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## **Documents relating to the negotiation of an unratified treaty of August 29, 1863, with the Osage Indians. August 29, 1863**

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DOCUMENTS RELATING TO THE  
NEGOTIATION OF AN UNRATIFIED TREATY OF  
AUGUST 29, 1863, WITH THE OSAGE INDIANS



1833  
Treaty  
Great & Little  
Osage

1868

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Treaty File





## Articles

2 follows

of a Treaty and Connection made and concluded at Leroy, in the State of Kansas, on the twenty ninth day of August eighteen hundred and sixty three, by and between the Hon William P. Hall, Commissioner of Indian Affairs and William G. Coffey, Superintendent of Indian Affairs for the Southern Superintendency and Commissioner on the part of the United States, and the Chiefs and Headmen of the Great and Little Osage Tribe of Indians, of the State of Kansas; the said Chiefs and Headmen being duly authorized to negotiate and treat by said tribe =

Article 1 - The tribe of the Great and Little Osage Indians having now more lands than are necessary for their occupation, and all payments from the Government to them under former treaties having ceased, learning them greatly impoverished, and being desirous of improving their condition by disposing of their surplus lands, do hereby grant and sell to the United States, the lands contained within the following boundaries, that is to say, beginning at the South-East corner of their present



Reservation and running thence North with the eastern boundary thereof fifty miles to the North-East corner; thence West with the Northern line thirty miles; thence South fifty miles to the Southern boundary of said Reservation and thence East with said Southern boundary thirty miles to the place of beginning; and in consideration of the grant and sale to them of the above described lands, The United States agree to pay the sum of three hundred thousand dollars; which sum shall be placed to the credit of said tribe of Indians in the Treasury of the United States, and interest thereon at the rate of five per centum per annum shall be paid to said tribe semi-annually in money, clothing, provisions, or such articles of utility as the Secretary of the Interior may from time to time direct.

- 1 Article 2. The said tribe of Indians also
- 2 hereby cede to The United States
- 3 a tract of land twenty miles in width
- 4 from the North to South, off the North
- 5 side of the meander of their present



6 Reservation and extending its entire length  
7 from East to West; which land is to be  
1 8 held in Trust for said <sup>surveyed and</sup> Indians and to be  
9 sold for their benefit by the Secretary of  
10 the Interior under such rules and  
11 regulations, as he may from time to  
2 12 time <sup>under the direction of the Commissioner &c &c</sup> prescribe, the proceeds of such  
sales as they accrue, after deducting  
all expenses incident to the proper  
execution of the Trust shall be placed  
in the Treasury of the United States to the  
Credit of said tribe of Indians, and the  
interest thereon at the rate of five per  
centum per annum shall be expended  
annually for building houses, purchasing  
agricultural implements and stock  
animals; and for the employment  
of a physician and mechanics, and for  
providing such other necessary aid  
as will enable said Indians to  
commence agricultural pursuits  
under favorable circumstances;  
- provided, that twenty five per centum of  
the net proceeds arising from the sale of  
said Trust lands, (until said percentage  
shall amount to the sum of fifty thousand  
dollars), shall be placed to the credit of the  
School Fund of said Indians, and the interest



thereon at the rate of five per centum per annum shall be expended semi-annually for the boarding, clothing and education of the children of said tribe

3

[Article 3 - It being the policy of the United States to encourage Education by donations of lands - it is stipulated that the sixteenth and thirty sixth sections of each township of land ceded by article two of this Treaty, and to be sold in Trust, shall be reserved from sale and given to the State of Kansas for the support of its common schools, and as a compensation to the Indians therefor the United States, shall pay to said tribe the sum of twenty five cents per acre for said lands; The proceeds, to remain in the Treasury of the United States, and interest thereon at the rate of five per centum per annum shall be expended semi-annually for the boarding, clothing and education of the children of said tribe of Indians]

Struck

out

- 1 Article 4 - The Osage Indians being
- 2 sensible of the great benefits
- 3 they have received from the Catholic
- 4 Mission situate in that portion of



5 Their Reservation herein granted and sold  
 6 to The United States, do hereby stipulate  
 7 that one section of said land to be selected  
 8 by the Commissioner of Indian Affairs so as  
 9 to include the improvements of said  
 10 Mission shall be granted in fee simple  
 4 11 to John Schoenmakers, [Superintendent of  
 in trust for  
 12 said Mission, with the privilege to said  
 5 13 <sup>on the payment of one dollar & 25cts per acre.</sup>  
 Schoenmakers of selecting and purchasing  
 of two sections of land adjoining the  
 section above granted at fifty cents  
 per acre -; the said selection to be made  
 in legal subdivisions of survey and  
 subject to the approval of the Commissioner  
 of Indian Affairs -

