

# TREATY WITH THE OSAGES,

OCTOBER 2, 1861.

## ARTICLES OF A CONVENTION

*Entered into and concluded at Park Hill, in the Cherokee Nation, on the second day of October, in the year of our Lord, one thousand eight hundred and sixty-one, between the Confederate States of America, by Albert Pike, their Commissioner, with full powers, appointed by the President, by virtue of an Act of the Congress in that behalf, of the one part, and the Great Osage Tribe of Indians, by its Chiefs and Headmen, who have signed these articles, of the other part.* October 2, 1861.

ARTICLE I. The Great Osage Tribe of Indians and all the persons thereof, do hereby place themselves under the laws and protection of the Confederate States of America, in peace and war, forever, and agree to be true and loyal to them under all circumstances. The Osage under the protection of the C. S.

ARTICLE II. The Confederate States of America do hereby promise and firmly engage themselves to be, during all time, the friends and protectors of the Great Osage Tribe of Indians, and to defend and secure them in the enjoyment of all their rights; and that they will not allow them henceforward to be in any wise troubled or molested by any power or people, State or person whatever. The C. S. assume the protection.

ARTICLE III. The Confederate States of America do hereby assure and guarantee to the Great and Little Osage Tribes of Indians the exclusive and undisturbed possession, use and occupancy, during all time, as long as grass shall grow and water run, of the country heretofore secured to them by treaty with the United States of America, and which is described in the treaty of the second day of June, in the year of our Lord, one thousand eight hundred and twenty-five, as being thus bounded, that is to say: Beginning at a point due east of White Hair's Village, and twenty-five miles west of the western boundary line of the State of Missouri, fronting on a north and south line, so as to leave ten miles north and forty miles south of the point of said beginning, and extending west, with the width of fifty miles, to the western boundary of the lands ceded and relinquished by said nations by that treaty, which lands shall not be sold or ceded by the said tribes, nor shall any part thereof, to any nation or people, except to the Confederate States, or to any individuals whatever; and the same shall vest in the Confederate States, in case the said tribes become extinct or abandon the same. The Osages to have the possession and use of the country secured to them by the treaty with the U. S. Boundaries.

Reservation of lands for Indian agency.

ARTICLE IV. The right is hereby reserved to the Confederate States to select, in any unoccupied part of said country, a tract of two sections of land, as a reserve and site for an agency for the said tribes, which shall revert to the said tribes whenever it shall cease to be occupied for an agency.

Establishment of forts and military posts.

ARTICLE V. The Confederate States shall have the right to establish in the said country such forts and military posts as they may deem necessary, and shall have the right to select for each such fort or post a tract of land one mile square, on which such fort or post shall be established: *Provided*, That if any person or persons have any improvements on any tract so selected, the value of such improvements shall be paid by the Government to the owner thereof.

Proviso.

Persons not to settle upon the agency reserve, nor upon any reserve for forts, &c.

ARTICLE VI. No person whatever, shall be permitted to settle or reside upon the agency reserve, when it shall have been selected, except by the permission of the agent; nor upon any reserve for a fort or military post, except by the permission of the commanding officer; and every such reserve, for the agency or the forts or military posts, shall be within the sole and exclusive jurisdiction of the Confederate States.

Free navigation of water courses.

ARTICLE VII. The Confederate States shall forever have the right of free navigation of all navigable streams and water courses, within or running through the country hereby assured and guaranteed to said tribes.

The Osage country not to be included within the bounds of any State or Territory, or to be under the laws thereof.

ARTICLE VIII. The Confederate States hereby guarantee that the country hereby secured to said Great and Little Osage Tribes shall never be included within the bounds of any State or Territory, nor shall any of the laws of any State or Territory ever be extended over, or put in force within, any part of the said country; and the President of the Confederate States will cause the said tribes to be protected against all molestation or disturbance at the hands of any other tribe or nation of Indians, or of any other person whatever; and he shall have the same care and superintendence over them as was heretofore had by the President of the United States.

Protection against other tribes or persons.

Hunting and killing of game.

ARTICLE IX. The members of the said Great and Little Osage Tribes of Indians shall have the right, henceforward, of hunting and killing game, in all the unoccupied country west of the possessions of the Cherokees, Seminoles, Choctaws and Chickasaws, without molestation from any quarter, being, while so engaged therein, under the protection of the Confederate States.

