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RATIFIED TREATY NO. 321
DOCUMENTS RELATING TO THE NEGOTIATION OF THE
TREATY OF JUNE 28, 1862, WITH THE KICKAPOO INDIANS

Wapaharo #159
C. B. Keith
Wm. S. F. S. S. S.
Entered June 30. '69

Proc. a Treaty made
with the Wapaharo
Tribe of Indians,
through their Chiefs
& Delegates on the
25th June 1869

Law



Kickapoo Indian Agency
Muscotah Kansas
June 3rd 1862.

Sir

Herewith I have the honor to transmit to the Department a treaty made and concluded with the Kickapoo tribe of Indians through their Chief and Delegates on the 28th day of June AD 1862 in compliance with instructions from the Commissioner of Ind. Affairs of Mch 15th 1862.

I found it necessary to make some amendments to the draft sent me by the Com^d for the treaty in order that it might be more acceptable to the Indians, but said amendments or alterations have not changed the general tenor of the Treaty as proposed by the Department.

I have the honor to be

Very Respectfully
Your obt servant
O. S. Kittle,
U. S. Ind Agent.

Hon Wm P. Cole,
Com^d Ind Affs,
Washington
D. C.

Memorandum
Dept. Interior
Encl. March 16, '63

Transmits treaty de-
claring satisfied by the
Senate, with the Stat-
utes and Amendments, with the
Amendments thereto,
to be sent out to the In-
dians for their assent

See letter to Agent Keith, March 21st /63,
transmitting treaty and amendments.



Tr. v

Department of the Interior,
March 16th 1863.

Sir,

Articles of a Treaty, concluded at the Agency of the Kickapoo tribe of Indians, on the 28th day of June 1862, between Chas. P. Keith, Commissioner on the part of the U. S. and the Chiefs, head-men and delegates, of the Kickapoo Nation, having been on the 13th instant - ratified by the Senate with amendments, I transmit herewith said treaty and the Resolution, of the Senate, amending it, to be forwarded to the Agent of the Kickapoo, to be, by him, submitted to that tribe for their assent to the amendments.

Very respectfully,
Your obt. Servant,
H. J. Otto

Wm. D. Dole Esq
Commr. of Indⁿ Affairs.

Acting Secretary.

Kier J. 115. (1863)

[Faint, illegible handwriting on lined paper]

[Faint, illegible handwriting on a separate sheet of paper]

In Executive Session Senate of the United States,
March 13th 1863.

Resolved, (two-thirds of the Senators present concurring) That the Senate advise and consent to the ratification of the "Articles of a Treaty made and concluded at the Agency of the Kickapoo tribe of Indians on the 28th day of June, in the year of our Lord one thousand eight hundred and sixty two by and between Charles B. Keith, Commissioner on the part of the United States, and the undersigned Chiefs head men and delegates of the Kickapoo nation, on behalf of said nation." with the following

Amendments:—

Article 1. line 15. after "the" strike out— "Commissioner of Indian Affairs," and insert in lieu thereof— Secretary of the Interior—

Article 2. lines 1 and 2, strike out— "agent of the United States for said tribe to take"— and insert in lieu thereof— Secretary of the Interior to cause to be made

Article 3. lines 12-13 and 14, strike out the following:— "paid to them, in cash or in the bonds of the United States," and insert in lieu thereof:— set apart and placed to their credit severally

Article 4. line 39. strike out the words— "at the cost of the United States"—

At the end of Article 4. insert:— deducting therefrom the necessary expenses of their removal.

Article 5. line 34. after the word, "lands," insert:
within sixty days thereafter and shall
make execute and deliver to the Secretary
of the Interior the bonds of the said com-
pany in a penal sum equal to double the
value of said surplus lands as heretofore
ascertained with the condition that the
said bonds shall become void whenever
the said company shall comply with the
conditions of this treaty. —

— " — line 39. — strike out — "title and" and insert.
the right of —

Article 6. line 11, strike out — "shall" and insert — may.

" — " — lines 12-13 and 14. strike out the words —
"and shall cease to be binding on
either of the parties hereto," and
insert: — if the Secretary of the Interior
shall so determine

" — " — line 57. after the word "same", insert:
not including improvements —

" — " — line 72, after "payment" strike out — "of"
and insert — to the United States in
trust for said Kickapoos of the appraised
value thereof (exclusive of their improve-
ments) and not less than

Strike out Article 7 —

Strike out Article 8 —

Strike out Article 9 —

Article 10. lines 11 and 12, strike out — "six months

from the date of this instrument," and
insert in lieu thereof— One year from the
ratification of this treaty

Article 11. lines 13, 14 and 15, strike out "the
Secretary of the Interior shall determine to be
just and equitable for the benefit of the
Kickapoos," and insert in lieu thereof:—
may be provided by law.

Strike out Article 12.—

Article 13. line 7, after "United States," insert—
out of the proceeds of the sales of
said lands.

— " — " — lines 12-13-14-15-16 & 17, strike out
the following words:—

"and the Commissioner of Indian Affairs
with the concurrence of the Secretary of
the Interior shall from time to time
and as promptly as practicable
adopt such measures and institute all
such proceedings as may be necessary
and not otherwise provided for in
order to the full execution of all and
every part of this Treaty."

Attest,

J. M. Poreney
Secretary

Kickapoo Indian Agency
Muscaton Kansas
May 8th 1863.

Sir

I have the honor herewith to return to the Indian Office the treaty concluded with the Indians of this Agency June 28th 1862, which has been submitted to them, and the Amendments made by the Senate of the United States concurred in. I full explained to the Indians through an Interpreter the said treaty, together with the proposed Amendments, so that the nature of the treaty as amended is entirely understood by them. The Indians were somewhat disappointed on account of the treaty not being ratified as originally made, and could not understand why the government should refuse to indemnify them for their losses, thereby making no provision for a Saw and Grist Mill and for other purposes tending to their general welfare and advancement in civilization. Yet they cheerfully assented to the Amendments proposed

Feeling confident that the government will
yet pay them their just claims and provide
means for their general good

Chiefs Par. tho., Ken. ne. hute and Pet. ti.
-gaute. have several times expressed a strong
desire to visit Washington sometime during
the present season, to pay their respects to their
great father and to look after the business in-
terests of the tribe, and I would advise that they
be permitted to go. The expense attending the jour-
ney to be defrayed from their interest fund, which
proposition I trust will meet the approval of the
Commissioner.

I am Respectfully
Your Obedient Servant
O. B. Keith
U. S. Indian Agent.

Hon^{ble} Wm P. Hole,
Com^r Indian Affairs
Washington.