke we nah	his + mart
Chaw Kan e mah	his + mart
Kaw pe tuot	his + mart
Black Hawk	his + mart
Tus se Kalk	his + mart
Mout tut tuh	his + mart
Sah paw tit	his + mart
Kish ke ton o kah	his + mart
Battise	his + mart
Kaw se nah o sah	his + mart
Gup paw ke	his + mart
Pun me se	his + mart
Sy ke shute	his + mart
To ke Kush	his + mart
Kaw pe mot	his + mart
Chuck e mun o sah (or Little Island)	his + mart

Witness
 Henry W. Martin Agent.
 Edward M. Coote
 Albert T. Wiley
 J. M. Luce
 Wm. Whistler
 John Goodell
 M.S. Interpreter

MBSI

loc + Fox

1863

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Articles of a Treaty of friendship and cession concluded at the Sac and Fox agency, Kansas between the United States of America, by their Commissioners, the Hon. William P. Gole Commissioner of Indian Affairs and Henry W. Martin, Agent for the Sac and Fox tribes of Indians and the United tribes of the Sac and Fox Indians of the Mississippi represented by the undersigned chiefs and head men of said tribes;

The Sac and Fox Indians being dissatisfied with the present Treaty provisions in force between their nation and the United States, and believing that their condition will be materially improved by a sale of their lands and the purchase of a new tract more remote from the settlements of white men where they can enjoy undisturbed such instruction in the useful arts and general knowledge as their means will enable them to secure; and the said Commissioners on behalf of the United States being satisfied that a compliance with the views and wishes of said tribes will promote the interests of said Indians and of the Government of the United States, it is hereby mutually agreed by and between the parties hereto as follows:-

Article 1. - The said Sac and Fox Indians hereby cede to the United States all the lands contained in their present Reservation, located in the State of Kansas; and more particularly described by the survey and plats

on file in the Department of the Interior as comprising a Tract about thirty four miles in length from East to West and twenty miles in width from North to South; in trust, for the sale of said lands for the benefit of said tribes as herein after provided. Provided this Treaty &c.

Article 2. Upon the ratification of this Treaty by the Secretary of the Interior, shall take measures to sell said lands, under such rules and regulations as he shall judge most advisable to protect the interests of said tribes, and at a minimum price of not less than seventy five cents per acre, exclusive of the value of any improvements thereon; and especial regard shall be had to securing in such sales, as nearly as practicable the actual first cost of said improvements.

Article 3. The United States agree to sell to the said tribes of Sac and Fox Indians at fifty cents an acre, a tract of land for permanent occupation, of such size as they may desire and conforming in shape to Government surveys, to be selected by said tribes from the lands purchased from the Osage Nation of Indians by the Treaty of August twenty ninth one thousand eight hundred and sixty three, or from any lands owned ^{by the} United States, in the Indian Territory, South of the State of Kansas. In case said tract shall be

selected from said Crag purchase, it shall be taken from the South half of said purchase and the selection of the new reservation provided for in this Section shall be made within six months after the ratification of this treaty, with the approval of the Secretary of the Interior, payment for said land shall be made from the money of the Sac and Fox nation now in the Treasury of the United States; and the amount shall be replaced from the proceeds of the first sales of their lands, as hereinbefore provided - and it is further provided that if the lands selected are improved a fair and reasonable sum shall be paid for such improvements in addition to the price of fifty cents per acre, -

Article 4. - As soon as practicable after the ratification of this Treaty the United States shall construct for said nation upon their new purchase a dwelling house for their agent and for the principal chiefs of the Nation, not exceeding four in number together with such other dwellings offices and shops as shall be required for the use of the employees of the Government at an expenditure not exceeding 5,000 dollars. The money for said improvements shall be taken from the present Fund of said nation and replaced from the proceeds of the Trust sales; and said tribes shall

not be required to leave their present homes until said improvements are made, and until the suppression of the rebellion shall enable them to remove to their new home in safety.