Approved Article 5 - All legal persons having  
~~with~~ settlements and  
 improvements, and now ~~residing~~  
 on the lands provided to be sold by  
 The United States, in Trust for said Tribe,  
 and all such persons now residing  
 on the North half of the said lands  
 herein granted and sold to The  
 United States, shall have the privilege  
 at any time within one year after the  
 ratification of this Treaty, of buying  
 a quarter section each, at one



dollars and twenty five cents per acre, such quarter section to be selected according to the legal subdivisions of surveys and to include as far as practicable the improvements of the latter

6

[Article 6 - The Chaps being desirous of paying their just debts hereby agree that the Superintendent of Indian Affairs for the Southern Superintendency and the Agent of the tribe shall examine all claims against said tribe and submit the same to the tribe for approval or disapproval and report the same to the Secretary of the Interior with the proofs in each case, for his concurrence or rejection and the Secretary may issue to the claimants scrip for the claims thus allowed, which scrip shall be receivable as cash, in payment for any of the lands sold in trust for said tribe, provided that no claim not now due to persons ~~of~~ unquestionably loyal and no assignment from a disloyal person shall have any validity

Struck  
out



to persons unquestionably loyal shall be assumed, and no assignment from a disloyal person shall have any validity, and that the aggregate amount thus allowed by the Secretary of the Interior shall not exceed thirty thousand dollars.

Article 7 - In consideration of the long and faithful services rendered by Charles Mograin one of the principal Chiefs of the Great Ojags, to his people, and in consideration of the improvements made and owned by him on the land by this Treaty sold to the United States, and in lieu of the provision made in Article ~~seventeen~~ for the half-breed Indians; the said Charles Mograin may select one section of land, including his improvements, from the north half of said land, subject to the approval of the Secretary of the Interior, and upon his approval of such selection it shall be patented to the said Mograin in fee simple and it is further agreed that the said Charles Mograin shall for the nation, stated receive out of the first payment to said tribe the sum of five hundred dollars



Article 8 - It is agreed between the parties hereto that the sum of five hundred dollars shall be set apart each year from the moneys of said tribe and paid by their Agent to the Chiefs and Headmen of the tribe for their services.

Article 9 - It is stipulated and expressly agreed by and between the parties to this Treaty that the lands granted and sold to the United States, by the first Article hereof shall not be subject to settlement, occupation or appropriation under the laws of the United States, unless the President shall otherwise <sup>direct</sup> by public proclamation -

1 Article 10 - The Ojibwe Indians being  
 2 anxious that a school  
 3 should be established in their  
 4 new home - at their request it  
 5 is agreed and provided that John  
 6 Schornmaker may select <sup>one section</sup> [two sections]  
 7 of land within their diminished Reservation  
 8 and upon the approval of such  
 9 selection by the Secretary of the Interior  
 8 10 such sections of land shall be granted



set apart

11 in fee simple] to the said Schomma Kus  
 12 and his successors, upon condition  
 13 that the same shall be used improved  
 14 and occupied for the support  
 15 and education of the children of  
 16 said Indians during the occupation  
 17 of said Reservation by said tribe -  
 18 provided, that said lands shall not  
 9 19 be patented [as aforesaid until after  
 20 the surrounding lands have been  
 21 surveyed and brought into market]  
 and upon the discontinuance of said school &c &c

Article 11 - It is further agreed that in  
 2 consideration of the services  
 3 of Darius Rogers to the Ojibwa Indians  
 4 a patent shall be issued to him for  
 5 one hundred and sixty acres of  
 6 land to include his mill and  
 7 <sup>on paying one dollar & 25 cents per acre</sup> improvement, and said Rogers shall  
 8 also have the privilege of purchasing, at  
 10 9 the rate of [fifty cent] <sup>one dollar & 25 cents</sup> per acre, one  
 11 quarter section of land adjoining  
 the tract above mentioned which  
 shall be patented to him in like  
 manner - said lands to be selected  
 subject to the approval of the  
 Secretary of the Interior -



Article 12 - The Ojays acknowledge  
their dependence on the  
Government of the United States  
and invoke its protection and  
Care, they desire peace and promise  
to abstain from war and commit  
no depredations on either citizens  
or Indians; and they further agree  
to use their best efforts to suppress  
the introduction and sale of ardent  
Spirits in their Country