Perpetual peace and brotherhood between the Osages and other tribes.

ARTICLE X. There shall be perpetual peace and brotherhood between the Great and Little Osage Tribes of Indians, and the Cherokees, Muskogees, Seminoles, Choctaws and Chickasaws, and the bands of Wichitas, Cado Hadachos, Huecos, Tawacaros, Anadaghecos, Toncawes, Kichais, Aionais, Shawnees and Delawares, living in the country leased from the Choctaws and Chickasaws, and the Penetegheca, Noconi, Taneive, Yaparilica and Cochotilica bands of the Neun or Comanches; and every injury or act of hostility which either has heretofore sustained or met with at the hands of the other, shall be forgiven and forgotten.

Injuries, &c, to be forgiven and forgotten.

The Osages and other nations to be good neighbors to each other.

ARTICLE XI. The Great and Little Osage Tribes of Indians, and the said several other nations, tribes and bands shall henceforth be good neighbors to each other, and there shall be a free and friendly intercourse among them. And it is hereby agreed by the said Great Osage Tribe, as has already been agreed by all the others except the Little Osage Tribe, that the horses, cattle and other stock and property of each nation, tribe or band, and of every person of each, is his or its own; and that no person belonging to the Great Osage Tribe shall, or will hereafter, kill, take away or injure any such property of another tribe or band, or of any member of any other tribe or band, or in any other way do them any harm.

Right of property in horses, cattle and stock.

Perpetual peace

ARTICLE XII. Especially there shall be perpetual peace and friendship

between said Great Osage Tribe and the Cherokees, Mus-ko-kies, Seminoles, Choctaws and Chickasaws, and the Chiefs and headmen of the said Great Osage Tribe shall do all in their power to take and restore any negroes, horses or other property stolen from white men, or from persons belonging to either of said five nations, and to catch and give up any person among them, who may kill or steal, or do any other evil act.

ARTICLE XIII. In order that the friendship now established between the said Great Osage Tribe of Indians and the Confederate States and the other Indian nations, tribes and bands aforesaid, may not be interrupted by the misconduct of individuals, or bands of individuals, it is hereby agreed that for injuries done by individuals, no private revenge or retaliation shall take place, but instead thereof, complaint shall be made by the said Great Osage Tribe of Indians, when any individual thereof is injured, to the agent of the Confederate States for the Osages and other tribes, who shall investigate the complaint, and, if he finds it well-founded, shall report the same to the Superintendent, who will cause the wrong to be redressed, and the person or persons doing the wrong to be arrested, whether he be a white man or an Indian: and he or they shall be tried for the same agreeably to the laws of the Confederate States or of the State or Territory against which he may have offended, and be punished in the same manner and with the same severity as if the injury had been done to a white man. And it is also agreed, that if any member of the Great Osage tribe shall do any injury to the person or property of any white man or of a member of any other Indian nation or tribe under the protection of the Confederate States, the offender shall be given up to the agent, upon complaint made to him and on his demand, the wrong shall be redressed by him, and the offender be tried for the offence agreeably to the laws of the Confederate States, or of the State, Territory or nation against which he may have offended: *Provided*, That he shall be punished in no other manner nor with any greater severity than a citizen of the Confederate States, or of such State, Territory or nation would be, if he had committed the same offence.

ARTICLE XIV. It is hereby further agreed that the Chiefs of the Great Osage tribe shall use every exertion in their power to recover any horses or other property that may be stolen from any citizen of the Confederate States or from any member of any other Indian tribe under the protection of the Confederate States by any person or persons whatever, and found within the limits of their country; and the property so recovered shall be forthwith delivered to the owner or to the agent to be restored to him. If in any case the right to the property claimed is contested by the person in possession, the agent shall summarily investigate the case, and upon hearing the testimony of witnesses, shall decide the right to the property, and order it to be retained or delivered up accordingly. Either party may appeal from his decision to the superintendent, whose decision shall be final in all cases, the property, in the meantime, remaining in the custody of the agent. If in any case the exertions of the Chiefs to cause the restoration of stolen property prove ineffectual, and the agent is satisfied from the testimony that it was actually stolen, or received with knowledge of its being stolen, by any person belonging to the Great Osage tribe, he shall so report to the superintendent, with a copy of the testimony; which shall for that purpose be always reduced to writing; and the superintendent shall, if satisfied from the testimony, deduct from the annuity of the tribe a sum equal to the value of the property stolen.