[Article 5. The script heretofore issued or herein provided to be issued by the United States, representing the indebtedness of the Sac and Fox Nation, shall be paid out of the proceeds of the Trust Sales hereinbefore authorized, and the Secretary of the Interior, may in his discretion receive said script in payment for said lands,

~~Stocks~~) The proceeds of said sales after complying with the other provisions herein made, shall be held by the United States as a separate fund for the benefit of said Nation and interest paid semi-annually on the same at the rate of five per centum per annum, and the Secretary of the Interior may at any time use any part of said Fund for such improvements as the Council and Agent of the Nation shall advise.]

Article 6 - In order to promote the civilization of the Sac and Fox Indians, one section of land, convenient to the residence of their Agent, shall be selected by him 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 present Fund of said Nation, for the erection of suitable buildings thereon and one thousand dollars for fencing and breaking the sod.

The sum of fifteen hundred dollars shall be annually appropriated from the same Fund for the support of said school and such additional amount, not exceeding the sum of three thousand dollars, as in the judgment of the Secretary of the Interior may be necessary.

Article 7. - In consideration of the removal of the Sac and Foxes to their new home, at their own expense, the United States agree to furnish said Nation, annually for a period of five years, with the services of a blacksmith, assistant blacksmith, gunsmith and physician, and to pay annually the sum of four hundred dollars for medicines two hundred and ten dollars for iron and steel and furnish them forty barrels of salt and forty boxes of tobacco, of fifty pounds each for the same period; and after five years, said expenses shall be paid out of the interest of the proceeds of the lands provided to be sold in Trust.

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the principal of said Fund and all amounts
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ticable, be restored from the proceeds of the
sales of their lands or as aforesaid.]

[Article 9. - The houses of the Chiefs Keokuk,
Shaw-paw-kaw-kah, Che-kus-kuk
and Ne-ho-ho-ho and the quarter section of land
on which each is built are hereby exempted from
all sale, and upon the ratification of this Treaty
a patent in fee simple therefor shall issue to
said chiefs or their assigns, respectively; or in
lieu thereof either of said chiefs may select a
half section of unimproved land and receive
a patent for the same as aforesaid.]

[Article 10. In consideration of certain im-
provements made by John Goodell
upon the lands of the nation within their pres-
ent reservation, and of his services as inter-
preter, he shall be allowed to select therefrom a
half section of land; and it is further pro-
vided that of said lands Ash-ke-me-nah;

Sarah A. Whittier; Quaw-gu-as; Pash-e-ev-can
or Amelia Mitchell shall each be allowed
to select a half section of land; Pesh-shen,
daughter of the said Amelia Mitchell, eighty
acres; and Law-wop-pea or Elizabeth Dole;
Kaw-chaw-can or Bettie Martin; Quak-cup-
-pit; I-ah-tup-pit; Henry Jones and Co-mo-
-pup-pe, or John B. Scott Jr. each one hundred
and sixty acres; and Julia Goodell one hun-
-dred and sixty acres, and the land, not to
exceed two acres, upon which her house and im-
-provements at the Agency are situate; the said
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the Interior, a patent for said lands in fee
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heirs or assigns, respectively.]

Article 11. Thomas C. Stevens and Company
traders having erected buildings
and made improvements upon the lands of
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fifty dollars in full payment for the same, and
upon the ratification of this Treaty the Commis-
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said Stevens and Company or their assigns
for that amount, which may, in the discre-
-tion of the Secretary of the Interior, be received

in payment for the lands herein authorized to be sold to purchase the land upon which

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same family as the Sacs and Foxes of the Mississippi
and as said Indians are constantly moving back
and forth from one Reservation to the other, and
the last named tribe will have, in their new
home, land enough for themselves and their said
brothers, it is hereby stipulated that the Sacs and
Foxes of the Missouris may unite with this peo-
ple and receive lands and annuities the same
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the former tribe shall sell their lands and min-
gle the proceeds thereof, except so much as may
be derived from the sale of improvements, and
also all their moneys now in the care of the
United States, with the moneys of the Sacs and
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timber, and stealing Ponies, which have hereto-
fore been adjusted, and their payment re-
commended by the Secretary of the Interior
shall be paid by the United States within one

year from the ratification of this treaty.]