Article 13 - It is agreed that all  
roads and highways  
laid out by the State or General  
Government shall have right  
of way through the lands herein  
reserved on the same terms as are  
provided by law when made through  
lands of citizens of the United States  
and Rail-road Companies when the  
lines of their roads necessarily pass  
through the lands of said Indians  
shall have right of way upon the  
payment of fair compensation  
therefor -



Article 14 - Within six months after  
the ratification of this  
Treaty the Osage Indians shall  
remove from the lands sold  
and ceded in Trust and settle  
upon their diminished Reservation

Article 15 - The Osage Indians having  
no annuities from which  
it is possible for them to pay  
any of the expenses of carrying  
this Treaty into effect it is agreed  
that the United States shall appropriate  
twenty thousand dollars or so much  
thereof as may be necessary, for  
the purpose of defraying the expense  
of survey and sale of the lands  
herely ceded in Trust, which amount  
so expended shall be reimbursed  
to the Treasury of the United States  
from the proceeds of the first sales  
of said lands.



Article 16 - Should the Senate reject or amend any of the above articles, such rejection or amendment shall not affect the other provisions of this Treaty, but the same shall go into effect when ratified by the Senate and approved by the President

Article 17 - The half breeds of the Osage Tribe of Indians not to exceed twenty five in number, who have improvements on the North half of the lands sold to the United States, shall have a patent issued to them in fee simple for eighty acres, each, to include as far practicable their improvements; - Said half breeds to be designated by the Chiefs and Headmen of the Tribe; and Joseph Smith a half breed and the Interpreter of said Tribe shall in lieu of the above provision receive a title in fee simple to a half section of land including his house and improvements if practicable and also to a half section of the Trust



land - all of said lands to be selected by the parties subject to the approval of the Secretary of the Interior -

Wm. F. Dole  
Commissioner of Indian Affairs  
W. G. Coffin  
Supt of Indian Affairs Southern Department

Grady

Great Ojaps  
White <sup>his</sup> + Hair  
mark

Beaver <sup>his</sup>  
mark

Wahamka <sup>his</sup>  
mark

Sun <sup>his</sup> + Down  
mark

Kahike - Ma - Shi <sup>his</sup> - fishie  
mark

Tall <sup>his</sup> + Chief  
mark

Wanung - pa - tzi <sup>his</sup>  
mark

Big <sup>his</sup> + Heart  
mark

Wolfe <sup>his</sup> +  
mark

Charles magnain Eyon + hand  
mark

~~ating hand~~ Chief by Weigtis + hand  
mark

Little Ojaps

Little <sup>his</sup> + Bear  
mark

Nunpa <sup>his</sup> + Walla  
mark

Strike <sup>his</sup> + Ate  
mark

Tall <sup>his</sup> + Chief  
mark

She - Sha <sup>his</sup> + Wahamka  
mark

Tzi - to - pa

Ashi - Kagriv + hand  
mark

Waluchake + hand  
mark

Washapa - Wata - inke hand  
mark

Wagoupe - Shiska + hand  
mark

Wapiseritje + hand  
mark

Eyon + hand  
mark

Chief by Weigtis + hand  
mark

Kahika: Wetzegche hand  
mark



Wah- <sup>his</sup> pe-she mark	Clas more <sup>his</sup> + mark
Mum- <sup>his</sup> zakie mark	Gratau-Shinka <sup>his</sup> + mark
Wah- <sup>his</sup> cha-shiu-ka mark	Big <sup>his</sup> + mark
Washi-Sape <sup>his</sup> + mark	Wata-inka <sup>his</sup> + mark
Paiskie-olaha <sup>his</sup> + mark	Mat-sa-tau-ka <sup>his</sup> + mark
Wanauche- <sup>his</sup> kiile mark	
kamische-mani <sup>his</sup> + mark	
Shapile <sup>his</sup> + mark	
Conderat-tshie <sup>his</sup> + mark	
okashamani <sup>his</sup> + mark	