ARTICLE XV. The Confederate States hereby guarantee full and fair payment to the owner, of the actual and full value of all horses and other property stolen from any person or persons belonging to the Great Osage tribe, by any citizen of the Confederate States, or by any Indian of any

and friendship with the Cherokees and other Indian nations. Return of stolen property.

No private revenge or retaliation to be taken for injuries done to the Osages.

Mode of redress.

Trial and punishment of wrong doer.

Redress for injuries done by the Osages.

Proviso.

Horses or other property stolen to be returned to owner.

Proceeding where right to property is contested.

Appeal.

When restitution cannot be made the value of the property stolen to be deducted from the annuity of the tribe.

When the value of the property stolen will be paid by the C. S. to the owner.

other nation or tribe under their protection, in case the same cannot be recovered and restored, and upon sufficient proof being made before the superintendent or any agent of the Confederate States for any of such nations or tribes, that such property was actually stolen by a citizen, or citizens of the Confederate States, or by an Indian or Indians of any nation or tribe under their protection.

Agent and interpreter.

ARTICLE XVI. An agent for the Great and Little Osage tribes, the Quapaws, Senecas and Senecas and Shawnees shall be appointed by the President, and an interpreter for the Great and Little tribes of Osages, for their protection and that their complaints may be heard by, and their

Where to reside.

wants made known to the President. The agent shall reside continually in the country of one or the other of said tribes or bands, and the interpreter shall reside among either the Great or Little Osages; and neither of them shall ever be absent from their posts, except by the permission of the superintendent.

Not to be absent without leave.

No war to be waged or councils held, except with the consent of the agent.

ARTICLE XVII. None of the braves of the Great Osage tribe shall go upon the war-path, against any enemy whatever, except with the consent of the agent, or unless it be to pursue hostile bands of white men or Indians entering their country and committing murder, robbery, or other outrage when immediate pursuit is necessary; nor shall hold any talks or councils with any white men or Indians without his knowledge and consent. And they especially agree to attend no councils or talks in the country of any people, or with the officers or agents of any people, with whom the Confederate States are at war; and in case they do so, all the benefits secured to them by this treaty shall immediately and forever cease.

Who may live in the Osage country.

ARTICLE XVIII. The Confederate States will not permit any improper persons to reside or be in the Great or Little Osage country, but only such persons as are employed by them, their officers or agents, and traders licensed by them, who shall sell to the Osages and buy from them, at fair prices, under such regulations as the President shall make from time to time.

The stealing of property regarded as disgraceful.

ARTICLE XIX. To steal a horse or any other article of property from a white man or an Indian not at war with the Confederate States, shall always be regarded as disgraceful, and the Chiefs of the Osages will discomentenance and prevent it by every means in their power. For if they should not there never could be any permanent peace.

The C. S. wish the Osages to settle upon their lands, build houses, &c., and agree to furnish them with stock, farming implements, &c.

ARTICLE XX. The Confederate States wish the Osages to settle upon and cultivate their land, build houses and dig wells, and by industry become enabled to support themselves; and in order to encourage and assist them and because of the chattels and articles promised to the Great Osages and and Little Osages by the treaty of the eleventh day of January, A. D., one thousand eight hundred and thirty-nine, a considerable portion never was furnished them, to-wit: twelve hundred hogs, seven hundred ploughs, seven hundred sets of horse-gear, eight hundred axes, and eight hundred hoes, the Confederate States agree to give them twelve hundred breeding hogs, fifty yoke of oxen with ox-wagons, horse-gear, ploughs, yokes, axes, spades and hoes, and other useful implements, to the value of fifteen thousand dollars, at the first cost in the place in the Confederate States where the same shall be purchased; of which stock, nine hundred hogs, forty yoke of oxen, and such implements as aforesaid to the value of eleven thousand dollars shall be given to the Great Osages, and the residue to the Little Osages if they unite in this treaty. But such stock and implements shall only be issued from time to time, and to such persons as shall be reported by the agent to the superintendent to be engaged or ready to engage in farming, and who will take care of and profitably use the same, and be benefitted by them, and not sell, waste or destroy the same; upon which reports, and so only, the superinten

dent shall cause the issue to such persons only, of so much of said stock, and so many of said implements as he would be entitled to upon a distribution of all *per capita*; and it shall be the duty of the Chiefs and of the agent to see that what is so issued is not destroyed or wasted; and if waste or destruction can in no otherwise be prevented, to reclaim the same and issue them elsewhere.