Article 14 - The following is a copy of article seven of the Treaty of July 3rd 1862, which has not been confirmed by the Senate but the same is hereby reaffirmed as of that date and made a part hereof, that is to say; "In order more fully to determine the provisions of Article 10 of the Treaty of October 1, 1859, relating to the location of half breeds, it is provided that the following named persons, half breeds of said tribes shall be entitled to receive patents in fee simple from the United States for 320 acres of land each, they being debarred from sharing in the proceeds of the sales of the aforesaid trust lands, to wit; Julia A. Goodell, Fanny Goodell, Isaac Goodell, John Goodell, Jr. Sarah A. Whistler, Leo Whistler, Mary A. Byington, Pio-o-kee or James Goodell, Thomas J. Connolly, Kis-hos-wan, Alexander Connolly, Am-o-wah, Wy-nan-kee, Margaret Connolly, To-ah-ten-e-eh-quah, or Amelia McPherson, To-ten-o-quah, Mary Thorpe, Fanny Thorpe, Kieran Thorpe Jr. George Powers, ^{Paw-o-hah-ye-huk. Mack-eh-tah-og-wah, and Adeline P.} Saw-hal-we-nah, Battise, Hokey and Louis Hokey jointly, as heirs of Jo. Hokey lately deceased"; - Provided, that when said parties who have selected their said lands by virtue of the provisions of the tenth article

of the Treaty of October 4, 1859, or the seventh Article of the treaty of July 3, 1862 and having sold the same for an adequate consideration which has been fully paid; have since departed this life; the Secretary of the Interior shall upon full proofs of the facts in each case taken before and approved by the Agent of the Tribe and placed on file in said Department of the Interior, cause a patent in fee simple to issue to the person having thus purchased or his assigns and in the event of the death of such party, the patent shall issue to his heirs.

Article 15. It shall be the duty of the Secretary of the Interior to cause the lands upon which the houses, store houses and shops of the agency are situate, not exceeding one hundred and eighty acres in quantity, to be surveyed and laid off into streets, alleys, blocks and lots and plat thereof to be made; and he shall thereupon designate the name of said Town and dispose of the said lots and blocks (excepting the place of Julia Goodell) together with the improvements thereon in the same manner and for the same purpose and account as the other lands provided to be sold under this Treaty.

Article 16. The sale and selection of the lands, herein granted or confirmed to the individual members of the nation, half breeds or others, shall in every instance be subject to the approval of the Secretary of the Interior under such general rules and regulations as he has or may prescribe.

Article 17. The stipulations of former Treaties now in force and not inconsistent with the provisions of this Treaty shall remain in force.

Article 18. The amendment or rejection of an article of this Treaty shall not invalidate the others, but they shall go into effect and be in full force from and after the ratification of the Treaty by the Senate and its approval by the President.

In testimony whereof we have hereunto set our hands and seals this fourth day of September Eighteen hundred and sixty three.

Chiefs Keokuk, his mark Seal Wm. P. Dale Seal
" Che-hus-huk, his mark Seal Secy. of Indian Affairs