Lawhanthe- <sup>his</sup> ki mark	manshongkita <sup>his</sup> + mark
Joseph Bonn- <sup>his</sup> wopake mark	Pokannashie <sup>his</sup> + mark
Westoupe-wananshet <sup>his</sup> + mark	shake toopa <sup>his</sup> + mark
Bigheart <sup>his</sup> + mark	teppoinka <sup>his</sup> + mark
Konjekagrie <sup>his</sup> + mark	michouke <sup>his</sup> + mark
washe-nanshe <sup>his</sup> + mark	opahamani <sup>his</sup> + mark
Hishakagrie <sup>his</sup> + mark	white dog <sup>his</sup> + mark
manshan- <sup>his</sup> okathan mark	Welfoflock chief <sup>his</sup> + mark
okinashie <sup>his</sup> + mark	kini-oniska <sup>his</sup> + mark
Counsilors	Basumani <sup>his</sup> + mark
Gulawawashoutshe <sup>his</sup> + mark	Blake <sup>his</sup> + mark
Jssiwale-shinka <sup>his</sup> + mark	hanonpace <sup>his</sup> + mark
shinka-kahika <sup>his</sup> + mark	okushe <sup>his</sup> + mark
Kangka-touhou <sup>his</sup> + mark	mumpamani <sup>his</sup> + mark
Kigka-ible <sup>his</sup> + mark	okchontan <sup>his</sup> + mark
	Wemumpashie <sup>his</sup> + mark



Councillors  
Little osceges  
Haishagta + hand mark  
Gulawashousta + hand mark  
Wagrishie + hand mark  
Mashankoushie + hand mark  
<sup>Wainier</sup> Nunpa Wekka + hand mark  
Wetzeka tum papi + hand mark  
Nigka Kona + hand mark  
Nigka + hand mark  
Shieshepetze + hand mark  
oglapashie + hand mark  
Kagtagtanke Waku + hand mark  
Lowagoutze agnie + hand mark  
Heskamari + hand mark  
Nigko-iblan + hand mark  
mahi jagche + hand mark  
Wepi-Sonke + hand mark  
Wachatan + hand mark  
Istamafe + hand mark  
manze-tan + hand mark  
Nungpapi + hand mark  
Michaska ogranke + hand mark  
Zandömäri + hand mark  
Mihile + hand mark



Signed in the  
presence of  
Joseph Swift  
U.S. Interpreter

Peter P. Edeley  
U.S. Ind. Agent

S. C. Tomney  
S. C. Johnston

John Schoenmaker  
James H. Coffey  
James Rogers



2609

Osage  
Treaty  
1863



Recd # July Mr Jefferson

In the 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 and convention made and concluded at Le Roy, in the State of Kansas, on the twenty-ninth day of August, eighteen hundred and sixty-three by and between the Hon. Wm. P. Dole, Commissioner of Indian Affairs, and William S. Coffin, Superintendent of Indian Affairs for the Southern Superintendency, and Commissioner on the part of the United States, and the chiefs and headmen of the Great and Little Osage tribe of Indians, of the State of Kansas; the said chiefs and headmen being duly authorized to negotiate and treat by said tribe with the following

Amendments:—

Art 2. line 8. After the word "be" insert—surveyed and

" " line 12. After the word "prescribe" insert—under the direction of the Commissioner of Public Lands as other lands are surveyed and sold



Strike out all of Article 3.

Article 4. line 11. Strike out [Superintendent of]  
and insert in place thereof - in trust for

Article 4. line 13. After the word "Schoenmakers"  
insert - on the payment of one dollar  
and twenty-five cents per acre.

Strike out all of Article 6.

Article 10. line 6. Strike out [two sections] and  
insert in lieu thereof - one section

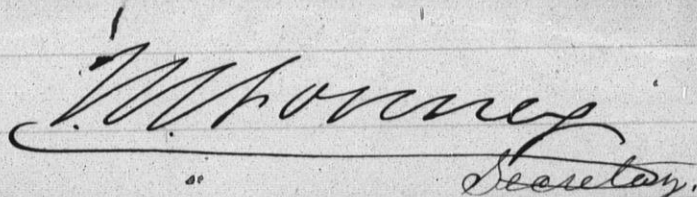
" .. lines 10 & 11. Strike out [granted in fee simple]  
and insert in lieu thereof - set apart

" .. line 19. Strike out all after the word "patented"  
to end of the Article, and insert in lieu thereof -  
and upon the discontinuance of said school  
shall revert to said tribe and to the United States  
as other Indian lands.

Article 11. line 7. After the word "improvements" insert -  
on paying one dollar and twenty-five cents  
per acre.

" .. line 9. Strike out [fifty cents] and insert in  
lieu thereof - one dollar and twenty-five cents.

Attest:

  
Secretary.