ARTICLE XXI. The Confederate States also agree to build and put in running order a grist and saw mill, at some suitable point in the Osage country, and to employ a miller for each mill for the term of nine years from the date of this treaty, and an assistant to each for the same time; the latter to be selected from the Osage Nation, and each of them to receive two hundred and twenty-five dollars per annum as his compensation; and each miller shall be furnished with a dwelling house; this article being agreed to by the Confederate States because the mill erected by the United States, under the treaty of the year one thousand eight hundred and thirty-nine, was burned down after being in operation only six years.

Building of grist and saw mills and the employment of millers and assistants.

Compensation of millers and assistants.

ARTICLE XXII. The Confederate States also agree, that the agent for the Osages shall be authorized to employ, for and during the term of ten years from the day of the signing of this treaty, ten agricultural and other laborers, to assist the Great and Little Osages in opening and preparing for cultivation their fields, and building their houses, who shall be, at all times, under the control and direction of the agent.

Agent to employ agricultural and other laborers.

ARTICLE XXIII. For the same purpose, the Confederate States will also provide, furnish and support for and during the term of twenty years from the date of this treaty, for the Great Osages upon and after the ratification of this treaty, and for the Little Osages when they shall become parties to this treaty, to each a blacksmith and an assistant who shall be one of their own people, and for each, annually, a sufficient supply of coal, with five hundred pounds of iron and sixty pounds of steel to the blacksmith for the Great Osages, and two hundred and fifty pounds of iron and twenty-five pounds of steel to the blacksmith for the Little Osages, that their farming utensils, tools and arms may be seasonably repaired; and also one wagon-maker for each; and will furnish each smith and wagon-maker with the necessary tools and with a shop, and the wagon-maker with the necessary wood and other materials from time to time.

Blacksmith and assistant.

Coal, iron and steel.

Wagon-maker.

Tools and shop to smith and wagon-maker, and wood, &c., for the latter.

Medicines and medical service.

ARTICLE XXIV. The Confederate States will also furnish, at proper places, the Great and Little Osages with such medicines as may be necessary, and will employ a physician for each, who shall reside among them, during the pleasure of the President.

ARTICLE XXV. The Confederate States also agree to furnish each warrior of said Great Osage tribe, who has not a gun, with a good rifle and a supply of powder and lead and percussion caps or flints, as soon as it may be found practicable. The arms and ammunition are never to be given away, sold or exchanged, and the Chiefs will punish any one who so disposes of either; and the Confederate States will severely punish any trader or other white man who may purchase either from them.

Rifle, ammunition, caps, &c., to be furnished each warrior.

ARTICLE XXVI. No State or Territory shall ever pass laws for the government of the Osage people; and except so far as the laws of the Confederate States are in force in their country, they shall be left free to govern themselves, and to punish offences committed by one of themselves against the person or property of another: *Provided*, That if one of them kills another, without good cause or justification, he shall suffer death, but only by the sentence of the Chiefs, and after a fair trial, all private revenge being strictly forbidden.

The Osages left free to govern themselves.

Proviso.

ARTICLE XXVII. Every white man who marries a woman of the

White man who marries a woman of the Osages deemed to be an Osage, so far as to be subject to the laws of the tribe.

Negroes and mulattoes in like manner subject to the laws of the tribe.

Military and other roads.

Compensation for property used or injured.

Granting of right of way for railroads.

Intrusions and settlement upon the lands of the Osages to be prevented.

Purchasers from the Osages of articles given them by the U. S., to be punished.

The Osages may allow other Indians to settle among them.

Who not to pasture stock on their lands.

Liberty given to travel in their country, and drive stock through the same.

Fugitives from justice to be surrendered.

Laws declared to be in force in the Osage country.