Chiefs	Shaw-paukaw-kah, his+mark	Seal	H. W. Martin	Seal
"	Saw-saw-ask-tuk ^{his} mark	Seal	Agent	
"	Luan-gue-ep his+mark	Seal		
"	Ka-Sham-o-ne his+mark	Seal		
"	Met-Tuk-Tuk, his+mark	Seal		
"	Kah-ah-ten-ah, his+mark	Seal		
"	Kah-ah-kee, his+mark	Seal		
Braves	Wap-pal-lak his+mark	Seal		
"	Quack-up-pit his+mark	Seal		
"	Bush-she-mal-lak-Kut-kuk, his+mark	Seal		Seal
"	Kis-ke-we-wah his+mark	Seal		
"	Maw-na-to-wah his+mark	Seal		
"	Luan-na-mo- his+mark	Seal		
"	Kan-a-wa-kah his+mark	Seal		
"	Ketch-a-pam-a-lah his+mark	Seal		
	Pah-tek-quah his+mark	Seal		
	Waw-pe-quot his+mark	Seal		
	Little Island his+mark	Seal		
	Dus-e-cow-quah his+mark	Seal		
	Moak-mes-gue-mes-ee, his+mark	Seal		
	Pew-ic-nep-pot his+mark	Seal		
	Shaw-caw-pu his+mark	Seal		
	She-ko-Kah-kah, his+mark	Seal		
	Kish-pi-tol-o-kah his+mark	Seal		
	Manek-pil-e-mas his+mark	Seal		
	Shaw-al-a-mah his+mark	Seal		
	Tah-paw-let, his+mark	Seal		
	Saw-she-bas his+mark	Seal		
	Saker mitt his+mark	Seal		

Tak-law-tan nah, mah, his+mark Seal
O. quaw-ho-hi his+mark Seal
Waw-paw-co-las-kuk his+mark Seal
Quak-Quak-Nak-Pe-quak his+mark Seal
Quash-e-mah his+mark Seal
Black-Hawk- his+mark Seal

Signed and sealed in

the presence of

John Goodell United States Interpreter
Antoine Gohery his Special Interpreter
W. G. Coffin, Supt. of Indian Affairs
Southern Superintendency

S. H. Johnston
Perry Fuller

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 second day of July one thousand eight hundred and sixty four, 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 Executive Session, Senate of the United States.
July 2, 1864.

Resolved (two thirds of the Senators present concurring) That the Senate advise and consent to the ratification of the Articles of a Treaty of friendship and cession concluded at the Sac and Fox Agency, Kansas, between the United States of America, by their Commissioners, the Hon. William P. Dole, Commissioner of Indian Affairs, and Henry W. Martin, agent for the Sac and Fox tribes of Indians, and the United tribes of Sac and Fox Indians of the Mississippi, represented by the undersigned Chiefs and head-men of said tribes, made and concluded the 4th day of September 1863, with the following Amendments:

at the end of Article 1 add the following:
Provided That this treaty shall not take effect, or be enforced in any respect, until after said Indians shall have examined in person by their chiefs and headmen, the lands prepared for their new homes and have formally agreed to purchase the same, at a price to be stipulated in a written agreement, subject to the approval of the President; nor shall any member of said tribe, who has received his land in severally, be compelled to sell or remove from the same, nor shall his said land be sold, until his formal consent has been obtained in writing.

Not shall the proceeds of said sale or any part thereof be applied for any purpose whatever, except in payment for lands to be set apart to each of said Indians in severally, at their new homes and in making improvements on the same. And in carrying out the foregoing provisions, an account shall be opened and kept with each Indian in a regular set of books in the office of the Commissioner of Indian Affairs. Not shall the proceeds of the sale of that part of said reservation known as the "diminished reserve" or part thereof whether held in severally or in common, including improvement, be used for any purpose whatever except in payment for lands for a new home for said Indians, and in the erection of improvements on the same.

Article 3, line 7. After "tribes" strike out all to and including "treaty" in line 19 and insert: with the approbation of the Secretary of the Interior.

Article 4 after "government" in line 10 insert: at an expenditure not exceeding five thousand dollars.

• Strike out article 5.

Article 7. After "tobacco" in line 11 insert: of fifty pounds each.

Strike out articles 8, 9, and 10.

Article 11, in line 5. Strike out all after "allowed" and insert: to purchase the land upon which their improvements are situated, at the appraised value of the same, independent of the value of their improvements, subject to the approval of the Secretary of the Interior.

