



# **Documents relating to the negotiation of an unratified treaty of February 3, 1863, with the Potawatomi Indians. February 3, 1853**

Washington, D.C.: National Archives, February 3, 1853

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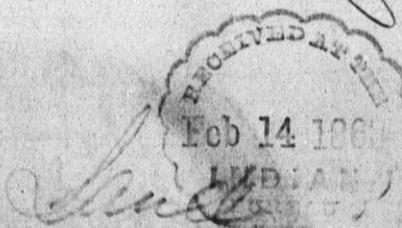
DOCUMENTS RELATING TO THE  
NEGOTIATION OF AN UNRATIFIED TREATY OF  
FEBRUARY 3, 1863, WITH THE POTAWATOMI INDIANS

8520  
Dawras, D. B.  
W. W. D. S.  
Dawras Agency  
Feb 5. '63

Enc. Treaty concluded by him with the International Indians

(Treaties. Originals &c)

Enclosed Treaty sent with Report to Secy of Int Feb 16<sup>th</sup> '63.



U.S. 2  
Pottowattomie Agency.

February 5<sup>th</sup> 1863.

Sir:-

I have the honor to transmit for your consideration, the enclosed Treaty with the Pottowattomie Indians. Hoping that it will meet with your approbation, and the concurrence of the Senate at an early day.

I remain,

Very Respectfully,

Your Obl: Servt.

W. W. Ross, U. S. Agent-  
Pottowattomie Indians.

Hon. W<sup>m</sup> P. Dole

Commissioner Ind. Offs.

Washington City.

D. C.

Potawat - Feb. 3, 63 -

Miscell) J. 105, 1869

Res. of Senate

Refusing to ratify Potawat  
treaty of Feb 3 - 63, (cont'd)

[Unratified Treaty File]

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In Executive Session.

Senate of the United States

February 16, 1869.

Resolved, (two thirds of the Senators present  
not concurring,) That the Senate do not  
advise and consent to the ratification of  
the (treaty between the United States and the  
Pottawatomie tribe of Indians, concluded at  
the agency in Kansas on the 3<sup>d</sup> February, 1863,

Attest:

Ged. B. Gorham  
Secretary.



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Article of a treaty made and concluded at the  
Agency on the Kansas river on the third  
day of February in the year of our Lord One  
Thousand Eight Hundred and Sixty Three by  
and between William W. Ross, Commissioner on  
the part of the United States, and the under-  
signed Chiefs, Braves, and Head men of the Pot-  
awattomie Nation on behalf of said Nation.

Whereas it is provided by the 2<sup>nd</sup> Art<sup>icle</sup>  
of a Treaty concluded by and between the  
parties hereto on the 15<sup>th</sup> day of Nov. 1862, as  
follows viz:- "It shall be the duty of the Agent  
of the United States for said Tribe to take an  
accurate census of all the members of the Tribe  
and to classify them in separate lists showing  
the names, ages, and numbers of those desiring  
lands in severalty and of those desiring lands  
in common designating Chiefs and Headmen  
respectively each adult choosing for himself or  
herself, and each head of a family for the mi-  
nor children of such family, and the Agent  
for the Orphans and those of an unsound  
mind. And thereupon there shall be assign-  
ed, under the direction of the Commissioner  
of Indian Affairs to each Chief at the signing  
of the Treaty, one Section; to each Head man  
one half Section; to each other Head of a Family  
one quarter Section; and to each other person  
eighty acres of land to include in every case

"as far as practicable to each family their improvements and a reasonable portion of timber to be selected according to the legal subdivision of survey.

And whereas it has been ascertained by a survey of the lands belonging to said nation made subsequently to the date of said Treaty, that valuable improvements made and owned by different members of said Nation are situated upon one and the same subdivision of land, so that in many instances it will be impossible to allot such subdivision to one person without manifest injustice to others:

And whereas no provision is made by said Treaty to reserve the tract of land upon which the Agency Buildings, belonging to said Nation are situated so that under the provisions of said Treaty said tract is liable to be sold to the Kearney, Pawnee, and Western Railroad Company as a part of the surplus lands of said Nation, it is therefore hereby agreed by the parties hereto as follows, that is to say:

#### Article 1.

That in all cases where in making any of the allotments or assignments of land provided for by the terms of the Treaty herein before mentioned it shall be found that in improvements belonging to two or more individuals shall have been made upon the same legal

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subdivision of forty or eighty acres the entirety  
of such tract shall not be assigned or allotted  
to any one of such persons but the same shall  
be subdivided in such manner as will best  
subserve and conform to the rights and interest  
of such persons and that part of the same upon  
on which the respective improvements of such  
persons are situated shall be assigned or  
allotted to the owner of the same; but such own-  
er shall not by virtue of anything herein con-  
tained be entitled to any more or larger quan-  
tity of land than he or she would have been  
entitled to under the provisions of said Treaty  
of November 15<sup>th</sup> 1862. For the purpose of assigning  
or allotting to such persons as shall for the rea-  
son herein recited receive a fractional portion  
of a legal subdivision the full quantity of  
land to which such person is entitled under  
the provisions of said Treaty, and for no other  
a sufficient number of legal subdivisions  
not selected by or for others may be divided  
into tracts of the proper dimensions or quantity.

Article 2.

The tracts of land upon which the Agency  
Buildings, Shops and other public buildings  
belonging to the Agency of said Nation are situ-  
ated not exceeding in the aggregate ten acres  
shall be set apart under the direction of the Com-  
missioner of Indian Affairs for Agency purposes

and shall not be deemed or taken as a part of the surplus lands belonging to said Nation which said Railroad Company under said Treaty is entitled to purchase. Said tracts of land may be hereafter sold by the Secretary of the Interior for the benefit of said Nation when in his judgment they are no longer needed for the purposes herein indicated, such sale to be made to the highest bidder upon sealed bids to be duly invited by advertisement.

Article 3<sup>d</sup>

It is further agreed that the said Treaty of November 15<sup>th</sup> 1862, shall be and is hereby amended by striking from the phrase "being male and the heads of families as it occurs in the 3<sup>d</sup> Article of said Treaty the words "male and" so that said phrase shall read "being heads of families."

Article 4<sup>e</sup>

It is further agreed that this Treaty shall not be invalidated by the rejection by the Senate of the United States of any article or portion of an article herein which it may deem proper to reject but that the same shall when so amended be ratified without further submission to said Nation for its concurrence and shall in all respects be as binding and conclusive upon

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the parties hereto as it would have been in case  
no amendments had been made.

W. W. Ross

Commissioner on the part of United States

Chief	Mazie & Sopenah his X mark
"	We are say. His X mark
"	Shawnee. " X "
"	Myainko. " X "
Brave	Pis she jecum. X "
"	Ahtaine Ha-ho-mu X "
Chief	for Lafambois. X "

Jas N. Bourassa, Pres.  
George S. Young { Secy }  
Mr B. Beaubien  
John P. Tipton  
B. H. Bertrand  
L. H. Ogee  
Louis Pine His X mark  
Dantto  
Pamejeyah His X mark  
Jas Leoir " X "  
Peter Samanka-tuck. " X "  
John Kelen " X "  
Mah-moek-skin " X "  
To-graw-ket " X "  
Lewis Blackbird " X "

Ahnsua  
B.B.Bertrand

his X mark

In presence of

J. N. Bourassa U.S. Atty.  
Charles C. Whiting.  
S. M. Ferguson  
D. W. Seagrave.

all

July with this  
Pottawatome Indians