Osages, and resides in the Osage country, shall be deemed and taken, even after the death of his wife, to be an Osage and a member of the tribe in which he resides, so far as to be subject to the laws of the tribe in respect to all offences committed in its country against the person or property of another member of the tribe, and as not to be considered a white man committing such offences against the person or property of an Indian, within the meaning of the acts of the Congress of the Confederate States. And all negroes and mulattoes, bond or free, committing any such offence in said country shall, in like manner, be subject to the laws of the tribe.

ARTICLE XXVII. The Confederate States shall have the right to establish, open and maintain such military and other roads through any part of the Osage country, as the President may deem necessary, without making any compensation for the right of way, or for the land, timber or stone used in constructing the same; but if any other property of the tribe, or any other property or the improvements of an individual be used or injured therein, just and adequate compensation shall be made.

ARTICLE XXIX. The Confederate States may grant the right of way for any railroad through any part of the said country; but the company to which any such right may be granted shall pay the tribe therefor such sum as shall, in the opinion of the President, be its fair value; and shall also pay to individuals all damages done by the building of said road to their improvements or other property to such amount in each case as commissioners appointed by the President shall determine.

ARTICLE XXX. The agent of the Confederate States for the Osages and other bands shall prevent all intrusions by hunters and others, upon the lands of the Osages, and permit no white men or other Indians to settle thereon, and shall remove all such persons, calling, if necessary, upon the military power for aid; and the commanders of military posts in that country shall be required to afford him such aid upon his requisition.

ARTICLE XXXI. If any trader or other person should purchase from any Osage any of the cattle or other chattels or articles given him by the Confederate States, he shall be severely punished.

ARTICLE XXXII. The Great and Little Osages may allow persons of any other tribe of Indians to settle among them, and may receive from them for their own benefit compensation for such lands as they may sell or assign to such persons.

ARTICLE XXXIII. No citizen or inhabitant of the Confederate States or member of any friendly nation or tribe of Indians shall pasture stock on the lands of the Osages; but all such persons shall have full liberty, at all times, and whether for business or pleasure, peaceably to travel in their country, on the roads or elsewhere, to drive their stock through the same and to halt such reasonable time on the way as may be necessary to recruit their stock, such delay being in good faith for that purpose and for no other.

ARTICLE XXXIV. Any person duly charged with a criminal offence against the laws of the Confederate States, or of any State, or Territory, or of any Indian nation or tribe under the protection of the Confederate States, escaping into the Osage country, shall be promptly taken and delivered up by the Chiefs of the Osages, on the demand of the proper authority of the Confederate States, or of the State, Territory, nation or tribe within whose jurisdiction the offence shall be alleged to have been committed.

ARTICLE XXXV. In addition to the laws of the Confederate States expressly applying to the Indian country, so much of their laws as provides for the punishment of crimes amounting to felony at common law

or by statute against their laws, authority or treaties, and over which the courts of the Confederate States have jurisdiction, including the counterfeiting the coin of the United States or of the Confederate States, or any other current coin, or the securities of the Confederate States, or the uttering of such counterfeit coin or securities; and so much of said laws as provides for punishing violations of the neutrality laws, and resistance to the process of the Confederate States; and all the acts of the provisional Congress providing for the common defence and welfare, so far as the same are not locally inapplicable; and the laws providing for the capture and delivery of fugitive slaves shall be in force in the Osage country; and the district court for the Chalahki district, when established, shall have exclusive jurisdiction to try, condemn and punish offenders against those laws, to adjudge and pronounce sentence, and cause execution thereof to be done.

Jurisdiction of the district court of the Chalahki district.

ARTICLE XXXVI. Whenever any person who is a member of the Great or Little Osage tribe shall be indicted for any offence in any court of the Confederate States, or in a State court, he shall be entitled as of common right to subpoena, and if necessary to compulsory process for all such witnesses in his behalf as his counsel may think material for his defence; and the costs of process for such witnesses, and of the service thereof, and fees and mileage of such witnesses shall be paid by the Confederate States; and whenever the accused is not able to employ counsel, the court shall assign him one experienced counsel for his defence, who shall be paid by the Confederate States a reasonable compensation for his services, to be fixed by the court and paid upon the certificate of the judge.

Any member of the Osage tribe indicted in any court of the C. S. or State court entitled to process for witnesses.

Costs of process and fees and mileage of witnesses.