Strike out articles 13 and 14.

After Article 17 insert a new article: as follows:

Article 18. At any time hereafter when the President of the United States shall have become satisfied that any

adults, being males and heads of families, who may be allottees, in severally, under provisions of former treaties, are sufficiently intelligent and prudent to control their affairs and interests, he may, at the requests of such persons cause the lands severally held by them to be conveyed to them by patent, in fee simple, with power of alienation; and may, at the same time, cause to be paid to them, in the bonds of the United States, their proportion of the cash value of the credits of the tribe, principal and interest, then held in trust by the United States. And on such patents being issued and such payments ordered to be made by the President, such competent persons shall cease to be members of said tribe, and shall become citizens of the United States, and thereafter the lands so patented to them shall be subject to levy, taxation, and sale, in like manner with the property of other citizens; Provided, that before making any such application to the President, they shall appear in open Court in the district Court of the United States for the district of Kansas, and make the same proof and take the same oath of allegiance as is provided by law for the naturalization of aliens, and shall also make proof to the satisfaction of said Court, that they are sufficiently intelligent and prudent to control their affairs and interests, that they have adopted the habits of civilized life, and have been able to support, for at least five years themselves and families.

Attest

J. W. Forney
Secretary.

And whereas the foregoing...

"copy"

"copy"

And whereas the foregoing Amendments having been fully interpreted and explained to the hereinafter named Chief and headmen of the Sac & Fox Indians of the Mississippi they did on this the Twenty fourth day of September one thousand Eight hundred and Sixty four reject the same, in words and figures following "to wit."

And whereas the foregoing Amendments have been fully interpreted and explained to the undersigned Chiefs, and head men, of the Sac & Fox Indians of the Mississippi.

We do hereby reject the same.

Done at Sac & Fox Agency Kansas, this 24th day of September 1864.

Heohuk	his + mark
ke-ko-skuk	his + mark
Pah-tick-Luaw	his + mark
Luw-gue-Es	his + mark
Wau-pol-law	his + mark
Mau-6-to-Wah	his + mark
Luah-lup-Pit	his + mark
Tah-tup-pit	his + mark
Luah-quah-lup-pe-quah	his + mark
He-ke-taw	his + mark

Council Chiefs

over

Lue-ne-mo	his + mark
Spak-she-mal-luck-Kus-Kuk.	his + mark
Chaw-kaw-Pe	his + mark
Neuch-che-mah-mas	his + mark
Shik-ke-we-mah	his + mark
Chaw-kan-E-mah	his + mark
Waw-pe-Luot	his + mark
Black-Hawk	his + mark
Pus-se-Halk	his + mark
Neut-tut-tah	his + mark
Lah-paw-let	his + mark
Shik-ke-ton-o-kah	his + mark
Battise	his + mark
Waw-se-mah-o-bah	his + mark
Cup-paw-ke.	his + mark
Pem-me-se	his + mark
Ty-ke-shick	his + mark
To-ke-kush	his + mark
Waw-ke-mot	his + mark
Shick-e-men-o-sah (or Little Island)	his + mark

Whitney

Henry H. Martin Agent

Edward Holcott

Alber & Wiley

J. H. Luce

Wm Whistler

John Goodell

No. 8. Interpreter

Lue-ne-mo	his + mark
Shak-she-mal-luck-Kue-Kuk.	his + mark
Shaw-kaw-Pe	his + mark
Shuch-che-mah-mas	his + mark
Kish-ke-we-shah	his + mark
Shaw-kan-E-mah	his + mark
Waw-pe-Luot	his + mark
Black-Hawk	his + mark
Pus-se-Kalk	his + mark
Shut-tut-tah	his + mark
Lah-paw-let	his + mark
Kish-ke-ton-o-kah	his + mark
Battise	his + mark
Waw-se-mah-o-sah	his + mark
Cup-paw-ke.	his + mark
Pem-me-se	his + mark
Ty-ke-shick	his + mark
To-ke-kush	his + mark
Waw-ke-mot	his + mark
Shuck-c-men-o-sah (or Little Island)	his + mark