When accused may be assigned counsel.

ARTICLE XXXVII. It is hereby declared and agreed that the institution of slavery in the said Great and Little Osage tribes is legal, and has existed from time immemorial; that slaves are personal property; that the title to slaves and other property having its origin in the said tribes is to be determined by the laws and customs thereof; and that the slaves and personal property of every person domiciled in the country of the said tribes, shall pass and be distributed at his or her death, in accordance with the laws, usages and customs of the said tribes, which may be proved by oral evidence, and shall everywhere be held valid and binding within the scope of their operations. And if any slaves escape from any of said tribes, the laws of the Confederate States for the capture and delivery of fugitive slaves shall apply to such cases, whether they escape into a State or Territory or into any Indian nation or tribe under the protection of the Confederate States; the obligation upon each such State, Territory, nation or tribe to deliver up the same, being in every case as complete as if they had escaped from a State, and the mode of procedure the same.

Existing laws, usages and customs in regard to slavery, declared binding.

Laws of the C. S. for the capture and delivery of fugitive slaves, to apply.

ARTICLE XXXVIII. The Great Osage Tribe of Indians hereby makes itself a party to the existing war between the Confederate States and the United States of America, as the ally and ward of the former; and, in consideration of the protection guaranteed by this treaty, and of their common interests hereby agrees to raise and furnish, whenever they shall be called on, a force of five hundred men for the service of the Confederate States, or any less number, who shall receive the same pay and allowances as other troops of the same class in that service, and remain in the service as long as the President shall require; and, also, to furnish any number of young men for scouts and runners, required by any general or other commanding officer of the Confederate States in the Indian country, who shall receive such compensation as such officer shall fix.

The Great Osage Tribe makes itself a party to the existing war and agrees to furnish men for the service.

Pay and allowances of the men.

How long to serve.

Scouts and runners.

Compensation.

ARTICLE XXXIX. In consideration of the loyalty of the Great

The C. S. agree to expend for said tribe \$15,000 annually for twenty years.

How fund to be applied.

Osage Tribe, and of their readiness to place themselves under the protection of the Confederate States, and of their poverty, and of the great losses in horses and other property, sustained by them at the hands of lawless persons for many years, the Confederate States do hereby agree to expend for the benefit of the Great and Little Osage Tribes, for the full term of twenty years from the date of this treaty, the sum of fifteen thousand dollars annually, of which sum five thousand dollars per annum shall be added to the interest on the school fund of the nation, hereinafter provided for, and ten thousand dollars shall be divided fairly in each year, after the Little Osage Tribe shall have united in this convention, between the two tribes in proportion to the number of souls in each; and the said sum of ten thousand dollars shall, in each year, be applied by the Superintendent to the purchase of such articles of clothing household utensils, blankets and other articles, as shall tend to the comfort of the Osages, and encourage them in their endeavors to improve, and which articles the agent shall distribute among them, in the same manner, and nearly as possible, as moneys would be distributed *per capita*: *Provided*, That in the distribution any person may be excluded by him, if reported by the chiefs to be worthless, idle or dissolute, or a bad and mischievous person; and that he may do the same upon his own knowledge, taking care, as far as may be, that only the good and worthy shall be the recipients of the bounty of the Government of the Confederate States.

Proviso.

Reservation and sale of land of the Osages for the support of schools.

ARTICLE XL. It is hereby agreed and ascertained, that by the sixth article of the treaty with the Great and Little Osages, of the second day of June, A. D., one thousand eight hundred twenty-five, it was agreed that from the lands ceded and relinquished by the Osages by that treaty, a reservation should be made of fifty-four tracts of land, of a mile square each, to be laid off under the direction of the President of the United States, and sold for the purpose of raising a fund to be applied to the support of schools, for the education of the Osage children, in such manner as the President might deem advisable for the attainment of that end; that fifty-four sections of land were accordingly selected, and afterwards sold, and the proceeds of the same amounted to thirty-one thousand seven hundred and twenty-four dollars and two cents, which sum remains invested as follows, that is to say:

Proceeds of sale; how invested.