Witness

Thos. H. Martin Agent

Edward Wolcott

Alber & Wiley

J. H. Luce

Wm Whistler

John Goodel

No. 8. Interpreter

Sept. 4 - 1863 - Aug. 29 - 1864

Miscell. of July (64)
Repts. of errors
of July 11, '64

One, the Sec & Gen
Treaty of Sept 4, '63
and the treaty with
The Great Smoky
August 19, Aug. '63,
ratified by the Senate
with amendments, and
inquire whether it is wise
at the present time to
present them to the Pres-
ident for his approval

See Letters to Supr
Coffin & Capt Martin
Aug. 29, 1864



Department of the Interior.

Washington D. C. July 11th 1864

Sir,

I transmit, herewith, the Sac & Paper
Treaty of 4th Sept. 1863, and the Treaty with the
Great & Little Osages, of 29th August 1863, which
have been ratified by the Senate, with amend-
ments.

It appears that those provisions in the
Treaties which declare that they shall go into
effect notwithstanding the amendment or re-
jection of any article thereof, were not con-
sidered by the Secretary of State, and, inasmuch
as the Treaties have not been approved, they are
sent for your consideration whether it is wise
to submit them, at the present time, for the
approval of the President.

I am Sir,

Very respectfully,
Your obt. Servant,
J. P. McKee
Secretary.

Wm. P. Dole Esq's
Comr. of Indⁿ Affairs.

Sept. 4, 1863

Winell
Sac & Fox - 3459 -

[Sac + Fox]

Recd 4. July Mr Jefferson

In Executive Session, Senate of the United States,
July 2, 1864

Resolved, (two thirds of the Senators present concurring)
That the Senate advise and consent to the ratification
of the Articles of a treaty of friendship and cession
concluded at the Sac and Fox agency, Kansas, between
the United States of America, by their commissioners, the
Hon. William P. Dole, Commissioner of Indian Affairs,
and Henry W. Martin, agent for the Sac and Fox tribes
of Indians, and the united tribes of Sac and Fox Indians
of the Mississippi, represented by the undersigned chiefs
and head-men of said tribes, made and concluded the
4th day of September 1863. with the following

Amendments:

At the end of Article 1 add the following:
Provided That this treaty shall not take effect, or be en-
forced in any respect, until after said Indians shall have
examined in person by their chiefs and headmen, the lands
prepared for their new homes, and have formally agreed to
purchase the same, at a price to be stipulated in a written
agreement, subject to the approval of the President; nor shall
any member of said tribe, who has received his land in
severalty, be compelled to sell or remove from the same,
nor shall his said land be sold, until his formal
consent has been obtained in writing.

Nor shall the proceeds of said sale or any part

thereof, be applied for any purpose whatever except in
payment for lands to be set apart to each of said Indians,
in severally, at their new homes and in making improve-
ments on the same. And in carrying out the foregoing
provisions, an account shall be opened and kept with each
Indian in a regular set of books in the office of the Commis-
sioner of Indian Affairs. Nor shall the proceeds of the sale of
that part of said reservation known as the "diminished re-
serve" or part thereof whether held in severally or in common,
including improvement, be used for any purpose whatever
except in payment for lands for a new home for said
Indians, and in the erection of improvements on the same.

Article 3. line 7, after "tribes" strike out all to
and including "treaty" in line 19 and insert: with the appro-
val of the Secretary of the Interior.

Article 4 After "government" in line 10 insert: -
at an expenditure not exceeding five thousand dollars

Strike out Article 5.

Article 7, After "tobacco" in line 11. insert: - of fifty
pounds each

Strike out articles 8, 9, and 10.