In six per cent. stock of the State of Missouri, seven thousand dollars;

In United States six per cent. loan of one thousand eight hundred and forty-two, twenty-four thousand six hundred and seventy-nine dollars and fifty-six cents;

And in United States six per cent. loan, of one thousand eight hundred and forty-seven, forty-four dollars and forty-six cents;

And as it will be useless for the Osages hereafter to expect anything from the justice of the United States, and the Confederate States do not desire that they should hereafter look to that quarter for any moneys;

Annual interest on said sums to be paid by the C. S.

it is, therefore, further hereby agreed, that the Confederate States will hereafter pay, annually, on the first day of January in each year, perpetually, commencing with the year one thousand eight hundred and sixty-two, for the benefit of the Great and Little Osage Tribes, the sum of one thousand nine hundred and three dollars and forty-four cents, being the annual interest on said sums of money so as aforesaid in United States stocks and stocks of the State of Missouri, at the rate of six per cent. per annum, and will look to the State of Missouri for the payment of the principal and interest of said sum of seven thousand dollars, as invested in stocks of that State. To which sum shall be



annually added, on the same day, commencing with the same year, the sum of five thousand dollars, part of the annuity provided for in the xxxix. article of this treaty, and the whole shall be applied by the agent to the support and maintenance of the Osage manual labor school, now in operation at the mission on the Neosho river, as the said interest has heretofore been applied.

Additional payment under article xxxix. of this treaty.

Whole to be applied to support of Osage manual labor school.

ARTICLE XLI. A tract of land of the quantity of two sections, or two tracts of one section each, to be selected by the agent of the Confederate States for the Osages and other tribes, and in which or one of which, the present site of the mission and its buildings is to be included, is hereby forever dedicated to the use of the Osage manual labor school, to be under the exclusive control of those who have charge of that institution, and for its exclusive use; and not to be sold or disposed of, or applied to any other use or purpose whatsoever.

Dedication of land to the school.

ARTICLE XLII. All just claims and demands against the United States, of the Great Osage Tribe, or of any individual or individuals thereof, not herein specified, arising or due under former treaties with the United States, are hereby assumed, and shall, after the restoration of peace, be investigated by the President, and so far as they are found to be just, shall be paid in full by the Confederate States; and all provisions of the several treaties with the United States, made by the Osages, under which any rights or privileges were secured or guaranteed to the Great Osage Tribe, or to any individual or individuals of the same, and the place whereof is not supplied by any provision of this treaty, and the same not being obsolete or no longer necessary, and so far as they are not annulled, repealed, changed or modified by subsequent treaties or statutes, or are not so by this treaty, are hereby continued in force, as if the same had been made with the Confederate States.

Claims of the Great Osage Tribe against the C. S., under former treaties continued in force as if the treaties were made with the C. S.

ARTICLE XLIII. A general amnesty of all past offences against the laws of the United States or of the Confederate States, committed before the signing of this treaty, by any member of the Great Osage Tribe, as such membership is defined by this treaty, is hereby declared; and all such persons, if any, charged with any such offence, shall receive from the President full and free pardon, and if imprisoned, or held to bail, before or after conviction, shall be discharged.

General amnesty declared.

ARTICLE XLIV. The Confederate States of America hereby tender to the Little Osage Tribe the same protection and guarantees as are hereby extended and given to the Great Osage Tribe, and the other benefits offered them specifically by this treaty; and if the said Little Osage Tribe shall give no aid to the enemies of the Confederate States, and shall, within one year from the day of the signing of this treaty, enter into a convention whereby they shall unite in this treaty, and accept and agree to all the terms and conditions of the same, then it shall, to all intents and purposes, be regarded as having been made with them originally, and they be deemed and taken to be parties thereto, as if they were now to sign the same.

The C. S. tender to the Little Osage Tribe the same protection and guarantees as are extended and given to the Great Osage Tribe.

How the Little Osage Tribe may become a party to this treaty.

ARTICLE XLV. This convention shall be obligatory on the Great Osage Tribe of Indians from the day of its date, and on the Confederate States from and after its ratification by the Senate or provisional Congress.

When this treaty to take effect.

*In perpetual testimony whereof,* the said Albert Pike, as Commissioner, with plenary powers, on the part of the Confederate States, doth now hereunto set his hand and affix the seal of his arms; and, the undersigned Chiefs and headmen of the Great Osage Tribe of Indians, do hereunto set their hands and affix their seals.

SEAL

## TREATY WITH THE OSAGES.

Thus done in duplicate, at the place and upon the day, in the month and year first aforesaid.

ALBERT PIKE,  
*Commissioner of the Confederate States to the Indian Nations west of Arkansas.*

KA-HI-KE-TUNG-KA,  
*Chief of Clermont Band Great Osages.*  
PA-HIU-SKA,  
*Chief of White Hair's Band.*  
CHI-SHO-HUNG-KA,  
*Chief of Big Hill Band.*  
HON-TAS-SAP-PE or BLACK DOG,  
*Chief of Black Dog's Band*  
SHA-PE-SHING-KA or BEAVER,  
*Second Chief of White Hair's Band.*  
WA-SH-KA CHIE,  
*Second Chief of Clermont's Band.*  
TA-WAN-CHE-HE, or TALL CHIEF,  
*Second Chief of Big Hill Band.*  
WA-HO PEK-EH,  
*Second Chief of Black Dog's Band.*  
WA-TA-EN-KA, or DRY FEATHER,  
*Councillor of Clermont's Band.*  
KAN SE-KA-HRI,  
*Councillor of Big Hill Band.*  
KA HI-KE WA TA-EN KA,  
KA HI-KE HING-KA,  
CHI-SHO-WATA-ENG-KA,  
E E SHI KA-HRI,  
SRO-MEH-KAS-SI,  
NI-HI-KA WI-PA-NA,  
SA-PEH-KU-YEH,  
WA-A-HAN-HA,  
HA-KA-SHE,  
WA-NO-PAH-SHE,  
SHING-KAKA-HU-KE,  
WA-CHE-WA-HE,

NA-HIN-TA-PI,  
AH-KIH-TA-TUNG-KA,  
WAH-KAN-TA-C-SI-LEH,  
NI-KA-KA-HRI,  
SHA-A KE-TO-PA,  
TO-TI NA-HE,  
O-LO ING KA-SHI,  
KA-WA-SI,  
WA-SHA-SHI WA-SHA-ON-CHI,  
WA-HU-OMP-I,  
WA-AK-AN-CHI-LE,  
O-KI-PA-HRA,  
TRE-NOM-PA-SHI,  
A-KI-KO-SHA,  
WA-TO-KI-KA,  
O-SHANG-KE-TUNG-KA,  
CHE-E-SE-TUNG-KA,  
WA-TA-SHO-WE,  
I-KA-SHA-PE,  
A-NO-HRA-PI,  
MIN-CHE-EN-PA,  
WA-CHE-NA-SHI,  
MA-HING-KA-HE,  
T-N-WA-SHING-KA,  
MIINK-SHES-KA,  
TO-TA-NA-SHE,  
KA-WA-KA-HI-KI,  
MU KA KE-SHANG KA,  
GESSO CHOUTAU,  
AUGUSTUS C PTAIN,  
LOUIS J. CHOUTEAU.

Signed, sealed and delivered in presence of us.

WM. QUESENBURY,  
*Secretary to the Commissioner.*  
E. RECTOR,  
*Superintendent of Indian Affairs,  
Confederate States.*  
ANDREW J. LORN,  
*Agent for Osages and other tribes,  
Confederate States.*  
LOUIS P. CHOUTEAU,  
*Confederate States Interpreter for  
Osages.*  
JOHN DREW,  
GEORGE M. MURRELL,  
J. W. WASHBOURNE,  
W. WARREN JOHNSON,

To the Indian names are subjoined marks.

## RATIFICATION.

Dec. 20, 1861.

Ratification by  
Congress of the  
foregoing treaty  
with the Great  
Osage Tribe.

*Resolved,* (two-thirds of the Congress concurring,) That the Congress of the Confederate States of America do advise and consent to the ratification of the articles of a convention made by Albert Pike, Commissioner of the Confederate States to the Indian nations west of Arkansas, in behalf of the Confederate States, of the one part, and the Great

Osage Tribe of Indians, by its Chiefs and headmen, who signed the same articles, of the other part, concluded at Park Hill, in the Cherokee Nation, on the second day of October, in the year of our Lord, one thousand eight hundred and sixty-one, with the following amendment:

## AMENDMENT.

In article thirty-six, at the end of the words "or in a State Court," **Amendment.** insert the following words: "Subject to the laws of the State."