Article 11. in line 5. Strike out all after "allowed"
and insert: - to purchase the land upon which their improve-
ments are situated, at the appraised value of the same, in-
dependent of the value of their improvements, subject to the
approval of the Secretary of the Interior.

Strike out Articles 13 and 14

After Article 14 insert a new article: - as follows:

Article 18. At any time hereafter when the President of the United
States shall have become satisfied that any adults being males

and heads of families, who may be allottees, in severalty, under the provisions of former treaties, are sufficiently intelligent and prudent to control their affairs and interests, he may, at the request of such persons cause the lands severally held by them to be conveyed to them by patent, in fee simple, with power of alienation; and may, at the same time, cause to be paid to them, in the bonds of the United States, their proportion of the cash value of the credits of the tribe, principal and interest, then held in trust by the United States. And on such patents being issued and such payments ordered to be made by the President, such competent persons shall cease to be members of said tribe, and shall become citizens of the United States, and thereafter the lands so patented to them shall be subject to levy, taxation, and sale, in like manner with the property of other citizens: Provided, That before making any such application to the President, they shall appear in open court in the district court of the United States for the district of Kansas, and make the same proof and take the same oath of allegiance as is provided by law for the naturalization of aliens, and shall also make proof, to the satisfaction of said court, that they are sufficiently intelligent and prudent to control their affairs and interests, that they have adopted the habits of civilized life, and have been able to support, for at least five years, themselves and families.

Attest

M. Johnson

Secretary

Sept. 4 - 1863, Sac & Fox of Mississippi -

Sac & Fox, July 59 - 64

Miscell. P. 233 - 63

Vept. Mems. 609 - 64

Q. Dec 24, 64

Returns the treaty with
the Sac & Fox of Miss.
with the Senate Amend-
ments and Capt. Martin's
letter, submitted with
office report of the Dist.
Inst. with the Secretary's
direction as to its disposal

Sac Miscell. P. 609 - 64
Treaty box



File

Department of the Interior.

Washington D. C. Dec. 27th 1864.

Sir:

I have received and duly considered your communication of the 20th instant, transmitting the Sac and Fox treaty of September 4th 1863, with the Senate's amendments thereto, the action of the Indians thereon and the copy of Agent Martin's letter on the subject.

Under present circumstances the President will not be asked to proclaim this treaty and it is herewith returned to be placed on the files of your Office to be carefully preserved until it shall be considered proper to do so, which may be at an early day.

I am Sir,

Very respectfully,

Your Obedt Servant

Mrs. Mrs. P. Dole

Commissioner of Indian Affairs.

J. M. McKee

Secretary

"Copy"

Sacs & Fox Agency Board.
September 26th 1864.

Sir.

I have the honor to state, that in compliance, with your letter of August 29th I did on the 24th day of Sept. 1864, lay before the Chiefs, Council, & head-men of the Sacs & Foxes of the Mississippi, the Treaty of September 4th 1863 herewith enclosed. Read carefully all the Amendments, and had them fully interpreted. When after due consultation, they unanimously rejected the Treaty as amended. Their action thereon, I have attached to said Treaty.

Very Respectfully

Your Obedt. Servt.

H. W. Martin

U. S. Ind. Agent

Hon. W. P. Dole
Comm^r Ind. Affs
Washington
D. C.

"Copy"

Sac & Fox Agency Ind.
September 26th 1864.

Sir.

I have the honor to state, that in compliance, with your letter of August 29th I did on the 24th day of Sept. 1864, lay before the Chiefs, Council, & head-men of the Sac & Foxes of the Mississippi, the Treaty of September 4th 1863 herewith enclosed. Read carefully all the Amendments, and had them fully interpreted. When after due consultation, they unanimously rejected the Treaty as amended. Their action thereon, I have attached to said Treaty.

Very Respectfully

Your Obedt. Servt.

H. W. Martin

U. S. Ind. Agent

Hon. W. P. Dole
Com^r Ind. Affs
Washington
D. C.